



Partnering with Utilities for Infrastructure Development

PRACTICAL CONSIDERATIONS FOR
THE WHY, WHERE, AND WHEN



ARTICLES
OF
AGREEMENT AND CONFEDERATION,
BETWEEN THE
United States of North America
AND THE
DELAWARE NATION.

ARTICLES of AGREEMENT and CONFEDERATION, made and entered into by Andrew and Thomas Lewis, Esquires, Commissioners for, and in Behalf of the United States of North-America of the one Part, and Capt. White Eyes, Capt. John Kill Buck, junior, and Capt. Pipe, Deputies and Chief Men of the Delaware Nation of the other Part.

ARTICLE I.
THAT all offences or acts of hostilities by one, or either of the contracting parties against the other, be mutually forgiven, and buried in the depth of oblivion, never more to be had in remembrance. All offences mutually forgiven.

ARTICLE II.
That a perpetual peace and friendship shall from henceforth take place, and subsist between the contracting parties aforesaid, through all succeeding generations: and if either of the parties are engaged in a just and necessary war with any other nation or nations, that then each shall assist the other in due proportion to their abilities, till their enemies are brought Peace and friendship perpetual. In case of war, each party to assist the other.



The Delaware Tribe of Indians

ARTICLE VI.

United States guarantees to them all territorial rights as bounded by former treaties.

Whereas the enemies of the United States have endeavored, by every artifice in their power, to possess the Indians in general with an opinion, that it is the design of the States aforesaid, to extirpate the Indians and take possession of their country: to obviate such false suggestion, the United States do engage to guarantee to the aforesaid nation of Delawares, and their heirs, all their territorial rights in the fullest and most ample manner, as it hath been bounded by former treaties, as long as they the said Delaware nation shall abide by, and hold fast the chain

of friendship now entered into. And it is further agreed on between the contracting parties should it for the future be found conducive for the mutual interest of both parties to invite any other tribes who have been friends to the interest of the United States, to join the present confederation, and to form a state whereof the Delaware nation shall be the head, and have a representation in Congress: Provided, nothing contained in this article to be considered as conclusive until it meets with the approbation of Congress. And it is also the intent and meaning of this article, that no protection or countenance shall be afforded to any who are at present our enemies, by which they might escape the punishment they deserve.

To have a representation in Congress on certain conditions.

In witness whereof, the parties have hereunto interchangeably set their hands and seals, at Fort Pitt, September seventeenth, anno Domini one thousand seven hundred and seventy-eight.

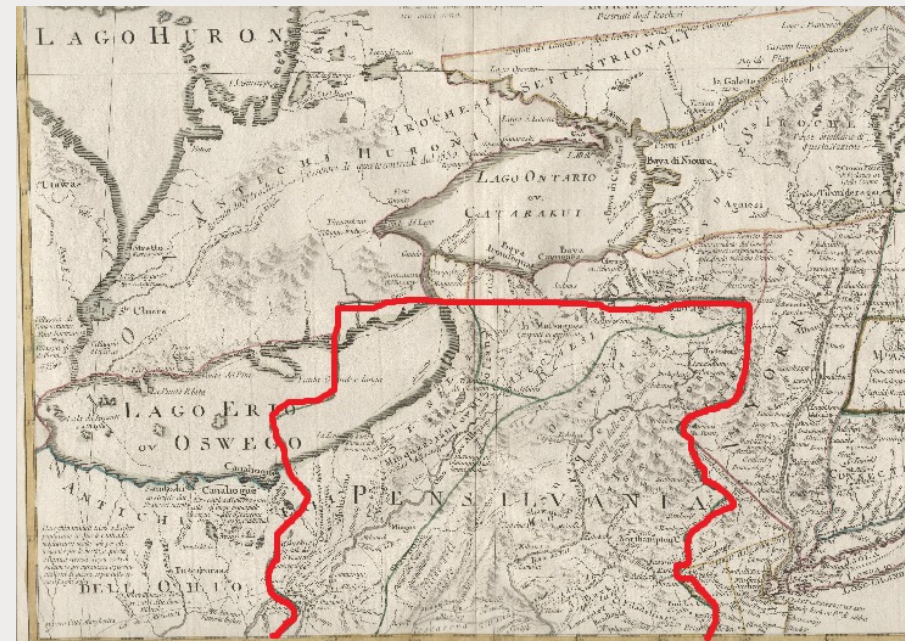
| | |
|-----------------------------|---------|
| Andrew Lewis, | [L. S.] |
| Thomas Lewis, | [L. S.] |
| White Eyes, his x mark, | [L. S.] |
| The Pipe, his x mark, | [L. S.] |
| John Kill Buck, his x mark, | [L. S.] |

