



COALITION OF LARGE TRIBES

Blackfeet Nation • Cheyenne River Sioux Tribe • Confederated Tribes of the Colville Reservation
Confederated Tribes of the Warm Springs Indian Reservation of Oregon • Crow Creek Sioux Tribe • Crow Nation
Eastern Shoshone Tribe • Fort Belknap Indian Community • Hopi Tribe • Mandan, Hidatsa & Arikara Nation • Mescalero Apache Tribe
Muscogee (Creek) Nation • Navajo Nation • Northern Arapaho Tribe • Northern Cheyenne Tribe • Rosebud Sioux Tribe
San Carlos Apache Tribe • Shoshone-Bannock Tribes • Shoshone-Paiute Tribes of the Duck Valley Indian Reservation
Sisseton Wahpeton Sioux Tribe • Spirit Lake Nation • Spokane Tribe • Standing Rock Sioux Tribe • Ute Indian Tribe
Ute Mountain Ute Tribe • Walker River Paiute Tribe

September 8, 2026

U.S. Department of Energy
Office of Electricity
VIA EMAIL: NeedsStudy.Comments@hq.doe.gov

Re: Coalition of Large Tribes (COLT) Comments On Draft 2026 National Transmission Needs Study

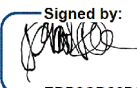
Dear Sir or Madam:

On behalf of the Coalition of Large Tribes (COLT), I am pleased to submit the enclosed comments of the COLT Tribal Transmission Committee (CTTC) regarding the Draft 2026 National Transmission Needs Study. These comments reflect the collective input and unanimous approval of COLT's membership and highlight the critical role that tribal nations and tribal energy developers will play in meeting the nation's growing energy and transmission needs.

COLT appreciates the Department's efforts to engage with tribal nations on transmission planning issues and respectfully urges DOE to incorporate the recommendations set forth in the enclosed comments. COLT advocates for the interests of the more than 50 tribes with reservations of 100,000 acres or more, encompassing more than 95% of Native lands and more than half the Native American population. These comments reflect that broad base of interests.

Thank you for your consideration.

Very Respectfully,

Signed by:

EDB3CD26B0764EE...

Hon. J. Garret Renville
Chairman, Coalition of Large Tribes
Chairman, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota



COLT TRIBAL TRANSMISSION COMMITTEE

THE COALITION OF LARGE TRIBES TRIBAL TRANSMISSION COMMITTEE

COMMENTS ON DRAFT 2026 NATIONAL TRANSMISSION NEEDS STUDY

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**THE COALITION OF LARGE TRIBES
TRIBAL TRANSMISSION COMMITTEE**

COMMENTS ON DRAFT 2026 NATIONAL TRANSMISSION NEEDS STUDY

The COLT Tribal Transmission Committee thanks the U.S. Department of Energy (DOE) for this opportunity to submit comments on the draft 2026 National Transmission Needs Study (Needs Study).¹

I. Introduction to the CTTC

The Coalition of Large Tribes (COLT) was founded in 2011 as a national advocacy group for tribes with land bases of 100,000 acres or more.² COLT educates the Administration, Congress, the public and other tribes about the unique issues impacting large land base tribes, and advocates for legislative, regulatory and policy reforms important to them. As part of this mission, COLT is focused on the protection of the treaty rights of its member tribes, and strives to clarify and enhance the trust responsibility of the United States. In recent years, energy issues have become of increasing concern to COLT's tribal members, and this concern has led to the establishment of a new COLT Committee.

The COLT Tribal Transmission Committee (CTTC) was founded in the first quarter of this year, to advocate for the transmission needs of large land base tribes. While every tribe across the country has critical energy concerns – antiquated infrastructure, lack of access to adequate and reliable electricity, protection of cultural/religious/historical sites and environmental resources – the energy resources and transmission infrastructure issues relating to tribes with large land areas are unique. Large land base tribes possess some of the most significant power generation resources in the country – be they coal, oil, gas, hydro, geothermal, solar, biomass, battery storage or wind. Moreover, large land base tribes have the ability to dedicate vast expanses of contiguous land to energy, storage and economic development projects, and so offer economies of scale and scope that are unavailable outside tribal lands. The mission statement of the CTTC is:

¹ U.S. Department of Energy, *National Transmission Needs Study, Draft for Consultation and Public Comment*, July 2026, 91 Fed. Reg. 42,429 (July 9, 2026).

² <https://largetribes.org/>

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Tribal Lands contain some of the finest energy resources and desirable locations for large load additions found anywhere in the United States. For the first time in our history, tribes have the opportunity to achieve transformative economic development and energy sovereignty by developing these resources as each tribal government determines is best for their people. The COLT Tribal Transmission Committee creates a unified, powerful voice for tribes across the country to advocate for change and to overcome the lack of adequate electric transmission infrastructure that is preventing tribes from achieving these goals.

The founding members of the CTTC are tribes, tribal advocacy groups, and tribally owned and Indian-owned developers of energy generation and transmission. Each member is listed at the end of this document and they all are supportive of these comments. The generation and transmission activities of several of the members are discussed in more detail below. In these comments, CTTC discusses the formidable energy resources found on the reservations of the CTTC member tribes, the need for upgraded transmission capacity needed to unleash that energy potential, and the critical role that the Transmission Needs Study can play in ensuring that tribal transmission needs are fully considered in the regional and national transmission planning process.

II. Large Land Base Tribes Are Planning Some of the Most Significant Generation and Transmission Projects in the Country, and Will Play a Pivotal Role in Meeting the Nation's Energy Needs and Designing the Power Grid of the Future

A. Large Land Base Tribes Have Some of the Finest Energy Resources in the Country and Enormous Generation Potential, and Are Developing the Transmission Infrastructure Needed to Become Major Contributors to Meeting the Nation's Energy Needs

In August 2015, the Government Accountability Office (GAO) delivered a report to the U.S. Senate Committee on Indian Affairs, recommending changes to a financing program administered by DOE that would help unleash the development of tribal energy resources.³ GAO cited statistics compiled by the National Laboratory of the Rockies (NLR):

Energy projects on tribal lands can help the nation meet its demand for energy and electricity. According to DOE, while tribal lands account for only 2 percent of all U.S. land, they contain an estimated 50 percent of potential uranium reserves, 30 percent of coal reserves west of the Mississippi, 20 percent of known oil and gas reserves, and 6.5 percent of all utility-scale potential U.S. renewable energy

³ United States Government Accountability Office, *TRIBAL ENERGY FINANCE, Changes to DOE Loan Program Would Reduce Barriers for Tribes*, GAO-25-107441 (August 2025), (*TRIBAL ENERGY FINANCE*).

