

Cheyenne River Sioux Tribe  
Crow Creek Sioux Tribe  
Flandreau Santee Sioux Tribe



Oglala Sioux Tribe  
Rosebud Sioux Tribe  
Standing Rock Sioux Tribe  
Yankton Sioux Tribe

**THE OCETI SAKOWIN POWER AUTHORITY  
STATEMENT OF INTEREST IN PARTICIPATING IN  
THE NATIONAL RENEWABLE ENERGY LABORATORY'S  
PROCESS FOR IDENTIFYING  
INTERREGIONAL RENEWABLE ENERGY ZONES**

**June 3, 2022**

The Oceti Sakowin Power Authority (OSPA) commends the U.S. Department of Energy (DOE) and the National Renewable Energy Laboratory (NREL) for their multiple initiatives that promise fixes to the long-neglected national power grid. Of these various initiatives, none is more important to Indian Tribes than NREL's efforts to identify interregional renewable energy zones – for decades, both Democratic and Republican administrations have repeated the need for new transmission corridors to bring renewable energy from the location of the greatest production resources to the load centers that need the energy. Nowhere is the need for such corridors more evident than in the nation's Upper Great Plains region – the indisputable source of the strongest and most reliable on-land wind resources in the country. And nowhere is the need for such new infrastructure greater than in the areas serving Indian reservations – generations of inadequate investment have left Tribes isolated from the U.S. power grid, and unable to develop the copious wind and solar resources they possess.

By this Statement, OSPA confirms that its seven member Sioux Tribes have the desire to develop their renewable energy resources, and through OSPA and other Tribal organizations, have the means to accomplish such development. Below, OSPA provides further detail, including its past work with NREL to identify renewable resources on the reservations of its member Tribes.

**1. BACKGROUND – THE OCETI SAKOWIN POWER AUTHORITY**

The Oceti Sakowin Power Authority (pr. O-chet-ee sha-KO-wee) was formed by seven Sioux Tribes that share territory with the states of South and North Dakota – the Cheyenne River, Crow Creek, Flandreau Santee, Oglala, Rosebud, Standing Rock and Yankton Sioux Tribes – and is owned 100% by these seven Tribes. OSPA is the first Indian-owned developer in the U.S. with a mandate to build wind and solar renewable energy projects exclusively on Tribal lands. OSPA is a federally-chartered "Section 17" corporation, formed pursuant to 25 U.S.C. § 477, and was certified by the U.S. Department of the Interior on June 24, 2015.

Starting in 2017, OSPA partnered with Apex Clean Energy, one of the country's most experienced developers of wind and solar energy projects. In addition, since last year, OSPA has been supported by Apple, Inc. which accepted OSPA into its "Impact Accelerator" program. We are now developing our first two projects: the 450 MW Ta'teh Topah wind farm on the Cheyenne River Reservation, and the 120 MW Pass Creek wind farm on the Oglala Pine Ridge Reservation.

## **2. THE OSPA IS MANDATED TO DEVELOP RENEWABLE ENERGY ON THE RESERVATIONS OF ITS MEMBER TRIBES TO THE GREATEST EXTENT POSSIBLE**

The OSPA Charter sets an expansive set of goals for OSPA to accomplish:

For the Member Tribes to come together to collectively overcome past challenges they have faced when trying to develop their renewable energy resources on their own for the benefit of their Tribes and to promote Tribal economic development and the self-sufficiency of their Tribes and their enrolled members . . . .

This mandate is reflected in the Resolutions of the member Tribes when they adopted the OSPA Charter: “[The member Tribes] have joined together to form the Oceti Sakowin Power Project, wherein these [seven] Tribes will combine their wind resources and other assets to build a utility-scale, 1-2 Gigawatt wind power generation and transmission system that will sell green power to out-of-state buyers ....”

- Crow Creek Sioux Tribe, Resolution No. CC-15-04-09-04 (April 9, 2015)
- Cheyenne River Sioux Tribe, Resolution No. 89-2015-CR (March 4, 2015)
- Flandreau Santee Sioux Tribe, Resolution No. 15-50 (June 2, 2015)
- Oglala Sioux Tribe, Resolution No. 16-49 (May 18, 2015)
- Rosebud Sioux Tribe, Resolution No. 2015-103 (October 15, 2015)
- Standing Rock Sioux Tribe, Resolution No. 109-15 (March 3, 2015)
- Yankton Sioux Tribe, Resolution No. 2015-06 (April 10, 2015)

## **3. LACK OF CAPACITY IN THE NATIONAL GRID IN AREAS SERVING THE OSPA MEMBER TRIBES HAS PROVEN TO BE AN INSUPERABLE BARRIER TO FULL DEVELOPMENT OF TRIBAL RENEWABLE ENERGY RESOURCES**

OSPA’s first two wind projects are severely limited by the lack of adequate transmission capacity. OSPA is now developing 570 MW of power – 450 MW on the Cheyenne River Reservation and 120 MW on the Oglala Sioux Pine Ridge Reservation. Both Tribes have the wind resources and the desire to develop much more, but the size of these initial projects has been limited by the transmission capacity that is available on the existing transmission system.

