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

Potential Designation of the	**)**	
Tribal Energy Access	**)**	**DOE–HQ–2024–0088**
National Interest Electric	**)**	
Transmission Corridor	**)**	

THE OCETI SAKOWIN POWER AUTHORITY

PHASE 3 INFORMATION SUBMISSION IN SUPPORT OF DESIGNATION OF THE POTENTIAL TRIBAL ENERGY ACCESS NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDOR

February 14, 2025

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Table of Contents

Table of Figures

Attachments

THE OCETI SAKOWIN POWER AUTHORITY

PHASE 3 INFORMATION SUBMISSION
IN SUPPORT OF
DESIGNATION OF THE POTENTIAL
TRIBAL ENERGY ACCESS
NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDOR

The Oceti Sakowin (pr. O-CHET-ee Sha-KO-wee) Power Authority (OSPA) makes the following Phase 3 Information Submission in support of designating the Tribal Energy Access National Interest Electric Transmission Corridor (NIETC), in response to the proposal released by the U.S. Department of Energy's (DOE) Grid Deployment Office (GDO) on December 16, 2024.

OSPA is grateful to DOE for recognizing the importance of prioritizing the deployment of extra high voltage (EHV) transmission to the Sioux Indian Tribes that reside within the EHV transmission desert of western South Dakota and surrounding areas. OSPA's extensive and recent experience has shown that the current lack of access to the national power grid constitutes an insuperable barrier to the development of the prodigious energy assets the Tribes possess.

Along with OSPA, numerous commenters, including individual Tribal leaders, multi-Tribal organizations, South Dakota State legislators representing Tribes, and public interest organizations have spoken in favor of DOE's proposal to identify transmission paths that transit the largest Tribal reservations in the Upper Great Plains as high priority areas for transmission development. OSPA is also grateful for the continuing refinement of the NIETC transmission routes by the GDO in response to concerns raised by OSPA and other interested stakeholders.

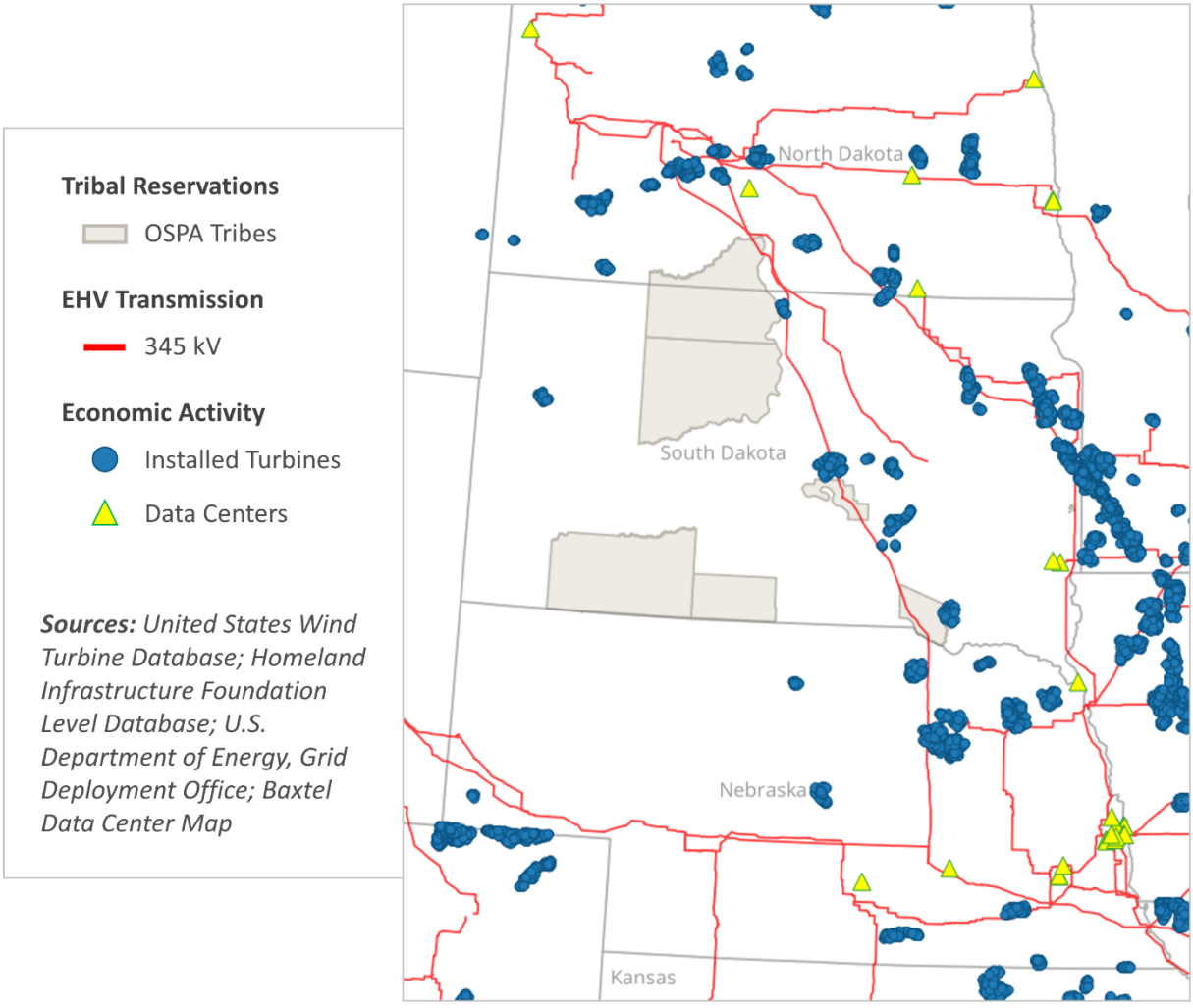
On June 24, 2024, OSPA submitted extensive comments in the Phase 2 Information round of the NIETC designation process and so will limit these comments to a brief update and expansion of the June 24 comments. OSPA offers these comments for the purpose of proposing additional refinements to the potential Tribal Energy Access NIETC, and also to establish definitions that will clarify what Tribal Energy Access means, to ensure that the goal of supporting the development of Tribal energy assets can be achieved.