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resources. However, 86 percent of tribal lands with energy potential are undeveloped, according to DOE.⁴

The tribal members of CTTC and COLT absolutely reflect this underdeveloped potential. These tribes have enormous tracts of contiguous land, with proven hydro, coal, oil, gas, wind and solar resources, and several are examining potential utility-scale geothermal and biomass resources. When sufficient transmission capacity is made available, the full development of these resources will contribute to meeting the nation's energy needs in a monumental way. CTTC discusses specific examples below.

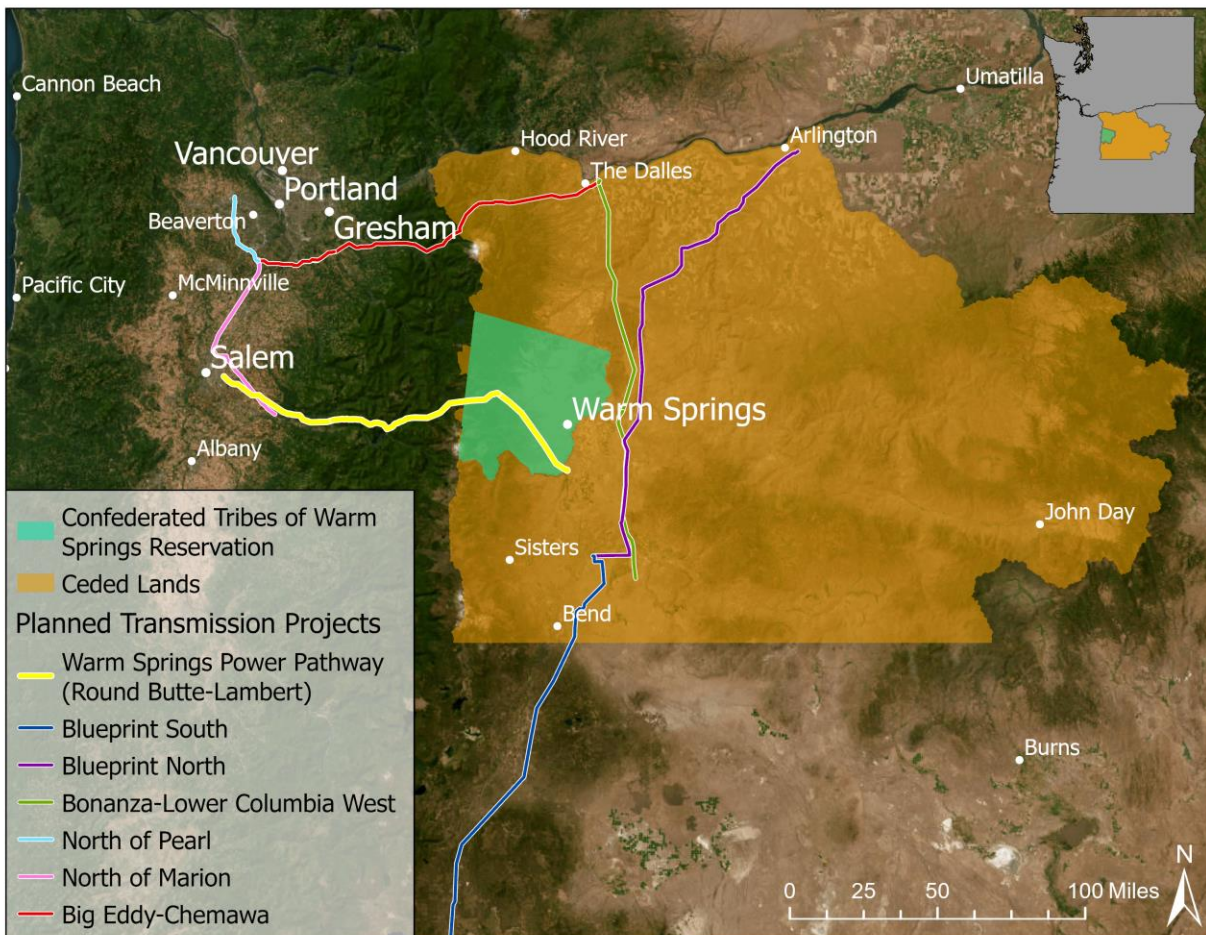
1. The Confederated Tribes of Warm Springs

The Confederated Tribes of Warm Springs (CTWS) co-owns Oregon's largest hydropower facilities through the 450 MW Pelton-Round Butte Project, a partnership with Portland General Electric (PGE). CTWS has a 49.9% interest in the project and fully owns the 19 MW Reregulating Dam. CTWS and PGE are also permitting and developing the Warm Springs Power Pathway Transmission Project, which will convert approximately 100 miles of an existing 230 kV line to 500 kV. About 34 miles of the upgraded line will cross the Warm Springs Reservation. The line will originate at the Pelton-Round Butte Project, traverse the rugged Cascade Range, and terminate near Salem, Oregon. Permitting and design are underway, with completion scheduled for 2032 at an estimated cost of approximately \$1 billion.

CTWS is also pursuing solar-plus-storage and geothermal development on the reservation and is evaluating the potential role of biomass in forest health management. The tribe is pursuing partnerships with utility and independent power producers on CTWS reservation land to contribute to meeting the growing technological load of the western region, including a potential near-term solar-plus-battery project development. With available land and water, a favorable location east of the Cascade Range, and access to the proposed Warm Springs Power Pathway, CTWS is well positioned to further develop and deliver energy resources to regional load centers.

⁴ *TRIBAL ENERGY FINANCE* at 7-8 (citing Department of Energy, National Renewable Energy Lab, *Techno-Economic Renewable Energy Potential on Tribal Lands*, NREL/TP-6A20-70807 (Golden, CO: 2018)).