Treaty of Fort Pitt, 1778

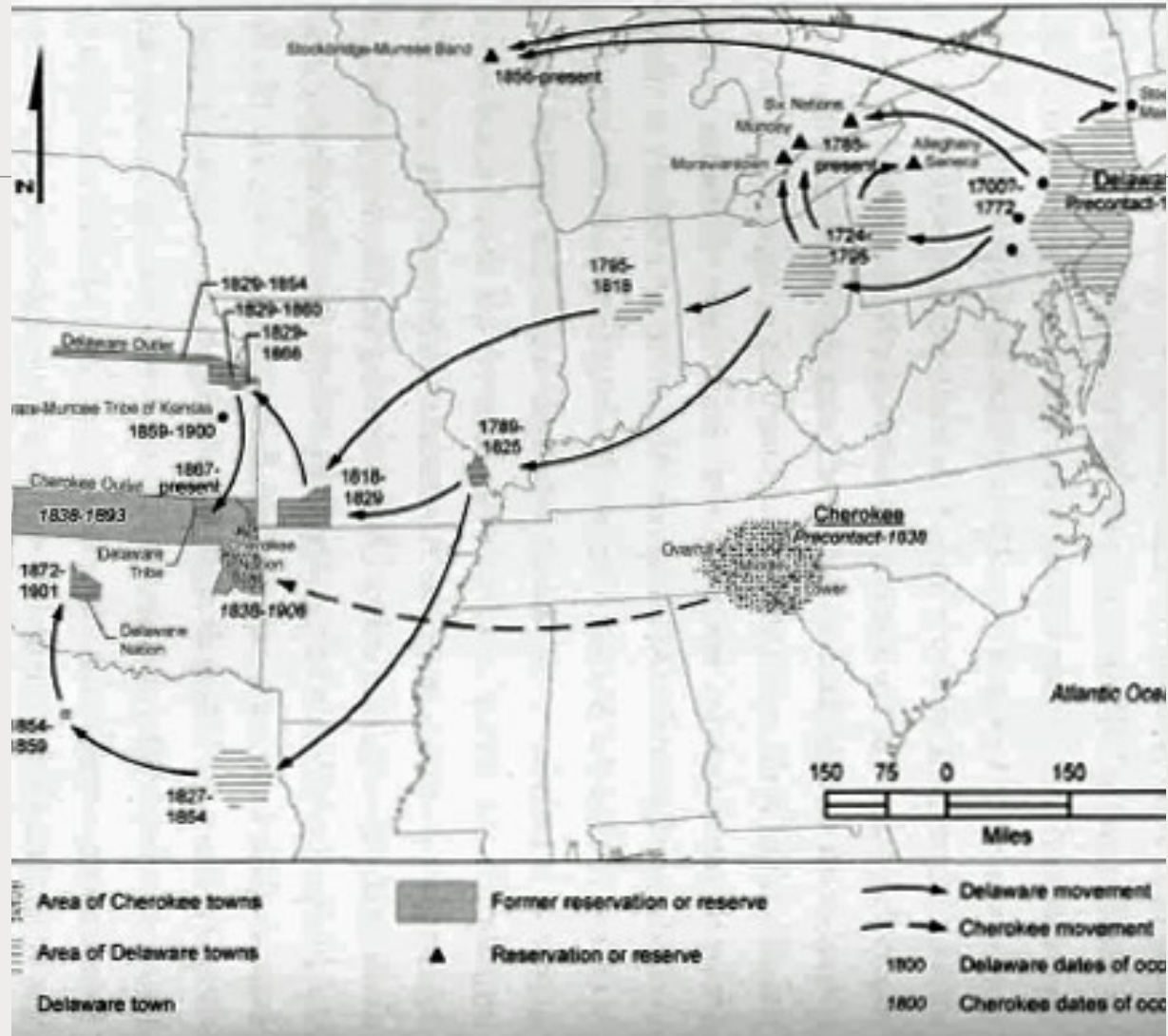
Treaty of Fort Pitt