For another OSPA member Tribe – the Rosebud Sioux Tribe, analysis of transmission capacity conducted by OSPA and Apex determined that no transmission capacity currently is available to the sites containing the Tribe’s best wind resources. For this Tribe, the inadequacy of the national grid means that no utility-scale renewable energy development can be undertaken without the construction of new transmission.

OSPA’s Chairman of the Board, Lyle Jack of the Oglala Sioux Tribe, has described the OSPA goal of developing clean energy among the OSPA member Tribes to the greatest extent possible: “We are currently evaluating solar and wind projects at Yankton, Crow Creek and Standing Rock.” But this goal is

itself restricted by the existing available transmission capacity available to the OSPA Tribes – with adequate investment in the national grid, OSPA estimates that its member Tribes could generate 5 GW or more.

**4. NREL HAS ALREADY WORKED WITH THE OSPA MEMBER TRIBES, AND HAS CONFIRMED EXCEPTIONAL WIND RESOURCES – THREE YEARS OF ACTUAL WIND MEASUREMENT STUDIES ON TWO RESERVATIONS HAVE CONFIRMED THE QUALITY OF THE WIND RESOURCES**

a. NREL’s Analysis of Selected Sites on OSPA Member Tribes’ Reservations Identifies Massive Developable Wind Resources

In 2016, both NREL and the Western Area Power Administration (WAPA) conducted studies of wind resources and available transmission on 15 sites specified by the Crow Creek, Cheyenne River, Flandreau Santee, Rosebud, Oglala, Standing Rock and Yankton Sioux Tribes. The NREL study concluded that the sites could support 3,224 MW of installed capacity, assuming the installation of standard 2 GW turbines at 100 meters. The WAPA study, however, concluded that most of the sites were located far from WAPA transmission lines – on average about 20 miles – and that the available capacity on the transmission line would only cover about 20% of the wind farm capacity identified by NREL. The only exception to this rule were the smaller Tribes with reservations adjacent to a WAPA dam. For these sites, WAPA transmission lines were close and had substantial available transmission capacity, but the Tribes have very little lands available for development. Copies of the NREL and WAPA studies are attached.

Importantly, these studies only reviewed sites that were contiguous lands wholly owned by the Tribe. For all OSPA member Tribes, their reservations are made up of a patchwork of three different classes of land – Tribally-owned tracts, 100% owned by a Tribe; Allotted tracts, owned by one or more individual Indians and held in trust by the U.S. government; and Fee tracts, which may be owned by Indians or non-Indians. The reservations of the OSPA member Tribes are heavily “checker-boarded” with combinations of all three classes of land tracts, and so a wind farm built entirely on-Reservation will likely include all three types of land. When Allotted and Fee tracts are considered in addition to Tribally-owned tracts, the quantity of wind resources that can be developed increases exponentially.

b. Wind Studies Conducted at the Ta’teh Topah and Pass Creek Sites by Apex/OSPA Confirm that the Tribes Possess Superior Wind Resources

As mentioned above, OSPA is currently developing 570 MW of power – 450 MW on the Cheyenne River Reservation and 120 MW on the Oglala Sioux Pine Ridge Reservation. Preliminary modeling for both sites indicate wind speeds of 8.4 to 8.9 m/s at 98 meters, and P50 net capacity factors over 50% assuming a GE 3.03MW/140RD turbine. The smaller 120 MW project on Pine Ridge will interconnect to a WAPA transmission line less than 5 miles from the site, but the lack of available capacity on that line severely constrained the overall size of the project. For the larger 450 MW project on Cheyenne River, we will be building a 35+ mile transmission line that will cross the Missouri River to tap into a Basin Electric 345 kV line.

**5. FEDERAL DEVELOPMENT OF NATIONAL GRID CAPACITY ADEQUATE TO SUPPORT THE DEVELOPMENT OF TRIBAL RENEWABLE ENERGY RESOURCES IS CONSISTENT WITH THE BIDEN/HARRIS ADMINISTRATION’S “JUSTICE40 INITIATIVE”, AND IS REQUIRED BY THE FEDERAL TRUST RESPONSIBILITY**

On January 27, 2021, the Biden/Harris Administration announced its “Justice40 Initiative” for “delivering 40 percent of the overall benefits of relevant federal investments to disadvantaged communities...” This straightforward statement of the Administration’s policy is intended to honor the federal government’s obligations to Indians and Tribes under the federal trust responsibility.

The U.S. Government Accountability Office (GAO) succinctly describes the federal trust responsibility: “In a 2016 law, Congress noted that ‘through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a unique trust responsibility to protect and support Indian tribes and Indians.’” GAO goes on to note that federal legislation expressly recognizes that the federal trust responsibility applies to the support of commercial energy development on Tribal lands. U.S. Government Accountability Office, *Tribal Energy: Opportunities Exist to Increase Federal Agencies’ Use of the Tribal Preference Authority*, GAO 19-359, at page 2 (April 2019).

**6. CONCLUSION**

OSPA greatly appreciates the commitment of DOE and NREL to begin to fix the profound deficiencies in the U.S. national power grid, and your outreach to Tribes to participate in that process. OSPA looks forward to doing so, and we are at your disposal if we can provide any additional information or materials.

Respectfully submitted,



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