Figure 1: Warm Springs Reservation, Ceded Land and Transmission Projects



2. *The Navajo Transitional Energy Company*

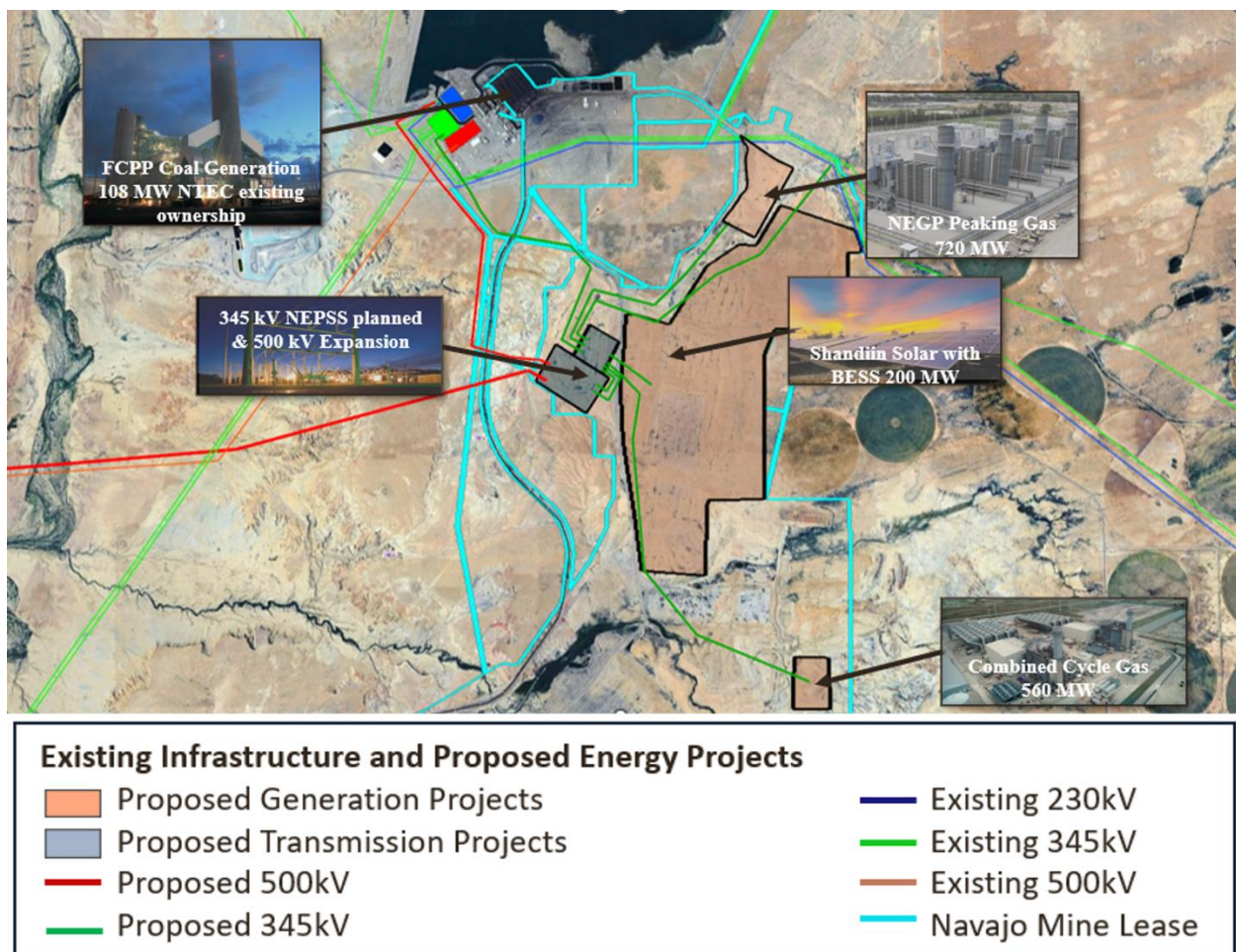
Navajo Transitional Energy Company (NTEC), through its subsidiary NavEnergy, is actively developing a new diversified and balanced portfolio of energy generation and transmission projects to support the unprecedented growth in the Desert Southwest and the long-term economic sovereignty of the Navajo Nation.

NavEnergy's portfolio of assets, referred to as the NavEnergy Hub, are located on the Navajo Nation in the Four Corners area of New Mexico. They will serve both the high demand energy markets in this region and will also provide high load serving capability to the Navajo Nation. These projects are intended to drive economic development on the Navajo Nation and lay the groundwork for much needed infrastructure in the region. This diversified portfolio of assets has the potential to increase electricity generation by 3,000 MW while addressing known transmission congestion throughout the highly traded Four Corners Market Hub and optimizing underutilized transmission capacity in the western part of the Navajo Nation.

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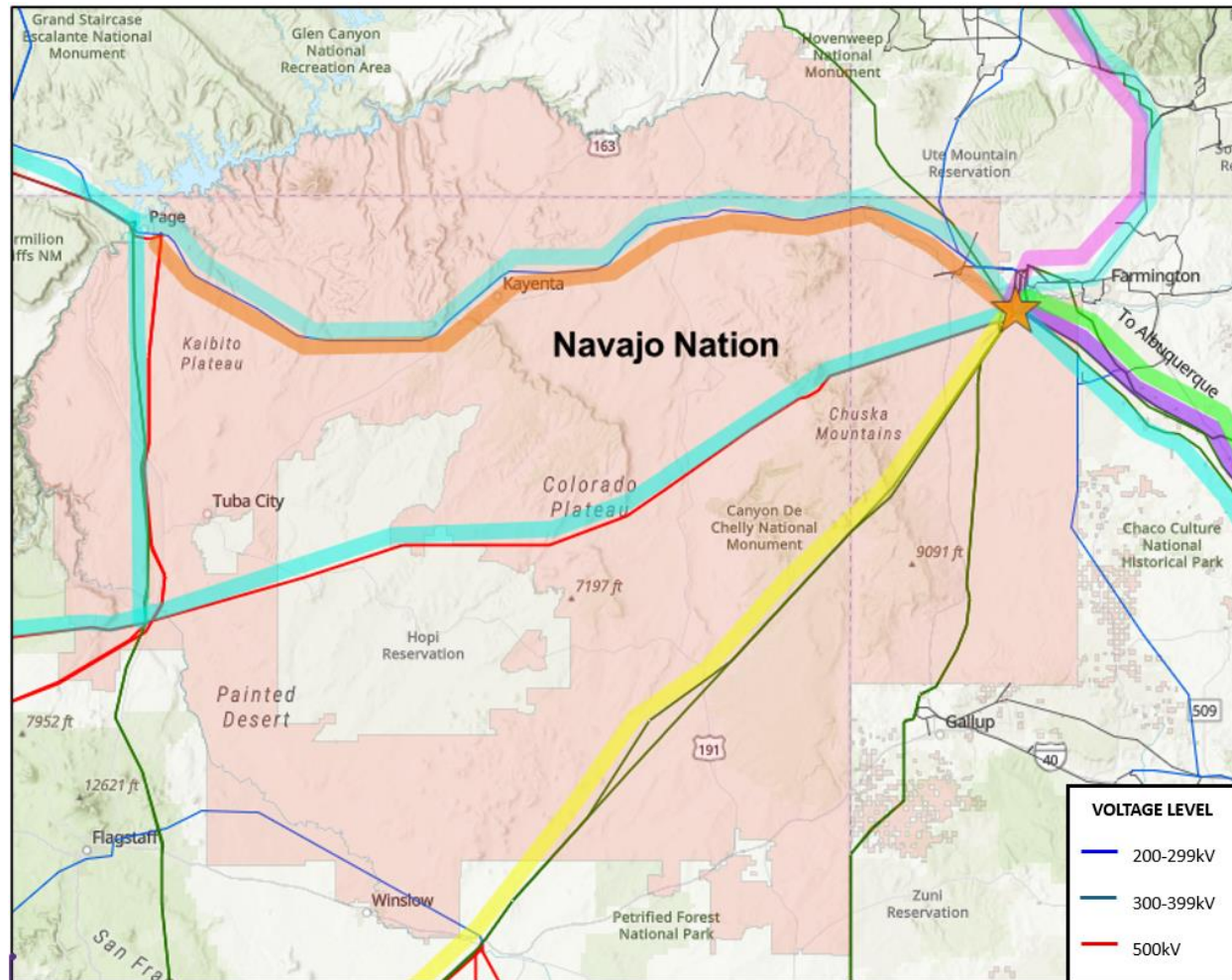
This balanced portfolio of generation consists of coal, combined cycle gas, and dispatchable peaking gas, while leveraging the robust transmission infrastructure already in place, and adds incremental transmission capacity and interconnection opportunities with a new accessible local area switchyard. NavEnergy is in the final stages of selecting an EPC to in-service the NTEC Energy Park Switching Station (NEPSS) and associated infrastructure (NEPSS Complex) by September 2028. The NEPSS Complex positions NavEnergy to develop 200-miles of new 500 kV Extra-High Voltage (EHV) transmission infrastructure connecting the Four Corners Market Hub to the Navajo Substation near Page, Arizona. The NEPSS Complex will also aid in expanding transmission capacity in the Desert Southwest by over 3,000 MW. The NavEnergy Hub advances Tribal economic sovereignty while providing a major source of direct and indirect jobs as well as diversified revenue streams and future economic value to the Navajo Nation for generations to come.

