



U.S. DEPARTMENT OF  
**ENERGY**

# American Indian and Alaska Native Tribal Government Policy 2022 Annual Report

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## I. Introduction

Under the Biden-Harris Administration, the U.S. Department of Energy (DOE) increased staffing, investment, and focus on administration-led initiatives to improve Tribal engagement and consultation.

Section 1(a) of President Joseph R. Biden’s Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships (January 26, 2021) requires agencies to develop “a detailed plan of actions the agency will take to implement the policies and directives of Executive Order (EO) 13175” titled “Consultation and Coordination with Indian Tribal Governments.” Section 1(c) requires the head of each agency to annually submit to the Director of OMB “a progress report on the status of each action included in the agency’s plan, together with any proposed updates to its plan.”

This report reflects fiscal year (FY) 2022 activities and fulfills those reporting requirements from the memorandum.

As required by Section 1(a) of the memorandum, DOE developed a nine-point plan of actions after consulting with Tribal Nations and Tribal officials. The plan commits DOE to updating DOE Order 144.1, Department of Energy American Indian Tribal Government Interactions and Policy (2009), which lays out DOE’s responsibilities and commitments to Tribal Nations. The plan also commits the Department to coordinating Tribal consultation sessions with other Federal agencies and posting consultation resources and opportunities in a central location online.

## II. Background and Department Efforts

The relevant documents that lay out DOE’s responsibilities and commitments to Tribal Nations are DOE Order 144.1, *Department of Energy American Indian Tribal Government Interactions and Policy* (2009) and the *U.S. Department of Energy American Indian & Alaska Native Tribal Government Policy* (2006).

On January 26, 2021, President Joseph R. Biden issued the *Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships*, which required DOE to develop a [plan of action](#) to implement Executive Order (EO) 13175 “Consultation and Coordination with Indian Tribal Governments” in consultation with Tribal Nations and Tribal officials. After consulting with Tribal leaders, DOE responded with a nine-point action plan that commits the Department to updating DOE Order 144.1, coordinating Tribal consultation sessions with other Federal agencies, and posting consultation resources and opportunities in a central location online.

### III. Progress Report on the DOE Plan of Action

**Action: Conduct regional consultations, listening sessions, and roundtable discussions in the spring and summer of 2021 to expand on the initial April 9, 2021, Tribal consultation. These additional consultations/listening sessions/roundtable discussions will include representatives from Departmental programs with actions or decisions that could have the potential to affect Tribal rights or resources. Consultation: Infrastructure Investment and Jobs Act**

DOE hosted a virtual consultation session on the implementation of the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), on March 29, 2022. Tribal leaders and technical staff joined Secretary of Energy Jennifer M. Granholm and DOE officials for an exchange on energy development with over 480 interested participants. Feedback focused on equity, energy transition, funding/grant processes, technical assistance, infrastructure, relationships with states, and feedback on the consultation. Input from Tribal leaders is being used to shape the development of DOE funding opportunities.

#### **DOE Tribal Working Groups**

In addition to direct nation-to-nation relationships with federally recognized Indian Tribes, the Department hosts, manages, and supports three Tribal working groups:

- State and Tribal Government Working Group ([STGWG](#));
- Indian Country Energy and Infrastructure Working Group ([ICEIWG](#));
- Nuclear Energy Tribal Working Group ([NETWG](#)).

These long-standing working groups provide DOE with perspectives and interests of Tribal communities on issues related to DOE program actions like long-term stewardship, environmental cleanup, ongoing nuclear energy research and development, and Tribal energy development.

#### **State and Tribal Government Working Group (STGWG)**

The DOE Office of Environmental Management (EM) funds the State and Tribal Government Working Group (STGWG), which includes policy-level representatives from States and Indian Tribes that host DOE facilities or are impacted by them. STGWG was established in 1989 as a means for DOE to engage states and Indian Tribes, located near EM sites, collaboratively and meaningfully in cleanup decisions. STGWG meetings permit states and Tribal officials and Federal officials from EM headquarters and field offices to discuss issues of mutual interest or concern, share perspectives, strengthen relationships, and gain a better understanding of priorities and concerns.

### **Indian Country Energy Infrastructure Working Group (ICEIWG)**

The Indian Country Energy Infrastructure Working Group (ICEIWG) was established by the Secretary of Energy in 2011 under the auspices of the Office of Indian Energy Policy and Programs (IE) with the aim of establishing baseline information to guide policy and program prioritization and long-term strategy related to energy and infrastructure development on Tribal lands. ICEIWG seeks to support IE's mission related to its implementation of the authorities and requirements of Title V of the Energy Policy Act of 2005. ICEIWG membership is comprised of Tribal leaders and technical energy staff representatives from 21 Tribes and organizations reflecting regional diversity and viewpoints from Alaska and the lower 48 States.