I. Introduction: The Evolving Design of the Proposed NIETC, and the Transmission Project Being Planned by OSPA, WAPA, Basin Electric and the Southwest Power Pool

A. Background: The EHV Transmission Desert of Western South Dakota

For the past several years, OSPA has been seeking a solution to an egregious flaw in the national power grid – what OSPA calls the EHV transmission desert of western South Dakota. OSPA has shown that a 40,000 square mile area, encompassing all of South Dakota west of the Missouri River, and extending into southern North Dakota, eastern Montana and Wyoming, and northwestern Nebraska, currently is devoid of 345 kV transmission. This area is home to most of the OSPA member Tribes, including four of the country's largest reservations by land area – 115 kV lines serve as the "backbone transmission" across these reservations. OSPA has shown that this transmission desert equates to an economic development desert – the map below shows that data centers and wind turbine deployments follow 345 kV lines, and virtually none exist in "West River" South Dakota.

Figure 1: The Transmission/Economic Development Desert of Western SD



OSPA has described in detail how the lack of EHV transmission across the reservations of its member Tribes has become an absolute barrier to the development of the Tribes' energy resources and other forms of economic development, and solving this problem has become OSPA's #1 priority. OSPA is grateful to DOE for hearing OSPA on this issue and responding by proposing the possible establishment of a National Interest Energy Transmission Corridor in the area as a means of starting to address the problem.

B. The TRIBES Project and Its Unprecedented Design Team

In its June 24 comments, OSPA reported that it has become part of an unprecedented team that is designing a regional 345 kV EHV grid upgrade across and between the reservations of four OSPA member Tribes – the Cheyenne River, Oglala, Rosebud, and Standing Rock Sioux Tribes. These are among the largest reservations by land area in the country, and the proposed transmission route for this regional upgrade spans the full expanse of western South Dakota, and extends north into North Dakota and west into Wyoming. The team has named this the Great Plains Transmission and Renewable Interstate Bulk Electric System (TRIBES) Transmission Project.

The team consists of OSPA; the Western Area Power Administration (WAPA) – the country's largest federal Power Marketing Administration (PMA); Basin Electric Power Cooperative – the country's largest energy cooperative, with facilities serving nine states across the Upper Great Plains and the west; and the Southwest Power Pool, currently the country's second largest Regional Transmission Organization (RTO), which will become the country's largest RTO next year when additional WAPA and BEPC service areas join SPP. For two years, OSPA has been working with WAPA and BEPC, and over the last year, SPP, to design and seek funding/financing for the TRIBES Project.

OSPA is not an expert in transmission planning but has learned from its interactions with GDO and the TRIBES Transmission Project team members that transmission planning inherently is an iterative process. Below, OSPA briefly describes changes over the last year that have led it to recommended revisions to the NIETC design it initially proposed, and the need to include additional flexibility into any final designation of the Tribal Energy Access NIETC.

C. New Developments: The North Plains Connector and the SPP 2024 ITP Portfolio

There is consensus in the industry that additional capacity is needed in the north/south corridor from North Dakota to Nebraska and Wyoming to alleviate current congestion and curtailment and to meet new demand. This need for north/south capacity was extensively documented in the 2024 Transmission Needs Study.[1] The need for north/south transmission capacity became even more urgent with the proposed development of the North Plains Connector, "an approximately 420 mile and up to 525 kilovolt high voltage direct current (HVDC) transmission line connecting the U.S. Eastern and Western electric grids in Montana and

[1] See discussion in OSPA June 24, 2024 comments at 20-22 and *passim*.