Figure 2: NavEnergy Hub Layout



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Figure 3: NavEnergy Hub Area Transmission Expansion Opportunities



Four Corners Common Bus = APS Four Corners Switchyard, PNM San Juan Switchyard, WAPA Shiprock Switchyard areas

NTEC NEPSS Complex 345 kV and 500 kV Substations (Four Corners Common Bus)

- ◆ NEPSS 345 kV to APS Four Corners 345 kV switchyard and PNM 345 kV Line
- ◆ NEPSS 500 kV switchyard expansion connected to Four Corners 500 kV
- ◆ 500 kV Transmission NEPSS - Navajo sub

DOE Transmission Planning Study - October 2024

- ◆ 500 kV Four Corners Common Bus to Navajo Sub
- ◆ 500 kV Four Corners Common Bus to Moenkopi (parallel existing 500)
- ◆ 345 kV Western Colorado to Four Corners Common Bus (parallel existing 345)
- ◆ 500 kV Rio Puerco - Four Corners Common Bus

APS Ten-Year Transmission System Plan

- ◆ Potential 345 kV Four Corners - Cholla line rebuild

PNM 20-year Transmission Plan and WestTEC 10-year Horizon Portfolio

- ◆ 345 kV Rio Puerco - Four Corners Common Bus (2nd parallel line)

Invenergy - North Path 500 kV DC Rio Puerco to Four Corners Common Bus

- ◆ A New Mexico Regional Electric Transmission Authority supported project

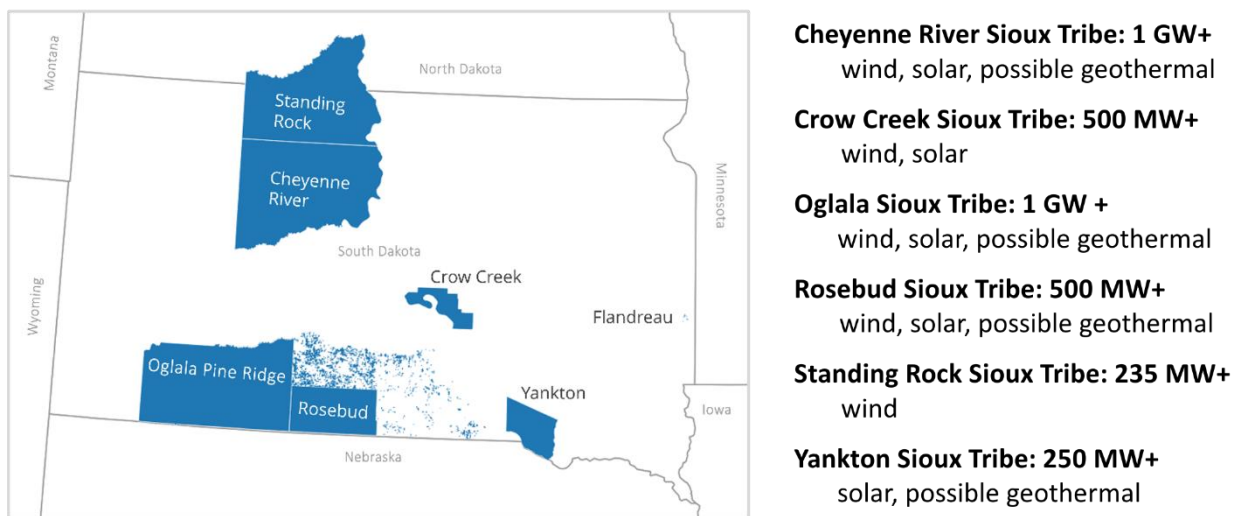
Colorado Electric Transmission Authority (CETA)

- ◆ 345 kV Hesperus to Four Corners Common Bus (parallel existing 345 line)

3. The Oceti Sakowin Power Authority

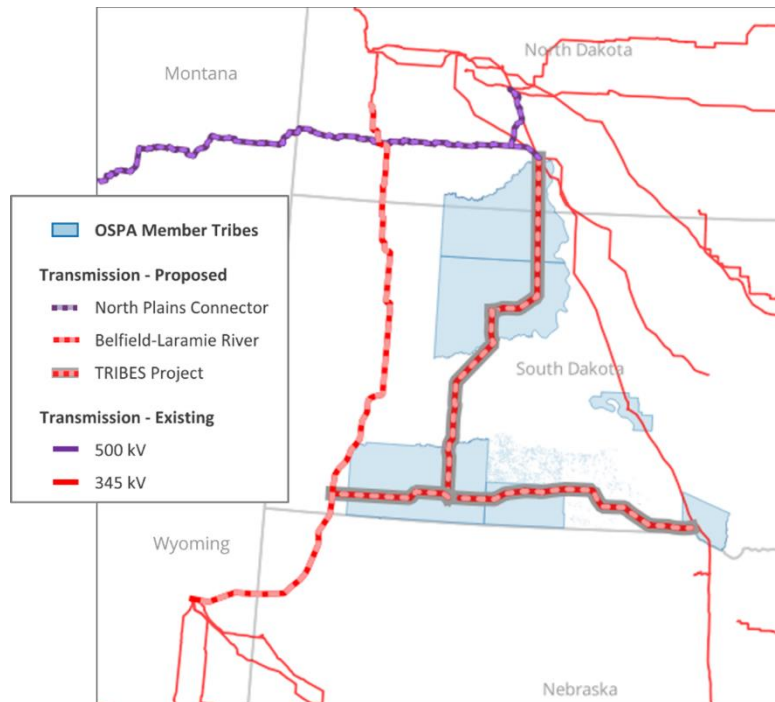
Working with expert developer partners, the Oceti Sakowin Power Authority (OSPA) has confirmed that its member tribes possess the strongest and most reliable on-land wind resources in the country – over five years of met tower data confirm wind speeds exceeding 8.8 m/s and net capacity factors in excess of 50%. The tribes also possess utility-grade solar, and initial NLR surveys indicate the potential for utility-scale geothermal as well. OSPA and its member tribes have projected 3.5 GW of near-term generation potential.

