

STATE OF CALIFORNIA

**STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

**RESOLUTION COMMITTING TO SUPPORT CALIFORNIA TRIBAL ENERGY
SOVEREIGNTY**

WHEREAS, the California Energy Commission (the Commission) recognizes the inherent sovereignty of California Native American tribes (“California tribes”) and that energy resources, including energy reliability, are a critical component of daily life, community independence, self-government, and sovereignty;
and

WHEREAS, on June 18, 2019, Governor Gavin Newsom issued Executive Order N-15-19, which acknowledges and apologizes on behalf of the State of California (State) for the historical “violence, exploitation, dispossession and the attempted destruction of tribal communities” which dislocated California tribes from their ancestral land and sacred practices and meaningful, reparative action from the State can begin to address these wrongs in an effort to heal its relationship with California tribes; and

WHEREAS, in furtherance of the goals stated in Executive Order N-15-19, Governor Newsom issued a Statement of Administration Policy on September 25, 2020 (the Administration Policy), which encourages “every State agency, department, board and commission [...] to seek opportunities to support California tribes’ co-management of and access to natural lands that are within a California tribe’s ancestral land and under the ownership or control of the State of California, and to work cooperatively with California tribes that are interested in acquiring natural lands in excess of State needs”; and

WHEREAS, entities with whom the Commission conducts business with or otherwise regulates or interacts, including, but not limited to publicly owned utilities, that own and/or control land located within the ancestral territories of California tribes; and

WHEREAS, on September 13, 2022, Governor Newsom issued Executive Order N-16-22, which recognizes that the Infrastructure Investment and Jobs Act (IIJA) provides an opportunity for partnership with California tribes, among other entities, to modernize crucial infrastructure and accelerate the State’s clean transportation progress; and

WHEREAS, with adequate resources that foster Tribal energy sovereignty and independence, California tribes are poised to be important partners in reaching the State’s climate goals while enhancing community resilience, and the Commission desires to foster such partnerships; and

WHEREAS, the Commission desires to develop and adopt a Tribal energy sovereignty policy in furtherance of Executive Order N-15-19, Executive Order N-16-22, and the Governor’s Administration Policy and the Commission’s commitment to support California Tribal energy sovereignty.

THEREFORE, BE IT RESOLVED, that the Commission hereby commits to support California Tribal energy sovereignty and commits to, among other things, work to accomplish the following goals:

- support tribal self-determination, self-government, and energy sovereignty;
- enhance tribal consultation and participation in decision-making related to clean energy planning and development in California;
- improve the protection of sacred sites, cultural resources, and access to ancestral lands;
- increase tribal access to federal and state energy funding opportunities;
- provide opportunities for economic diversification, career development; and investment in renewable energy for California tribes; and

BE IT FURTHER RESOLVED, that pursuant to this commitment to Tribal energy sovereignty, the Commission shall seek to support California tribes by taking actions including but not limited to the following:

- enter into memoranda of understanding (MOUs) with interested California tribes to establish frameworks for collaboration on key energy policy and planning initiatives;
- develop capacity building and technical assistance resources to support clean energy transitions, advance the development of tribal energy enterprises, and increase access to clean energy programs;
- increase tribal set-asides within State programs and funding opportunities;
- partner with California tribes to pursue federal funding opportunities;
- prioritize community benefits within programs, policies, and planning initiatives;
- enhance land-use considerations in clean energy planning for the protection of tribal cultural resources;
- increase cultural awareness and knowledge of tribal priorities among Commission staff to better inform the development of programs, policies, and planning initiatives.

BE IT FURTHER RESOLVED, that pursuant to this commitment to Tribal energy sovereignty, the Commission shall seek and exercise opportunities to facilitate tribal access, use, and co-management of State-owned or controlled lands and to work cooperatively with California tribes that are interested in acquiring lands in excess of State needs by taking actions including but not limited to the following:

- provide assistance to facilitate California tribal government access to existing information concerning land that may be of interest to California tribes, including the environmental condition of the land;
- encourage and support opportunities for entities with whom the Commission conducts business with or otherwise regulates or interacts, including, but not limited to, publicly owned utilities, to provide California tribes access, use, and co-

management of lands and to work cooperatively with California tribes that are interested in acquiring lands in excess of State needs; and

- encourage and support local agencies, as defined by Government Code section 54221(a), with whom the Commission interacts, to transfer ownership of surplus lands with which California tribes have a cultural connection or are within a California tribe's ancestral land.

BE IT FURTHER RESOLVED, that all actions taken pursuant to this commitment to Tribal energy sovereignty, in accordance with the Administration Policy, shall: (i) comply with all applicable laws and regulations, including those governing surplus and excess lands; (ii) occur in consultation with California tribes pursuant to Executive Orders N-15-19 and B-10-11 and the Commission's Tribal Consultation Policy; and (iii) not conflict with the Governor's stated policy priorities, such as housing and homelessness and climate action; and

BE IT FURTHER RESOLVED, that the Commission hereby directs the Tribal Liaison and/or their designee to consult with California tribes to develop a Tribal Energy Sovereignty Policy, which shall develop and include policies related to Tribal energy sovereignty, Tribal lands, and Tribal consultations, and present it to the Commission for consideration and potential adoption; and

BE IT FURTHER RESOLVED, that the Executive Director and staff shall work with the Tribal Liaison to take all steps necessary to implement this resolution.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on March 2, 2023.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

Liza Lopez
Secretariat