Original Lenni Lenape Land Base



Lenni Lenape Land Base 1778



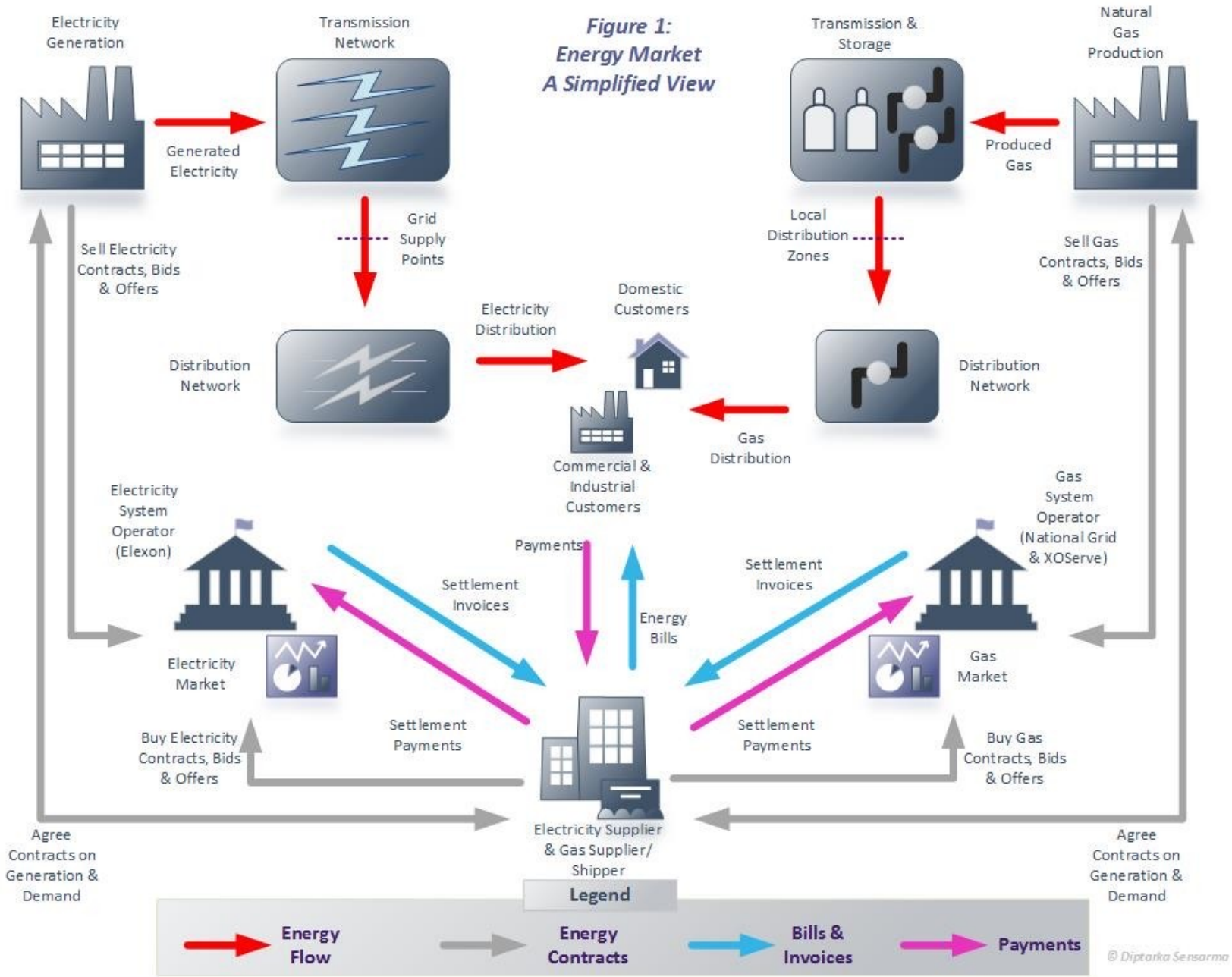
The Delaware Tribe Today