Figure 4: OSPA Reservations Occupy Almost 20% of the Land Area of South Dakota



In order to unleash this level of power, a new 345 kV transmission line must be constructed across four of the largest reservations in the country. OSPA has teamed up with the Western Area Power Administration (WAPA) and the Basin Electric Power Cooperative (Basin) to design the TRIBES Transmission Project – a 500-mile 345 kV line, 50% using existing rights of way, to be built alongside the existing 115 kV lines that currently serve as the power backbone across the tribal lands. The TRIBES line will connect directly to the North Plains Connector in North Dakota, and with the recently approved Belfield-Laramie River Line in western South Dakota, providing access to the Wyoming Intertie. The TRIBES Transmission Project is estimated to cost \$2.5 billion.

Figure 5: The TRIBES EHV Transmission Project



DOE evaluation of the TRIBES Transmission Project:

“Innovative and novel collaboration” that “would improve the regional resilience of the grid in a monumental way. The transmission line technology is cutting edge The grid extension would open up a large amount of previously untapped wind energy spurring downstream investment and clean energy expansion.”

– DOE Grid Deployment Office, Strengths and Weaknesses report, DE-FOA-0003195, Application Control Number 3195-1540, at 3 (undated, issued August 6, 2024).

B. Many Large Land Base Tribes Are Situated at Critical Junctures Between Regions and Power Grid Interconnections

The Needs Study centers around an analysis by Lawrence Berkeley National Laboratory showing *“that transmission links crossing market seams between regions or interconnections have the highest potential for transmission congestion value, as indicated by the differences in locational marginal price (LMP).”*⁵ Below, CTTC reproduces the cross-interconnect and interregional LMP maps from the Needs Study, with an overlay of tribal lands. These maps clearly show that many tribes’ reservations – including members of CTTC and COLT – are located on the corridors between interconnections and regions with the highest LMP differentials. This means that investment in long-haul transmission across these tribal lands offers the greatest value in congestion relief. The Needs Study specifically notes that cross-interconnection links between WestConnect and the Southwest Power Pool, and interregional links between NorthernGrid and WestConnect have some of the highest congestion value in the country.⁶

Figures 6 and 7 below clearly identify tribes along these high-value corridors:

⁵ Needs Study at v.

⁶ *Id.*

Figure 6: LMP Differentials for Cross-Interconnect and Inter-Regional Links with Tribal Lands

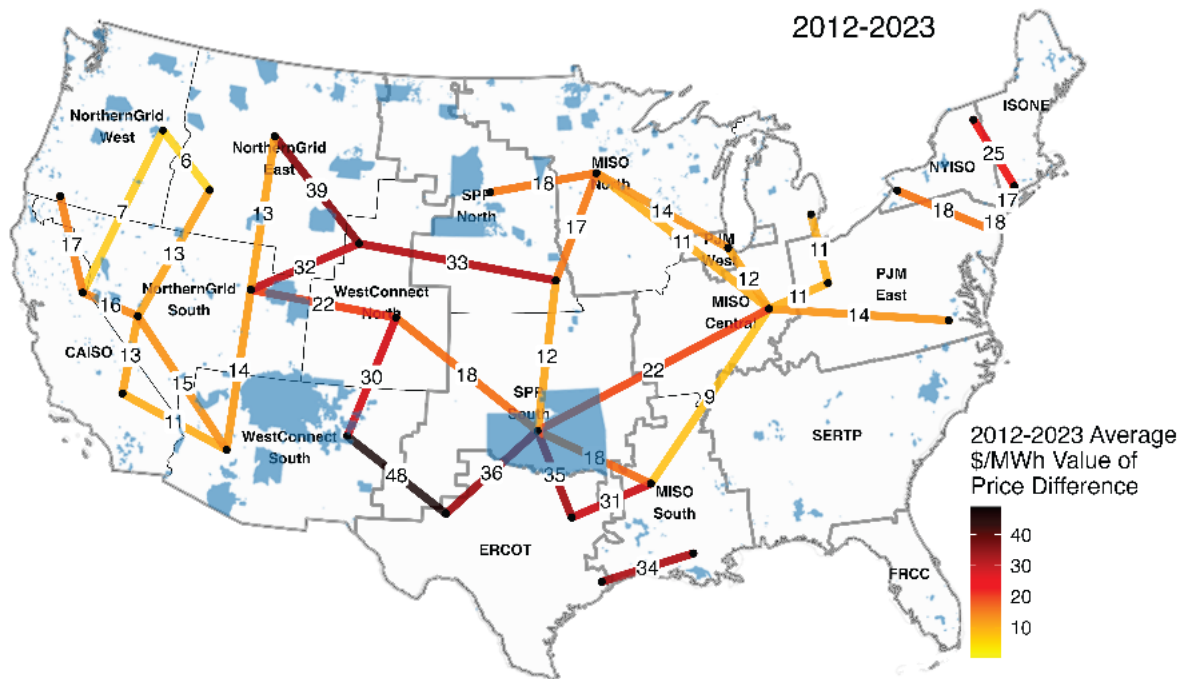
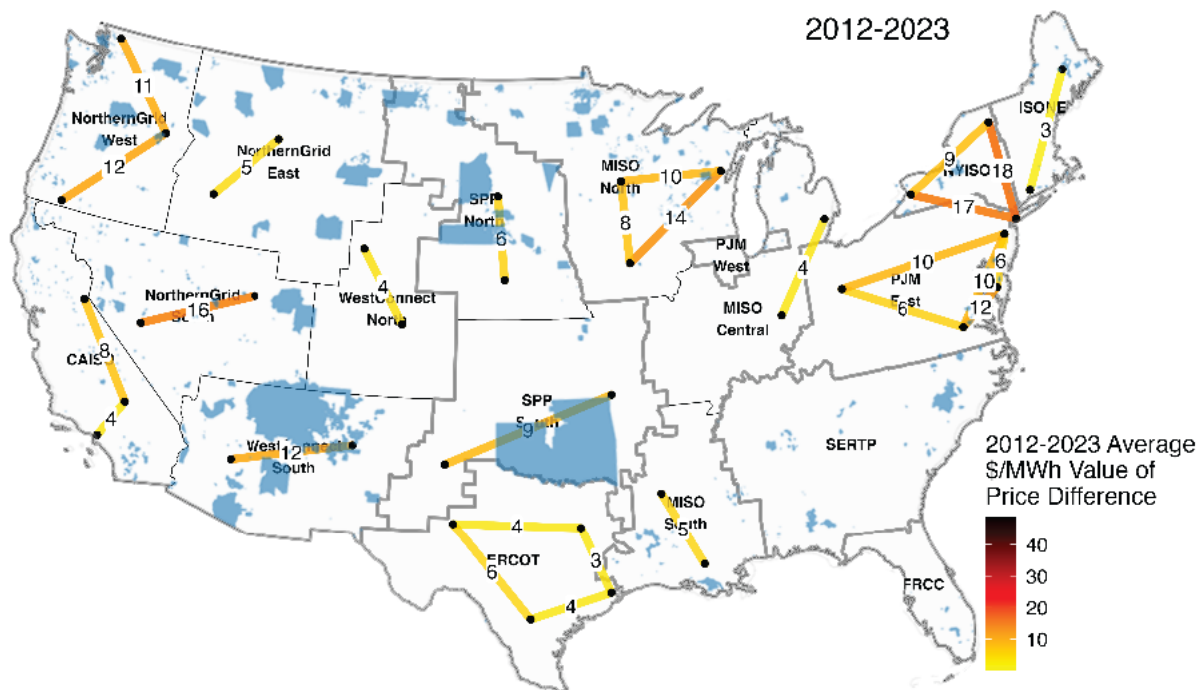


