



September 10, 2025

The Honorable Doug Burgum
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240
via email: douglas_burgum@ios.doi.gov

RE: Exempting Tribal Nation Energy Projects from the July 15, 2025 Department of the Interior Memorandum Interpreting Executive Order 14315

Dear Secretary Burgum:

On behalf of the undersigned members of the Coalition for Tribal Sovereignty (CTS), we write to urge the Department of the Interior (DOI) to immediately clarify that its July 15, 2025 memorandum, [*Departmental Review Procedures for Decisions, Actions, Consultations, and Other Undertakings Related to Wind and Solar Energy Facilities*](#) (DOI Memo), exempts energy projects operated by Tribal Nations and Tribal organizations. Failing to issue such a clarification directly conflicts with the United States' trust and treaty obligations, as well as the Administration's goals of promoting energy development on Indian lands for the benefit of all Americans, removing bureaucratic red tape in the energy sector, and allowing local control by Tribal Nations of natural resources for the betterment of Tribal citizens and Tribal communities.

Tribal Nations are and always have been inherently sovereign governments that exercise local control over their citizens and communities within their jurisdiction. Respecting Tribal sovereignty and promoting Tribal self-determination requires the removal of barriers that prevent Tribal Nations from developing our lands and natural resources—including energy resources—as we deem appropriate. Relatedly, we have worked and continue to work with the Administration to remove federal barriers to Tribally driven economic development on Tribal lands, including energy development. Tribal economic sovereignty is essential so that Tribal Nation governments may generate revenue and rebuild our economies.

The Administration's goals of achieving energy dominance and promoting full Tribal self-determination¹ are jeopardized by the DOI Memo, which subjects over 65 actions, approvals, or reviews related to solar or wind energy projects to three additional layers of Department review and Secretarial approval. Included in this list are over 30 actions that the Bureau of Indian Affairs, the Bureau of Land Management or other Department agencies must take to approve projects located on Tribal lands. Interpreting the DOI Memo to apply to energy projects operated by Tribal

¹ As recognized in the Energy Policy Act of 2005 (Public Law 109-58, Title V), which directed the DOI to establish an Indian energy resource development program to “further the goal of Indian self-determination,” 25 U.S.C. § 3502(a)(1), as well as authorized DOE to establish the Office of Indian Energy which aims to “*maximize* the development and deployment of energy solutions for the benefit of American Indians and Alaska Natives.” *Mission*, Office of Indian Energy Policy and Programs, U.S. Dept. of Energy (last visited Sept. 4, 2025), <https://www.energy.gov/indianenergy/mission> (emphasis added). These programs do not discriminate between different types of energy.

Nations and Tribal organizations only continues a history of unhelpful, unnecessary, and overly burdensome federal regulations that impede success and prevent meaningful economic development on our lands. Such development would not only benefit our own, local communities, but would also contribute meaningfully to state, regional, and national economies as well.

Additionally, the DOI Memo's inclusion of National Environmental Protection Act (NEPA) review (and related actions), Endangered Species Act (ESA) reviews and permits, and the approval of leases and rights of way on Tribal lands not only increases bureaucratic red tape for Tribal Nations developing their energy resources, but also ignores the reliable and invaluable work done in these spaces by Tribal Historic Preservation Officers (THPOs) and impedes the Administration's ability to "[r]estore the right of tribal governments to enforce environmental regulations on their lands."²

In short, interpreting the DOI Memo to apply to energy projects operated by Tribal Nations and Tribal organizations is in direct contravention of DOI's treaty and trust responsibilities to assist Tribal Nations in the development of their energy resources, violates the inherent sovereign rights of Tribal energy self-determination, and runs contrary to Administration priorities seeking to promote Tribal self-determination, Tribal energy development, and Tribal economic development, as well as reduce bureaucratic red tape. As such, we respectfully request DOI, in writing, confirm that Tribal Nation and Tribal organization energy development projects are exempted from the reviews implemented by the DOI Memo (interpreting EO 14315).

Thank you for your consideration of this critical request. We welcome the opportunity to provide additional information or facilitate meetings with Tribal leaders to discuss this matter further.

Sincerely,

Indian Gaming Association (IGA)
National Congress of American Indians (NCAI)
National Indian Education Association (NIEA)
National Indian Health Board (NIHB)
United South & Eastern Tribes Sovereignty Protection Fund (USET SPF)

² *Mandate for Leadership: The Conservative Promise* (2023) at p. 537.