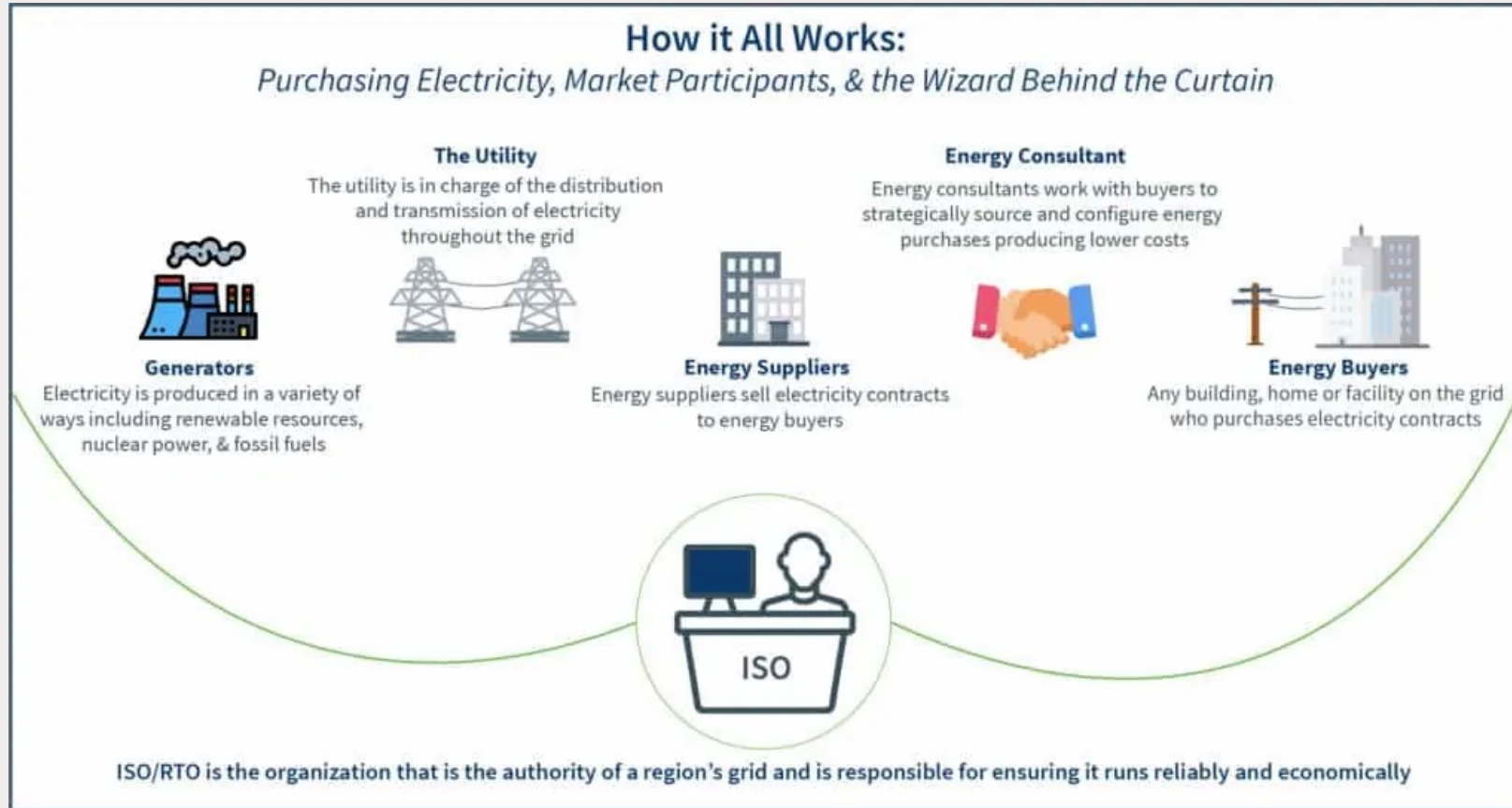
Delaware Tribe of Indians Today
Bartlesville, OK