Figure 7: LMP Differentials for Interregional Links with Tribal Lands



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C. Tribal and Indian-Owned Developers Are Also Making a Major Contribution to the Nation's Energy Needs

1. *Colusa Indian Energy*

Colusa Indian Energy (CIE) is a tribal corporation owned wholly by the Colusa Indian Community in northern California and is the only tribally owned microgrid developer in the country. The Colusa Tribe owns and operates their own Co-Gen microgrid, which was originally constructed in 2005, and expanded to include solar PV/BESS in 2012. Since then, the tribe has completely rolled the incumbent utility off the reservation and now powers not only the casino resort, but also all the tribal members' homes, the government's administration campus, water treatment plants, thousands of acres of agricultural loads, and various tribal businesses. The Colusa Tribe has sustained zero unplanned power interruptions since their backup power expansion system was commissioned in 2012.

CIE was formed in 2023 with a mission to energize Indian Country wherever there is need, assist tribes in extending their sovereignty to their own energy portfolios, and to build an alliance of tribes to share resources in the energy space, including technical expertise, training, and funding opportunities. CIE has 12.5 MW of CHP and solar/BESS projects constructed or under contract, with over 1,500 additional MW in various stages of development with over 50 Tribes across the continental U.S.

2. *Navajo Power*

Navajo Power is an indigenous-led benefits corporation that partners with tribal nations to co-develop renewable energy projects that prioritize sovereignty, cultural values, and community prosperity. NP's generation projects range from utility-scale renewable generation to behind-the-meter community-scale installations, with a focus on job creation and revenue generation. NP also designs equitable ownership models, provides consulting services and conducts workforce training. Navajo Power currently has about 2,000 MW of solar/battery energy storage system projects at various stages of development.

III. The Transmission Needs Study is an Essential Tool for Including Tribal Transmission Needs and Load and Generation Plans in the National Transmission Planning Process

A. DOE and Other Federal Agencies Have Recognized that Tribal Input Is Essential to Regional and National Energy Planning

Following the issuance of the 2023 Transmission Needs Study, the National Laboratory of the Rockies conducted outreach to a number of tribes and tribal advocacy groups, and grew aware that tribes were not effectively represented in the transmission planning process. This

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led NLR to issue a white paper in February of this year entitled *Tribal Engagement in Transmission Planning*.⁷ That paper recounted the power generation potential of tribal lands, and the benefits that tribes and the nation could realize from such development. But the white paper concluded: “A Tribe’s ability to use these findings (and the findings of other studies) to increase its economic development opportunities depends on effective participation in transmission planning processes, building of institutional capabilities, and early identification of preferred zones for generation and transmission projects.”⁸

The NLR white paper is fully consistent with a major regulatory initiative conducted by the Federal Energy Regulatory Commission (FERC), that began in 2024. FERC had proposed a series of “Factors” that RTO/ISOs and other Transmission Planning Organizations must take into account in their planning processes. Upon receiving public comment that included tribal testimony, FERC modified its rules specifically to ensure that tribal input would be considered by planners:

*We modify the . . . proposal for Factor Category Seven to include federally recognized Tribal goals that affect the resource mix and demand because we are persuaded by commenters that argue that such factors have the same potential to affect Long-Term Transmission Needs as federal, state, and local goals. We believe that federally-recognized Tribal goals should include publicly announced policy recommendations, such as energy vision reports. Further, as discussed under Additional Categories of Factors below, we recognize that energy equity and justice goals are potential factors within Factor Category Seven.*⁹

B. FERC Has Required Transmission Planning Organizations to Include Tribal Input into Their Long-Term Planning Processes, but That Requirement Will Take Years to Implement

In its series of *1920 Orders*,¹⁰ the Federal Energy Regulatory Commission (FERC) introduced a new regulatory structure that is intended to make the regional and interregional transmission planning process employed by ISO/RTOs and other Transmission Planning

⁷ D. Hurlbut et al., National Laboratory of the Rockies, *Tribal Engagement in Transmission Planning* (February 2026). <https://www.osti.gov/biblio/3019240>

⁸ *Id.* at 16.

⁹ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, Order No. 1920, 187 FERC ¶ 61,068 at P 482 (2024)(footnote omitted).

¹⁰ *Building for the Future Through Electric Regional Transmission Planning and Cost Allocation*, Order No. 1920, 187 FERC ¶ 61,068 (2024), *order on reh’g & clarification*, Order No. 1920-A, 189 FERC ¶ 61,126 (2024), *order on reh’g & clarification*, Order No. 1920-B, 191 FERC ¶ 61,026 (2025) (together, the *1920 Orders*), *appeal pending sub nom. Appalachian Voices v. FERC*, No. 24-1650 and consolidated cases (4th Cir.).

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Organizations more forward-looking, more inclusive of stakeholder plans for load and generation projects, and more focused in coordinated interregional grid planning. These are progressive and long-overdue changes to what has been a balkanized planning process that has proven to be inadequate to meet the rapidly changing demands of modern energy markets.

