**Committee on Natural Resources**
**Subcommittee on Indian and Insular Affairs**
**Oversight Hearing**
**1334 Longworth House Office Building**
**April 22, 2026**
**10:15 AM**
**"Tribal Natural Resource Development: Barriers and Successes"**

**Responses to questions from the Subcommittee on Indian and Insular Affairs** by Mr. Ken Ahmann, Chief Operating Officer, Colusa Indian Energy, on behalf of the Colusa Indian Community.

Submitted May 11, 2026.

1. **Tribal lands hold a substantial share of America's energy potential, including roughly 20 percent of U.S. oil and natural gas resources, significant coal reserves, and a major share of the nation's uranium potential. At a time when President Trump is working to restore American energy dominance, and America is facing serious competition from China, it makes no sense for that potential to be trapped behind federal bureaucracy. Your testimony states that the federal government is slowing down tribal energy development.**
    a. **Where in the development process does federal approval become the deciding factor in whether a tribal energy project will move forward?**

As an energy developer working with tribes in Alaska, Hawaii and the lower 48, we see three primary steps in the development process where federal approval determines whether a tribal energy project will move forward and at what pace:

1. Site control, lease approval, and (when required for a project) moving fee land-into-trust. For commercial energy projects on Indian trust lands, BIA approval of a lease is a precondition to construction.[1] If a project requires the acquisition of new trust land, such as when trust land is needed to develop an energy project that is non-contiguous, the fee-to-trust process can take years, in some cases over a decade, and in some cases languish indefinitely without a decision.

2. National Environmental Policy Act (NEPA) environmental review. BIA's role as trustee of Indians will result in a BIA NEPA approval at some point in the project lifecycle for any commercial or infrastructure project on trust land. This converts the project into a "federal action," therefore subject to NEPA[2]. This includes infrastructure development, energy permits,

[1] Bureau of Indian Affairs, Energy & Mineral Development Regulations, https://www.bia.gov/as-ia/ieed/energy-mineral-development-regulations; U.S. Department of Energy, *Solar Energy Leases on Tribal Land: Project Regulatory Considerations* (2016).
[2] Bureau of Indian Affairs, NEPA Compliance Review Process, https://www.bia.gov/service/nepa-compliance/review-process; 59 IAM 3-H (BIA NEPA Manual).

and lease approvals.[3] Timely federal approval is essential because no other federal authorization can proceed until an environmental impact statement (EIS) or a full-blown NEPA review is completed. This process can take several years to complete.

3. Grid interconnection and transmission. For tribes pursuing utility-scale energy with export to the grid, after the BIA and NEPA processes are clear, the project then enters the Federal Energy Regulatory Commission (FERC's) interconnection queue. According to Berkeley Lab, "the typical duration from connection request to commercial operation increased from less than 2 years for projects built in 2000-2007 to over 4 years for those built in 2018-2023." [4] FERC's Order No. 2023 establishes new procedures intended to address queue delays, but additional reform is needed. In August 2024, the Alliance for Tribal Clean Energy petitioned FERC for further rulemaking specific to tribal projects to address disproportionate burdens on Tribal Nations.[5]

Two additional federal review processes apply across these steps, often resulting in longer development timelines:

For wind and solar projects specifically, the 2025 Department of the Interior memorandum, *Departmental Review Procedures for Decisions, Actions, Consultations, and Other Undertakings Related to Wind and Solar Energy Facilities* (July 15, 2025)[6], created a new requirement for the Secretary of the Interior to personally review every wind and solar action the Department undertakes, including leases, rights-of-way, NEPA reviews, ESA consultations, and routine permitting actions. The memorandum concentrates decision-making for every wind and solar project in the Office of the Secretary, delaying the projects that flow through it, including those on trust land. However, this 2025 Department of the Interior memorandum does not apply to fossil fuels, natural gas, nuclear, or geothermal energy sources.

For tribal energy facilities subject to the Clean Air Act, EPA permitting adds another federal review. The Clean Air Act's Tribal delegation pathways (Treatment-as-a-State status, Tribal Implementation Plans, and Direct Implementation Tribal Cooperative Agreements) were designed to give Tribes the authority to administer these programs themselves, but burdensome application processes, slow approval timelines, and reduced DITCA funding limit their effectiveness.