Energy Markets 101



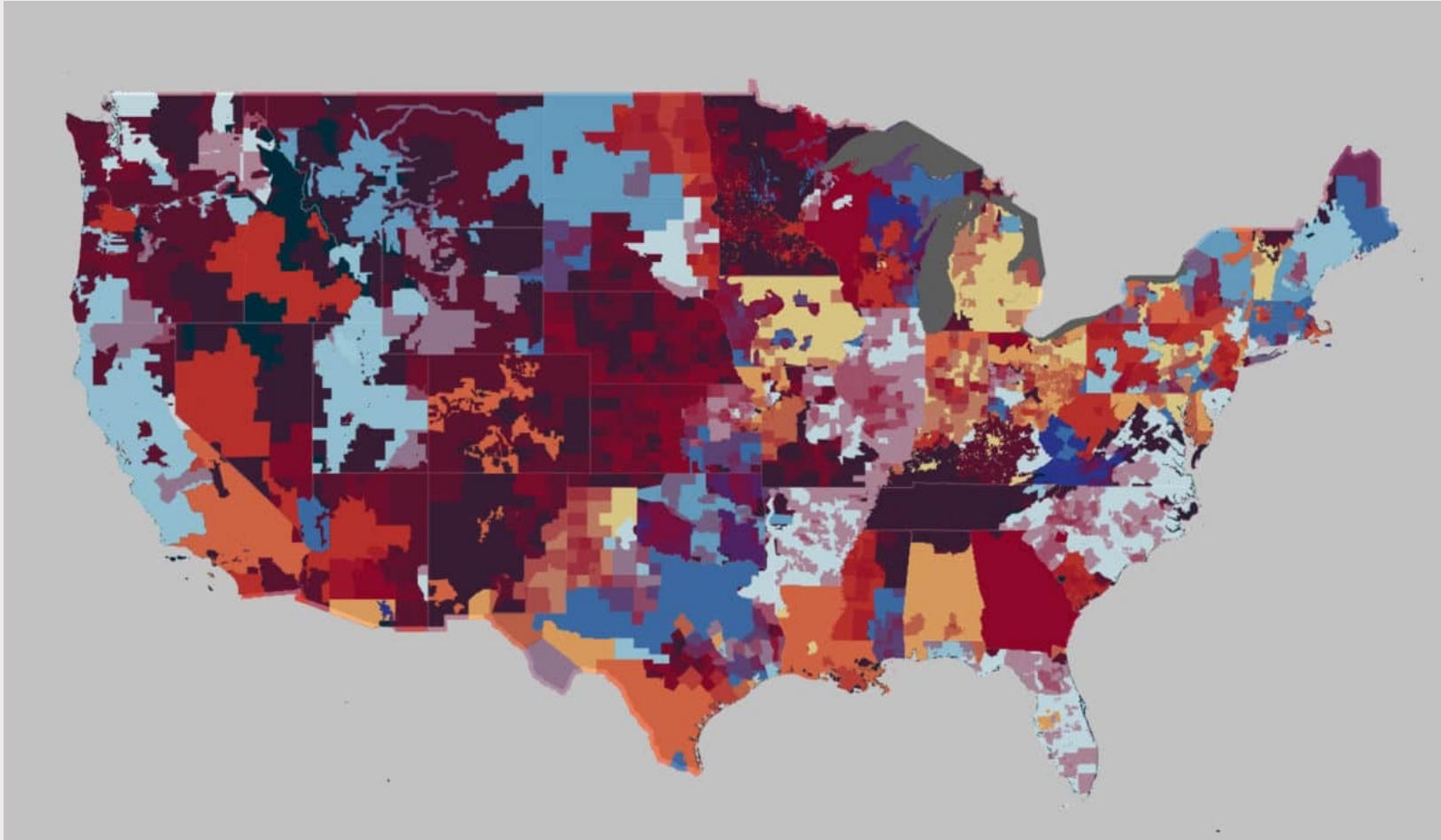
Electric Power Markets



Electric Power Markets



Utilities and Electricity Suppliers

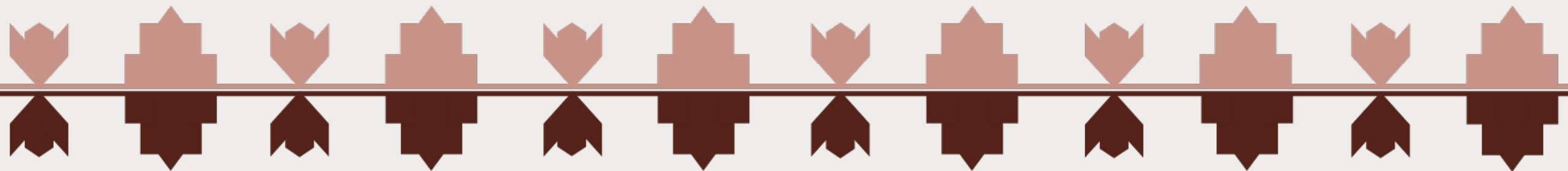


Types of Utilities

Counties served by U.S. utilities, by type of ownership (2017)



WHY,
WHERE, and
WHEN to Partner...



