



PUYALLUP TRIBE OF INDIANS



August 12, 2025

Interagency Clean Energy Siting Coordinating Council
Washington State Department of Ecology
Subject: 2025 Legislative Report Draft Recommendations

Dear Council Members,

The Puyallup Tribe of Indians appreciates the opportunity to comment on the Interagency Clean Energy Siting Coordinating Council's July 2025 draft recommendations. While the draft contains several positive steps toward better engagement with Tribal governments, there are significant areas where changes are needed to protect treaty rights, cultural resources, and environmental safeguards.

Our key comments are as follows:

1. Oppose categorical SEPA exemptions

The Puyallup Tribe is opposed to any categorical SEPA exemptions.

Categorical SEPA exemptions for the projects covered by this report are inappropriate and contrary to SEPA's intent and the clear language of the statute. Therefore, the final recommendations should not include categorical exemptions under SEPA. SEPA is one of the strongest tools for evaluating environmental impacts and protecting fish habitat and treaty resources. Without it, there is no guaranteed process to identify, review, and address site-specific impacts before a project moves forward. A statewide programmatic SEPA review is not an adequate substitute, as impacts vary widely from place to place and require site-specific analysis.

2. Use consistent language that treats Tribes as governments

The draft should consistently refer to "Tribal governments" and list us alongside "state and local governments," not group us with the public or other stakeholders. This accurately reflects our sovereign status and the government-to-government relationship required under state and federal policy.

3. Ensure predictable, direct funding for Tribal project review

Funding for Tribal participation in clean energy siting must be consistent, reliable, and directly accessible to Tribal governments. It should not rely on competitive grants or be tied to individual project applications. This funding should support legal, technical, environmental, and cultural staff capacity needed to review and respond to proposals.

4. Require Tribal review when treaty rights or cultural resources may be affected

Projects that could impact treaty-reserved rights, usual and accustomed areas, or culturally significant resources must not proceed without meaningful review by affected Tribal governments. Agencies should coordinate directly with Tribes to determine appropriate review processes and timelines.

5. Prioritize Tribal clean energy projects

Tribal governments should be recognized and supported as clean energy leaders. This includes targeted funding, technical assistance, and streamlined permitting for Tribal-led or co-developed projects. Consider establishing a Tribal Clean Energy Innovation Fund to help launch projects that support energy sovereignty and climate resilience.

6. Include explicit protection of treaty rights

The recommendations should clearly state that clean energy siting must respect and protect treaty rights, including hunting, fishing, and gathering in usual and accustomed areas. Agencies and developers must demonstrate up front that proposed projects will not interfere with these rights.

7. Clarify that public engagement is not Tribal consultation

General community engagement does not replace formal consultation with Tribal governments. Consultation is a separate, government-to-government process that must follow each Tribe's protocols and occur on timelines that work for the Tribe.

8. Strengthen the "Improve Tribal Engagement and Consultation" section

The recommendations should direct agencies to:

- Follow each Tribe's established consultation process as a legal and ethical obligation.
- Build respectful, consistent, and culturally appropriate government-to-government relationships.
- Support Tribes in identifying priorities through tribally led, equitable, and collaborative processes.

We request that these changes be incorporated into the final recommendations to ensure the state's clean energy siting policies uphold treaty rights, respect Tribal sovereignty, and protect the resources that sustain our people and all Washington residents.

Thank you for the opportunity to provide these comments. We look forward to continued engagement on this important work.

Sincerely,



Bill Sterud, Tribal
Chairman Puyallup Tribal
Council