FERC is moving with all due speed to implement these welcome changes, but the willingness of Transmission Planning Organizations, and the scope, complexity and contentiousness of the issues will ensure significant delay until these new rules are enforced. Throughout the course of this year, Transmission Planning Organizations across the country filed “compliance tariffs” that purport to implement FERC’s *1920 Orders*. FERC received over three dozen such filings,¹¹ and many of them generated significant opposition from stakeholders that filed protests against the tariffs, arguing that they did not comply with the requirements of the FERC Orders. CTTC members are among the dozens of tribes, tribal advocacy groups, public interest groups, state regulatory commissions and industry stakeholders that filed protests against compliance tariffs. In the Great Plains and the West, tariff review dockets have been opened against the California ISO,¹² the Midwest ISO,¹³ Southwest Power Pool,¹⁴ WestConnect¹⁵ and NorthernGrid.¹⁶ The tariff protests raise many issues, including proposed cost allocation methodologies, the failure to include FERC-mandated factors and benefits in the planning models, and the failure to take meaningful input from stakeholders – including consultation and coordination with tribes and tribal generation and transmission plans and outlook.

In filing their tariff protests at FERC, CTTC members and other advocates for tribal interests demonstrated that purported *1920* compliance filings were made without any tribal input. In fact, the governance structures of most, if not all, RTO/ISOs and other Transmission Planning Organizations have not recognized tribes as sovereign governments and do not accord tribes full representation in decision-making processes. Many consider tribes as stakeholders with same ranking as the public and not as sovereign governments. As a result, transmission planning decisions are made without addressing the impacts on tribal generation, load and transmission needs.

¹¹ Downing, James, RTO Insider, *FERC Receives Dozens of Order 1920 Compliance Proposals* (June 14, 2026). <https://www.rtoinsider.com/134307-parties-file-order-1920-compliance-proposals-ferc/>

¹² FERC Docket No. ER26-704.

¹³ FERC Docket No. ER26-2825.

¹⁴ FERC Docket No. ER26-2796.

¹⁵ FERC Docket Nos. ER26-2801, ER26-2803, ER26-2804, ER26-2805, ER26-2806, ER26-2811, ER26-2816, ER26-2817, ER26-2822, ER26-2828, ER26-2831.

¹⁶ FERC Docket Nos. ER26-2793, ER26-2794, ER26-2795, ER26-2799, ER26-2802, ER26-2809, ER26-2810, ER26-2812, ER26-2813, ER26-2814, ER26-2815, ER26-2818, ER26-2819, ER26-2820, ER26-2821, and ER26-2823.

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FERC has expressly recognized that denying tribes and other stakeholders meaningful input into the planning process leads to unjust and unreasonable results. In its *1920 Orders*, FERC stated: *“In Order No. 1920, the Commission found that there is substantial evidence to support the conclusion that the... existing regional transmission planning requirements are unjust, unreasonable, and unduly discriminatory. . . .”*¹⁷

Finally, in addition to the protests of the compliance tariffs, FERC’s *1920 Orders* themselves are under appeal. Appellants and intervenors include more than 30 utilities and dozens of other interested parties. Appeals began in 2024, and as of the date of this filing, oral arguments still have not been scheduled. All this means that we will lack certainty as to the FERC requirements for the foreseeable future, and that full implementation of the new transmission planning regime will not happen for years.

So this is the situation in which we find ourselves: FERC has determined that the current transmission planning system established under FERC’s old rules, and currently employed by RTO/ISOs and other Transmission Planning Organizations, leads to unjust and unreasonable results; however, delays caused by the regulatory process and appellate litigation mean that these unjust and unreasonable planning practices will continue in place for the foreseeable future.

Thankfully, we are not forced to accept this outcome. As CTTC discusses below, DOE is in a position to provide meaningful reform to the regional and national transmission planning process by ensuring that the transmission needs of tribes and other underrepresented stakeholders are considered, and the final 2026 Transmission Needs Study can play a central role in accomplishing this.

C. Until Transmission Planning Organizations Fully Incorporate Tribal Input into their Planning Processes, the Needs Study Can Help Fill That Gap

Given that the implementation and enforcement of FERC Order No. 1920's planning reforms will remain uncertain for the foreseeable future, it is imperative that tribal transmission needs, generation resources, and economic development plans be incorporated into regional transmission planning processes without further delay. While FERC's reforms are intended to improve long-term planning and stakeholder engagement, meaningful integration of tribal perspectives and priorities has yet to be fully realized across many RTO/ISO and non-RTO/ISO planning regions.

The 2026 Transmission Needs Study provides a uniquely effective opportunity to help address this deficiency. The Needs Study can serve as a vehicle for identifying and evaluating

¹⁷ Order 1920-A, 189 FERC ¶ 61,126 at P 511 (citing Order 1920, 187 FERC ¶ 61,068 at PP 1100-1101).

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transmission needs associated with tribal load growth, generation development, energy sovereignty objectives, and economic development initiatives. Many of the transmission facilities needed to meet growing demand for a reliable, secure, and resilient electric system will also support tribal energy projects and improve service to historically underserved communities.

In doing so, the Needs Study should explicitly consider tribal generation and transmission development plans, as well as the environmental, cultural, and land-use impacts associated with proposed transmission facilities. Incorporating tribal input at the Needs Study stage will help ensure that transmission investments are better aligned with regional and national objectives while respecting tribal sovereignty and advancing equitable participation in the planning process.

1. Tribal generation and transmission plans

As demonstrated in § II(A) above, several of the CTTC members have developed advanced plans for expanded power generation and transmission projects. These plans, and other information in DOE's possession regarding tribal generation, load and transmission needs should be summarized and included as an addendum to the 2026 Transmission Needs Study. These CTTC comments, alone, identify 10.5 GW of energy generation projects in operation or in planning and development on tribal lands. In addition, tribes are willing and able to work with DOE to obtain input from tribes regarding planned generation, load and transmission projects, and re-publish that data as early in 2027 as practicable, so that ISO/RTOs and other Transmission Planning Organizations can incorporate it into transmission planning processes well in advance of their *1920 Order* compliance tariffs taking effect.

2. Mapping tribal reservations, treaty lands and ceded land areas

To CTTC's knowledge, no RTO/ISO or other Transmission Planning Organizations include maps of tribal lands in their planning materials. This failure adds to the continuing exclusion of tribal needs from transmission planning – literally “out of sight, out of mind”. DOE's inclusion of a national tribal lands map in Figure VI-1 of the draft Needs Study is an excellent first step, but as CTTC demonstrates in Figures 6 and 7, above, the visualization of tribal lands on the maps of mean marginal transmission values is an important addition in determining the value of transmission investment associated with siting and permitting, and environmental considerations on specific tribal lands.

Another reason to include federal maps in the Needs Study: state-generated maps can be wrong. For example, maps generated by the South Dakota state government and the federal government depict Bennett County entirely differently. On federal maps, Bennett County is

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depicted as part of the Oglala Sioux Tribe's Pine Ridge Reservation. On state maps, Bennett County is depicted as non-tribal land – having the effect of reducing the land area of the Pine Ridge Reservation by one-third. The Oglala Sioux Tribe, a CTTC member through the Oceti Sakowin Power Authority, has demonstrated at length that the federal maps are correct,¹⁸ but South Dakota officials persist in using their incorrect maps. Of course, using incorrect maps would have a significant adverse impact on permitting and tax and cost planning.