### **Nuclear Energy Tribal Working Group (NETWG)**

The DOE Office of Nuclear Energy (NE) funds a cooperative agreement to support the operation of the Nuclear Energy Tribal Working Group (NETWG). NETWG was chartered by the U.S. Department of Energy in 2014 and explores activities under the authority of DOE-NE with participation from NE leadership and senior personnel. NETWG is focused on engaging Tribal Nations interested in the broad spectrum of Department of Energy (DOE) nuclear energy activities such as nuclear research and development, advanced nuclear technologies, stakeholder outreach, STEM education, emergency response and planning activities, management, storage, disposal, and transportation of spent nuclear fuel and high-level radioactive waste, and potential economic business opportunities.

**Actions: Update Order 144.1 to expressly include DOE offices created after Order 144.1 was issued in 2009. Review DOE Order 144.1 Framework and Implementation Plans to explore updating and incorporating Tribal ideas on how best to conduct effective Tribal consultation.**

DOE is working to update DOE Order 144.1, *Department of Energy American Indian Tribal Government Interactions and Policy*, and the *U.S. Department of Energy American Indian & Alaska Native Tribal Government Policy* documents. The DOE Office of Congressional and Intergovernmental Affairs (CI) is lead Co-Chair of the Integrated Project Team (IPT), with the DOE Office of Indian Energy Policy and Programs as Co-Chair. The IPT coordinates with departmental offices to make recommendations to the Directives Review Board with the authority over orders and policies as part of the Department's Directives system. In 2023, DOE intends to invite Tribal Nation leaders to share their input on draft recommended changes, with the goal of finalizing changes to the order and policy thereafter.

**Action: Coordinate with other Federal agencies that consult with Tribes under EO 13175 to have consistent plans, and where appropriate, conduct joint consultation sessions to reduce the burden placed on Tribal leadership and maximize efficiencies.**

### **White House Council on Native American Affairs (WHCNAA)**

The Department committed to WHCNAA initiatives including preserving sacred sites, preserving Native languages, and improving access to capital. DOE's Senior Tribal Liaison and Director of the Office of Indian Energy Policy and Programs serve on the WHCNAA Energy Subcommittee.

As part of the WHCNA Energy Subcommittee, DOE hosted a retreat at the Western Area Power Administration along with partners from the Departments of Agriculture, Commerce, Education, the Interior, and Transportation to draft two new initiatives: the *Energy Transition Memoranda of Understanding* that were signed with Tribes deeply economically impacted by changes in the energy market, particularly coal's waning role, and the *Electric Vehicle Initiative for Indian Country* which will strive to ensure Tribes are not left behind by the transition in the transportation sector to electric vehicles. The first Energy Transition Memorandum of Understanding was signed with the Navajo Nation in December of 2022.

**Action: Explore developing a Tribal consultation web page that includes program-level Tribal affairs points of contact, lists Tribal consultation opportunities, and keeps a running record of consultations conducted and metrics that evaluate the effectiveness of DOE's Tribal consultation.**

DOE developed a Tribal consultation web page that is located on the Congressional and Intergovernmental section of the agency's website, <https://www.energy.gov/congressional/strengthening-Tribal-consultation>. This page has a link to the DOE Plan of Action that was developed after consultation with Tribal leaders in the spring of 2021 and provides links to DOE Order 144.1, along with other relevant information.

Additional enhancements to the web page will be made to include points of contact for DOE program offices and information on upcoming or past Tribal consultations.

**Action: Require training to include consultation guidance for all DOE employees who may be making any decisions that could affect Tribal rights or resources.**

In the spring of 2022, over 200 DOE staff participated in DOE's first ever "DOE Indian Country Education and Tribal Consultation Training" prior to the Department's consultation with Tribal Leaders on the IJJA/BIL. Nearly 350 DOE staff joined live training held prior to the DOE Tribal Clean Energy Summit.

Training modules included: Indian Country, Law, and Policy; Tribal Consultation; Current White House and DOE Tribal Policy; and an overview of and Tribal consultation requirements in the National Environmental Policy Act (NEPA), Native American Graves Protection and Repatriation Act (NAGPRA), Archeological Resources Protection Act (ARPA), and the National Historic Preservation Act (NHPA).

**Action: Begin planning the National Tribal Energy Summit, which currently is held on a bi-annual basis.**

### **Tribal Clean Energy Summit**

In 2022, IE and CI held the Tribal Clean Energy Summit with nearly 300 Tribal leaders and key energy partners from across the United States participating in the Summit, including 61 federally recognized Indian Tribes and Alaska Native villages from 20 states, and more participants joining online.

The Summit offered a platform for Tribal leaders and Federal officials to openly discuss challenges and opportunities, acknowledge the turbulent history that has shaped generations, and look ahead with optimism toward a shared goal of economic sovereignty for Tribes through the pillar of clean energy development. Through both formal and informal exchanges, the Summit provided a forum for idea exchange, learning, and relationship building about how energy can provide a new path to economic sovereignty.

**Action: Recommend all DOE programs provide at least 30 days' notice before consultations.**

This recommendation will be included in the training and policies that are in development and has been communicated to all DOE offices that interact with Tribes for implementation.