WHY should
we partner with
a utility?



It provides a strategic opportunity to ensure that projects are built within our communities and in ways that center Tribal concerns and goals.

Why Should We Partner?

Secure a
Seat at the
Table



Develop
Tribal
Projects



Go Beyond
Consultation

- Inclusion in Regional and Federal Systems Planning
 - E.g., FERC's Joint Federal-State Task Force on Electric Transmission
- Bring development onto Tribal lands for Tribal purposes

- Projects can be local or commercial, on- or off-reservation
- Create direct lines of communication with developers, utilities, and power markets
 - E.g., effecting a utility's RFP and due diligence processes

- Tribal Nations are not simply ***impacted*** entities, we are ***implementing businesses and governments***.

Why Should Tribes Partner?

To leverage the utility's industry knowledge and processes

- **Positive network effects:**

- Relationships with state and federal regulatory relationships
- Access to developers
- More efficient permitting and planning

- **Access to Third Party Experts and Resources:**

- Tribes DO NOT need to handle everything in House
- Identification of essential financing, design, and development resources

- **Allows Tribal Focus to Remain on Key Components of Tribal Capacity:**

- Develop governmental capacity – relevant departments, systems, and laws
- Set and drive touchstones for development – e.g., community benefit, location and method of generation, job availability and training
- Identification and reporting for special federal funding opportunities

Why Should Utilities Partner?

To efficiently meet new market standards and demands

- **Greenhouse Gas and Carbon Reduction Standards**

- 24 states plus the District of Columbia have adopted specific greenhouse gas reduction targets to address climate change
- Policies include carbon pricing, emission limits, renewable portfolio standards, and steps to promote cleaner transportation
- Federal funds and programs also specifically aimed at carbon reduction

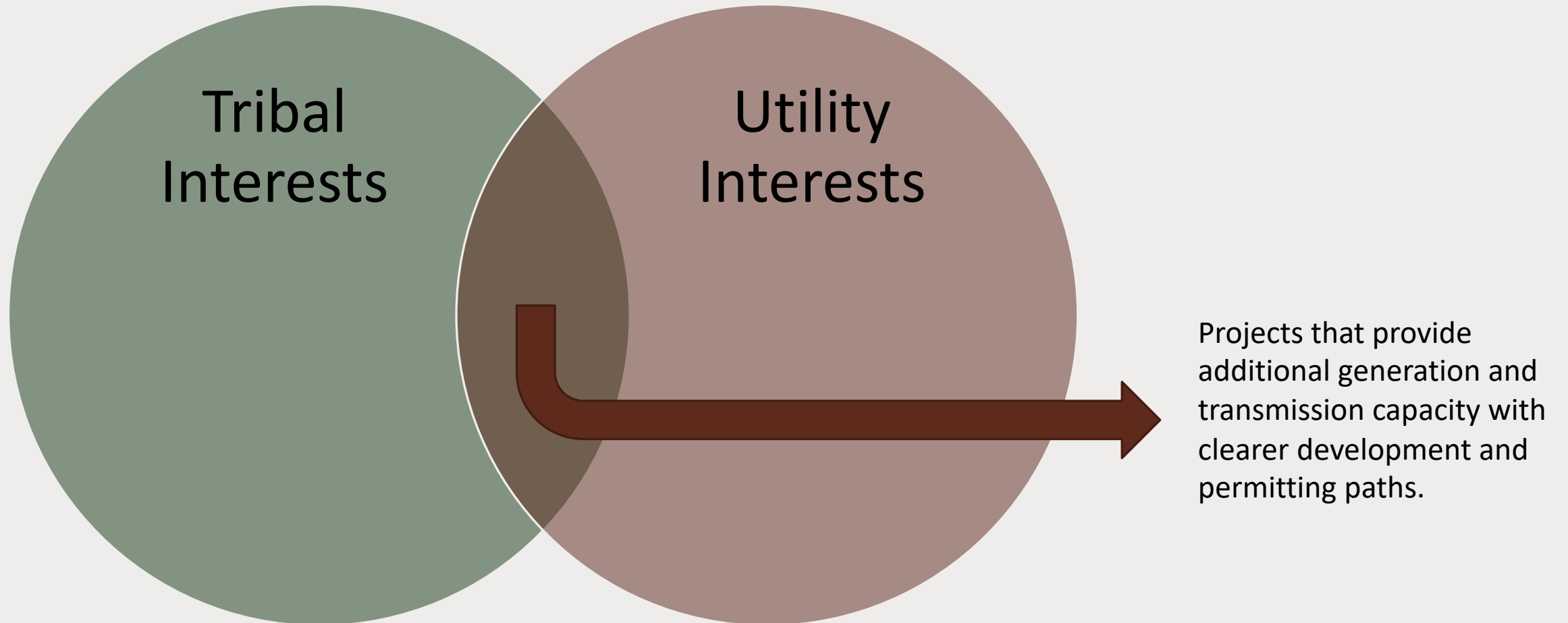
- **Permitting Efficiencies and Meeting Equity Metrics**