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[3] Bureau of Indian Affairs, National Environmental Policy Act (NEPA) Compliance, https://www.bia.gov/service/nepa-compliance; Bureau of Indian Affairs, NEPA Review Levels, https://www.bia.gov/service/nepa-compliance/nepa-review-levels.

[4] Joseph Rand et al., *Queued Up: 2024 Edition — Characteristics of Power Plants Seeking Transmission Interconnection as of the End of 2023*, Lawrence Berkeley National Laboratory (April 2024), https://emp.lbl.gov/publications/queued-2024-edition-characteristics.

[5] Petition for Rulemaking, Alliance for Tribal Clean Energy, FERC Docket No. RM24-9 (filed Aug. 9, 2024), available via FERC eLibrary at https://elibrary.ferc.gov; U.S. Government Accountability Office, GAO-25-108720, *Tribal Energy Finance: DOE Actions Needed to Reduce Barriers for Tribes* (Aug. 2025).

[6] U.S. Dep't of the Interior, Off. of the Sec'y, *Departmental Review Procedures for Decisions, Actions, Consultations, and Other Undertakings Related to Wind and Solar Energy Facilities* (July 15, 2025), available at https://www.doi.gov/media/document/departmental-review-procedures-decisions-actions-consultations-and-other. Issued in implementation of Executive Order 14315, *Ending Market Distorting Subsidies for Unreliable, Foreign-Controlled Energy Sources* (July 7, 2025).

2. **What does it mean for the Colusa Indian Community to have control of, and be active in, energy development on tribal lands?**
    a. **In Colusa's case, what has that control enabled, particularly in terms of reliability and cost?**
    b. **How has owning generation, distribution, and storage changed Colusa's ability to serve its community compared to relying on a traditional utility?**

Colusa's ownership of generation, distribution, and storage has definitively improved reliability, provided cost insulation, enabled revenue retention, and enabled decision-making aligned with Tribal priorities.

**Reliability.** Tribal lands experience outages at roughly 6.5 times the national rate. For Colusa, ownership has dramatically increased the reliability of power delivery, from approximately 50 outages a year under PG&E service to zero unplanned interruptions in the past fourteen years. Because the Tribe owns the generation, the distribution lines, and the storage, we can perform the maintenance, build in redundancy, and harden the system to the level the community needs and wants. Reliability determines whether businesses, schools, and health clinics function, and ensures households can rely on refrigeration for medications, powered medical devices, and access to internet. American Indians and Alaska Natives are 36 percent more likely than U.S. adults overall to be diagnosed with diabetes[7], with many reliant on refrigerated insulin that becomes unusable during extended power outages. Frequent unplanned outages are not just inconveniences or lost business revenue but can directly threaten the health and well-being of Tribal members living on reservations.

**Cost.** For projects that pencil out, ownership produces meaningful cost savings. Tribes that own their generation assets, particularly those that offset a significant share of their load or operate fully behind the meter, can see substantial reductions in energy costs. They are no longer subject to an incumbent utility's shareholder returns, and they retain operating revenue that would otherwise leave the reservation. Ownership also insulates tribes from utility rate cases and the rolling cost recovery for wildfire liability and other utility charges that drive rates upward year over year.

**Decision-making and investment decisions made by the Tribe.** Because the Colusa Indian Community owns their system outright, they decide when to add storage (for example, the 2 MW BESS currently being installed), when to expand generation (such as the planned increase to over 100 MW for AI workloads that will be sited on Colusa's trust lands within the next two years), and when to vertically integrate further (the Tribe is currently exploring on-reservation natural gas reserves to fuel their cogeneration plant). Under traditional utility service, all of those decisions would belong to PG&E, the California Public Utilities Commission, and the California Energy Commission. Under Tribal ownership, they belong to the Tribe.

3. **Your testimony mentions the need for leasing approval process reforms. What would you recommend Congress examine to improve lease approval timelines?**

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[7] U.S. Department of Health and Human Services, Office of Minority Health, *Diabetes and American Indians/Alaska Natives*, https://minorityhealth.hhs.gov/diabetes-and-american-indiansalaska-natives.