Moreover, in plotting tribal lands on transmission planning maps, tribes must be consulted. This is required as part of the federal trust obligation to consult with tribes on matters that affect them. It is also necessary for accuracy: for example, CTTC member The Brave Heart Society currently is engaged in reviewing maps of tribal lands along rivers in the Upper Great Plains. This project employs expert surface water hydrologists and treaty experts to review maps in light of applicable treaties, and their initial examinations have uncovered significant errors in federal maps of tribal lands. In particular, treaties often define tribal lands as extending to the shoreline of a river, while many maps show tribal land boundaries in the middle of the river. Such errors can have a significant negative impact on riparian rights and placement of intake facilities.

Finally, maps should not be limited to showing reservation boundaries, but should also show treaty land and ceded land.¹⁹ The identification of these lands is important to transmission developers, both tribal and non-tribal, because treaty and ceded lands contain areas of cultural/historic/natural significance to tribes, and areas of reserved tribal rights to hunt, fish, graze, etc. If such land uses are not considered in planning process, they could require costly delay or re-routing of transmission projects. The map of the Confederated Tribes of Warm Springs planned transmission projects, shown in Figure 1, above, displays both reservation boundaries and ceded lands, and should be used as a model for other tribes and tribal developers.

¹⁸ South Dakota Tribal Relations - <https://sdtribalrelations.sd.gov/tribes/tribal-government-info.aspx>;
Bureau of Indian Affairs Tract Viewer - <https://experience.arcgis.com/experience/49fe6d3b860d47c588db75074fa42309>;
U.S. Census Bureau - American Indian/Alaska Native/Native Hawaiian Area Geographies -
https://data.census.gov/map?q=reservation&layer=VT_2022_250_00_PY_D1&loc=41.1847,-103.6895,z5.0320

¹⁹ The U.S. Library of Congress describes “ceded Indian land” as lands ceded or surrendered by tribes as a result of treaties or other formal U.S. government action. <https://guides.loc.gov/native-american-spaces/cartographic-resources/treaties> “Each of these treaties is unique but, generally speaking, Indian tribes reserved separate, isolated reservation homelands under the treaties and sometimes retained certain rights to hunt, fish, graze, and gather on the lands ceded to the United States. These rights retained on ceded lands are known as ‘off-reservation treaty rights’ or ‘other reserved rights.’”

— USDA Forest Service Manual 1563.01b (Treaty Rights and the Federal Trust Responsibility).
<https://www.usda.gov/sites/default/files/guidance-documents/ForestService.Manual%201500%201560%20External%20Relations.pdf>

3. Ensuring active participation by Power Marketing Administrations

Two of the nation's four Power Marketing Administrations (PMAs) – the Western Area Power Administration (WAPA) and the Bonneville Power Administration (BPA) – are major providers of electric power and consulting services to tribes and tribal utilities. WAPA has over 100 tribal customers,²⁰ and BPA maintains “relationships with over 50 sovereign tribal governments.”²¹ Both PMAs maintain extensive transmission facilities across tribal lands.

Both PMAs are heavily involved in grid planning activities, and both are in a position to be active partners with tribes in planning, designing, and co-developing transmission facilities. The PMAs have been hesitant to take such an active role, however, because they were both formed by a series of enabling statutes, passed by Congress over a period of decades. These statutes contain some inconsistencies that create confusion over WAPA's and BPA's ability to partner with tribes and tribal developers, and to act as co-applicants and subrecipients of federal grants and loans.

Both WAPA and BPA are federal agencies under the purview of the Department of Energy, and the Secretary of Energy has the authority to clarify this issue by confirming that PMAs are expressly authorized under DOE rules and federal statutes to serve as co-applicants, subrecipients, and project partners with tribes in funding, financing, designing and deploying transmission infrastructure. DOE can eliminate any confusion over this issue by publicly confirming that PMAs can participate with tribal capital-raising activities, either through federal grant and loan programs, or private funding or financing agreements. Such direction could be provided in the form of a Secretarial Letter, a Final Rule, or General Guidance from the DOE General Counsel's Office or other appropriate DOE Office, at the Secretary's discretion. Such guidance would confirm existing law, as reflected in multiple DOE Funding Opportunity Announcements, and would eliminate a major roadblock to tribal energy development.

IV. Conclusion

CTTC thanks the Department of Energy for this opportunity to comment on the draft 2026 Transmission Needs Study. For the reasons discussed above, CTTC urges DOE to amend the Needs Study to:

- Solicit input from tribes and compile maps of treaty and ceded lands, in addition to reservation boundaries, and publish them for use for all planning activities.

²⁰ National Public Radio Interview with WAPA Chief Executive Officer Tracey LeBeau, <https://www.kunr.org/2024-03-01/tribes-hope-investing-in-alternative-energy-sources-helps-supercharge-their-economy>

²¹ BPA, *Tribal Affairs*, Tribal Resources <https://www.bpa.gov/about/who-we-are/tribal-affairs>

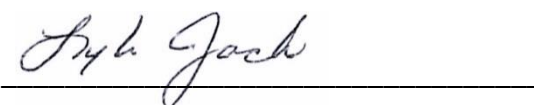
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- Solicit input from tribes regarding planned generation and transmission projects, publish currently available information as an addendum to the 2026 Transmission Needs Study, and publish additional information in a separate study as early in 2027 as practicable, so that ISO/RTOs and other Transmission Planning Organizations can incorporate it into transmission planning processes well in advance of their *1920 Order* tariffs taking effect.
- Issue a formal clarification that the Western Area Power Administration and Bonneville Power Administration have full statutory authority to partner with tribes and tribal energy developers as co-applicants and subrecipients of federal grant and loan programs, and private funding and financing agreements.
- Establish and, where necessary, enforce requirements for all Transmission Planning Organizations, whether in RTO/ISO or non-RTO/ISO regions, to engage in meaningful consultation and coordination with tribes as sovereign governments. Tribes should be recognized and treated as governmental entities with unique legal and political status, rather than being grouped with or treated solely as members of the general public stakeholder class. Such consultation should occur early and throughout the planning process to ensure that tribal transmission needs, generation development plans, cultural resource considerations, and economic development priorities are appropriately incorporated into transmission planning and decision-making.

Respectfully submitted,



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COLT TRIBAL TRANSMISSION COMMITTEE

The members of the COLT Tribal Transmission Committee are:

Alliance for Tribal Clean Energy

The Brave Heart Society

Colusa Indian Energy

Confederated Tribes of Warm Springs

Navajo Power

Navajo Transitional Energy Company

Oceti Sakowin Power Authority

Ute Mountain Ute Tribe