- Tribal regulation can provide opportunity for development
- Tribal involvement in developments impacting Tribal Nations can increase permitting efficiency
- Solving for ESG and EJ issues on the front end of projects
- Justice 40 for access to federal funding

- **Access to Unique Federal Funding Opportunities:**

- Myriad programs are targeted at Tribal Nations

Partnership



Projects that provide additional generation and transmission capacity with clearer development and permitting paths.

WHERE

should we
partner with a
Utility?



Partnering with utilities can take place both within and outside of Tribal lands for both local and commercial projects.

WHERE geographically...

- Both on- and off-reservation
 - Do not limit yourself
 - Commercial energy is an ecosystem

WHERE in the energy market...

- On the electric side, know your:
 - ISO/RTO
 - Utility and/or Energy Suppliers

- On the gas side, know your:
 - Local Distribution Company (LDC)
 - Natural Gas Supplier

- Identify Key Generation and Transmission Resources on or near your Reservation
 - Negotiations for Rights of Way for Transmission and Gas
 - Permitting or re-licensing for generation facilities

WHEN should we partner with a Utility?



There are a variety of access points for partnership and various areas where Tribes can develop capacity starting now.

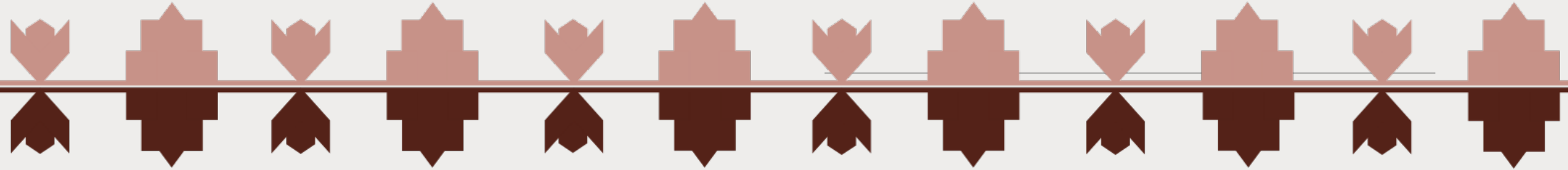
WHEN in the development and permitting process...

- Negotiating ROWs across Tribal lands and Reserermitting of facilities that impact Tribal lands and resources
- System planning at the utility, regional, and federal levels, e.g.,
 - Utility Integrated Resource Plans (IRPs)
 - Miso Transmission Expansion Planning (MTEP)
 - FERC Joint Federal-State Task Force
- Utility issued RFPs
- Developing commercial generation on Tribal lands
- Reviewing energy demands and needs within our communities

What to do now...

- **Assess Existing and Potential Energy Infrastructure and Resources**
 - NREL - Tribal Energy Atlas
 - TAAMs (Tribal Asset and Accounting Management System)
- **Establish Tribal Governmental Infrastructure**
 - Tribal Utility
 - Tribal regulatory entities that can interact with utilities as well as PHMSA (Pipeline Hazardous Materials Safety Administration) and NERC (North American Electric Reliability Corporation)
- **Identify, use (and aggregate) federal funding**

Wanishi!



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