Our recommendations to improve lease approval timelines are outlined below:

Strengthen the existing HEARTH Act 120-day review timeline with enforceable consequences. The HEARTH Act statute already directs the Secretary of the Interior to act on Tribal leasing regulations within 120 days of submission. In practice, however, there are no statutory or regulatory consequences when that deadline is missed. We would recommend adding "deemed approved" language in the HEARTH Act. This way, after 120 days, the Tribe's ordinances would be deemed approved rather than languishing at the Department of the Interior.

Other improvements to consider include:

- Applying lease approval procedures uniformly across technologies. Current federal procedures route renewable-energy leases through a slower, elevated review tier, which can inadvertently penalize Tribes whose location or resource base makes solar plus battery storage the most viable option, particularly Tribes in remote regions where pipeline or transmission expansion is impractical or cost-prohibitive.

As described in our testimony, even when a Tribe's HEARTH leasing regulations are approved, individual projects on Tribal land still trigger separate federal permits, including NEPA, the National Historic Preservation Act, the Endangered Species Act, and the Clean Water Act. Each of these permits has its own review process, comment period, and possibility for litigation. Congress should consider:

- Categorical exclusions for Tribal energy infrastructure projects that meet defined siting and impact thresholds, particularly for projects sited on previously developed reservation land or that replace existing infrastructure without a net increase in generation or change in fuel source.
- Allowing Tribal HEARTH-approved environmental review processes to satisfy additional federal review requirements when a project is fully sited within Tribal jurisdiction.
- Expanding HEARTH Act coverage to include energy storage, transmission infrastructure, microgrid components, and supporting facilities.

In December 2023, BIA finalized new fee-to-trust regulations that established a 120-day deadline for the Department to issue a decision once a complete application package is in place.[8] However, the 120-day timeline only starts after BIA accepts the application as complete. There is no deadline on the pre-acceptance itself. Congress should consider establishing a reasonable deadline for the Department to either accept an application as complete or issue a definitive list of remaining deficiencies. Additionally, Congress should review whether the new presumption that on-reservation and contiguous fee-to-trust acquisitions have minimal adverse impacts on state and local governments is being applied as intended.[9]

[8] Land Acquisitions Final Rule, 88 Fed. Reg. 86249 (Dec. 12, 2023); Bureau of Indian Affairs, *Indian Affairs announces new regulations to improve fee-to-trust process* (press release, Dec. 2023).
[9] 25 C.F.R. § 151.10 (presumption of minimal adverse impact for on-reservation and contiguous fee-to-trust acquisitions); Land Acquisitions Final Rule, 88 Fed. Reg. 86249, 86254 (Dec. 12, 2023).

Congress created the TERA framework in 2005, and expanded it in 2018, to allow Tribes to enter into leases, business agreements, and rights-of-way for energy resource development on Tribal land without additional Secretarial approval.[10] The Congressional Research Service noted that "although a handful of tribes initiated the [TERA] process after the passage of ITEDSA 2005, no tribes entered into a TERA."[11] On January 30, 2026, more than two decades after the framework was created, the Southern Ute Indian Tribe submitted the first proposed TERA, which remains under review.[12] That a single Tribe has reached the submission stage in 21 years, with no completed agreements to date, illustrates that the process remains too burdensome, expensive, and impractical. Congress should examine targeted statutory amendments to improve the framework's usability.

As mentioned, many of the delays we have described (including HEARTH Act review, fee-to-trust processing, NEPA review, and energy project approvals) reflect not only procedural complexity but also understaffing at BIA's local, regional, and headquarter offices. Statutory deadlines and process reforms will only be effective if BIA has the personnel capacity to meet them. Congress should pair the procedural reforms above with appropriations and staffing authorizations that expand BIA's energy and realty workforce.

**4. Lengthy NEPA timelines, delays, and duplicative federal review can derail projects before construction even begins. You reviewed the SPEED Act and said several of its provisions could provide meaningful relief. Can you explain why you support SPEED and which provisions would matter most for tribes trying to build energy infrastructure?**

The Colusa Indian Community and Colusa Indian Energy support the SPEED Act because it would help ensure that tribes can develop energy projects on trust lands without the burden of duplicative reviews, numerous studies, and litigation risk. The most important provisions for tribal energy development recognize prior tribal or comparable reviews, narrow the scope of NEPA analysis to effects directly attributable to the project, prevent agencies from constantly reopening the record, protect tribal trust-resource decisions from outside legal challenges, and treat the 'no action' alternative on tribal trust lands as carrying real consequences rather than as a neutral default.

**5. One tribal-specific SPEED provision you highlighted is the bill's treatment of the "no action" alternative on tribal trust lands. From your perspective, why is that tribal provision so important?**

It corrects a structural asymmetry in how NEPA is applied on tribal trust lands. Many Tribes face an everyday reality of energy poverty, unreliable power (or no power at all, in some cases),

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[10] Mariel J. Murray, *Tribal Energy Resource Agreements (TERAs): Approval Process and Selected Issues for Congress*, Cong. Rsch. Serv. R46446, pp. 1, 5 (updated July 26, 2021); Indian Tribal Energy Development and Self-Determination Act Amendments of 2017, P.L. 115-325 (signed Dec. 31, 2018).

[11] Murray, Tribal Energy Resource Agreements (TERAs), CRS R46446, p. 5 (updated July 26, 2021) (further noting at p. 19, n. 99, that as of June 7, 2021, CRS confirmed via personal communication with IESC staff that no tribe has entered into a TERA).

[12] Indian Energy Service Center; Receipt of Tribal Energy Resource Agreement for the Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado, 91 Fed. Reg. 8017 (Feb. 19, 2026) (FR Doc. 2026-03309), https://www.federalregister.gov/documents/2026/02/19/2026-03309 (announcing receipt by the Department of the Interior on January 30, 2026, of the first final proposed TERA submitted under the framework).

dependence on outside utilities, and missing out on significant economic development opportunities that owning their energy generation assets could provide.

When an agency does not act on a Tribally initiated project, the project dies for lack of approval, and there is no formal record, rationale, or appeal process. As such, no action effectively functions as a decision to deny the project. The presumption of negative impact included in the SPEED Act would ensure agencies are required to formally acknowledge that selecting "no action" carries consequences, which would align NEPA practice with the federal trust responsibility.[13]

**6. You've also been candid that the SPEED Act does not solve every problem. Leasing bottlenecks and other federal approvals still remain. Several parts of the SPEED Act would provide meaningful relief.**

**a. For tribes trying to build energy infrastructure, is passing the SPEED Act a meaningful and worthwhile step, even as Congress continues working on additional reforms?**

Yes. It is a meaningful and worthwhile step because it would make federal review of tribal energy projects more predictable, reduce duplicative processes, and reduce the risk of delaying tribal projects to the point of failure. However, while it is an important first step, it is not a complete solution, because many of the biggest tribal barriers arise from leasing, rights-of-way, title, and other Interior and BIA approvals that exist alongside NEPA.

**b. Beyond the SPEED Act, what additional reforms should Congress examine to make tribal energy development more efficient?**

Our recommendations are detailed throughout the responses above. The reforms in our response to the leasing-approval question (strengthening the HEARTH Act 120-day timeline; reducing duplicative permits after HEARTH approval; adding pre-acceptance deadlines to the fee-to-trust process; and reinvigorating the Tribal Energy Resource Agreement framework; and expanding BIA personnel capacity to process these reviews) would meaningfully improve tribal energy development. Beyond leasing, the federal review processes described in our response to the first question, including the July 2025 Departmental Review Procedures memorandum, EPA delegation under the Clean Air Act, and FERC's interconnection queue, also warrant Congressional attention. On EPA delegation, Congress should examine restoring DITCA funding and shortening Treatment-as-a-State and Tribal Implementation Plan approval timelines. On grid interconnection, Congress should encourage FERC to complete action on the Alliance for Tribal Clean Energy's pending rulemaking petition (Docket RM24-9), which would establish tribal-specific interconnection procedures.

[13] H.R. 4776, Standardizing Permitting and Expediting Economic Development Act ("SPEED Act"), 119th Cong. (2025-26), https://www.congress.gov/bill/119th-congress/house-bill/4776/text. See also H. Comm. on Nat. Res., *SPEED Act Report*, H.R. Rep. No. 119-395; Bipartisan Policy Center, *What's in the SPEED Act?*, https://bipartisanpolicy.org/issue-brief/whats-in-the-speed-act/.