North Dakota."[2] That project won the support of a Grid Resilience and Innovation Partnership (GRIP) grant of $700 million, awarded by DOE last year – a development that was lauded by the Governors of Montana and North Dakota:

> "Access to a steady supply of affordable and reliable energy is critical for communities across Montana and the United States," Gov. Gianforte said. "Through this investment, we're upgrading and modernizing Montana's electrical transmission infrastructure to power our homes, schools, and businesses. I'm grateful to the Montana Department of Commerce for making this a top priority."[3]
>
> * * *
>
> "North Dakota welcomes this investment in transmission infrastructure to ensure a resilient and reliable power grid. Still, in order to meet growing consumer demand for electricity and support economic expansion, we need to add transmission capacity AND build upon our existing baseload generation – not try to shut it down," Burgum said. "The North Plains Connector project will create a critical link between electricity markets and regions, support our all-of-the-above energy approach and contribute to national energy security. . . ."[4]

This very welcome development will increase both grid capacity and demand in the region, and the regional utilities are planning for upgrades to north/south grid corridors to accommodate the anticipated new demand.

Part of this new north/south capacity was addressed by SPP in its Integrated Transmission Planning (ITP) process last year, which added the Laramie-New Underwood-Maurine-Belfield 345 kV line to the SPP 2024 ITP portfolio in October 2024.[5] While this new line will not address the transmission desert across the reservations of the OSPA member Tribes, it will bring needed congestion relief in a corridor along the western South Dakota/Wyoming border.

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[2] https://northplainsconnector.com.

[3] Montana.Gov, Official State Website: "*Governor Gianforte, Department of Commerce Announce $700 Million To Increase Power and Regional Grid Reliability.*" https://news.mt.gov/Governors-Office/Governor_Gianforte_Department_of_Commerce_Announce_700_Million_To_Increase_Power_and_Regional_Grid_Reliability

[4] Official Website of the State of South Dakota: "*Burgum welcomes $700M to boost regional power grid capacity, reliability with North Plains.*" https://www.nd.gov/news/burgum-welcomes-700m-boost-regional-power-grid-capacity-reliability-north-plains-connector

[5] Southwest Power Pool, *Joint Stakeholder Briefing,* October 28, 2024, at slide 32. https://www.spp.org/documents/72566/2024-10-28%20joint%20briefing%20agenda%20&%20materials.pdf

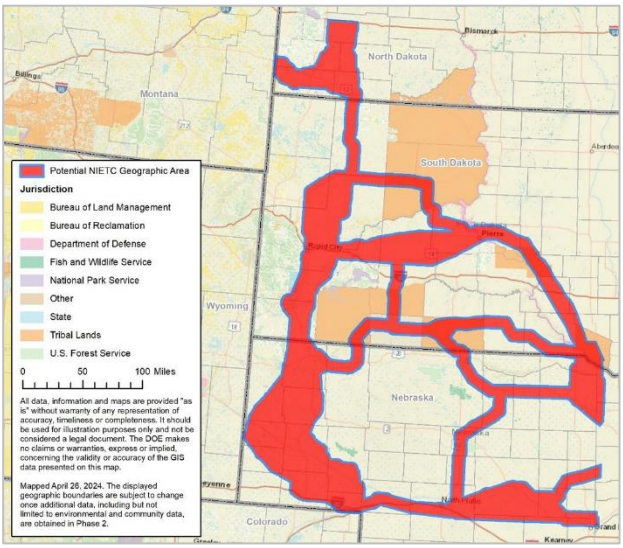
II. The Revised Transmision Plan for the TRIBES Project Calls for More Flexibility than OSPA Originally Anticipated

A. The Two Big Transmission Developments in 2024 Support Revisions to NIETC and the TRIBES Project Design Plans

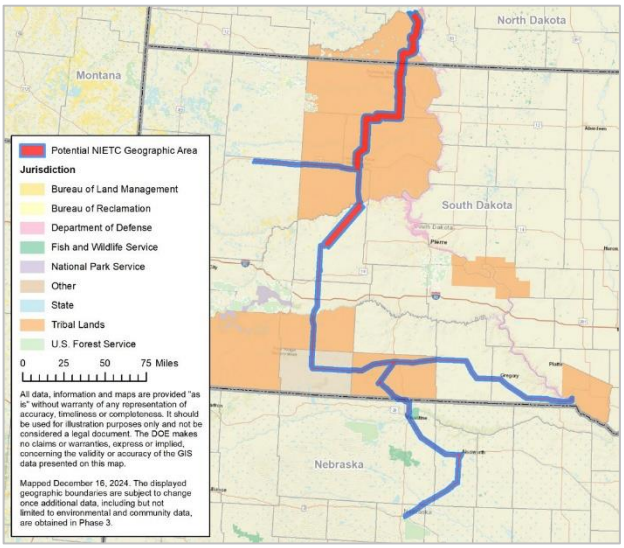
OSPA greatly appreciates the redesign of the Northern Plains NIETC to the Tribal Energy Access NIETC – the changes from the original design to the current iteration are sown below.

Figure 2: Original Northern Plans Versus Current Tribal Energy Access NIETCs

A. Northern Plains NIETC



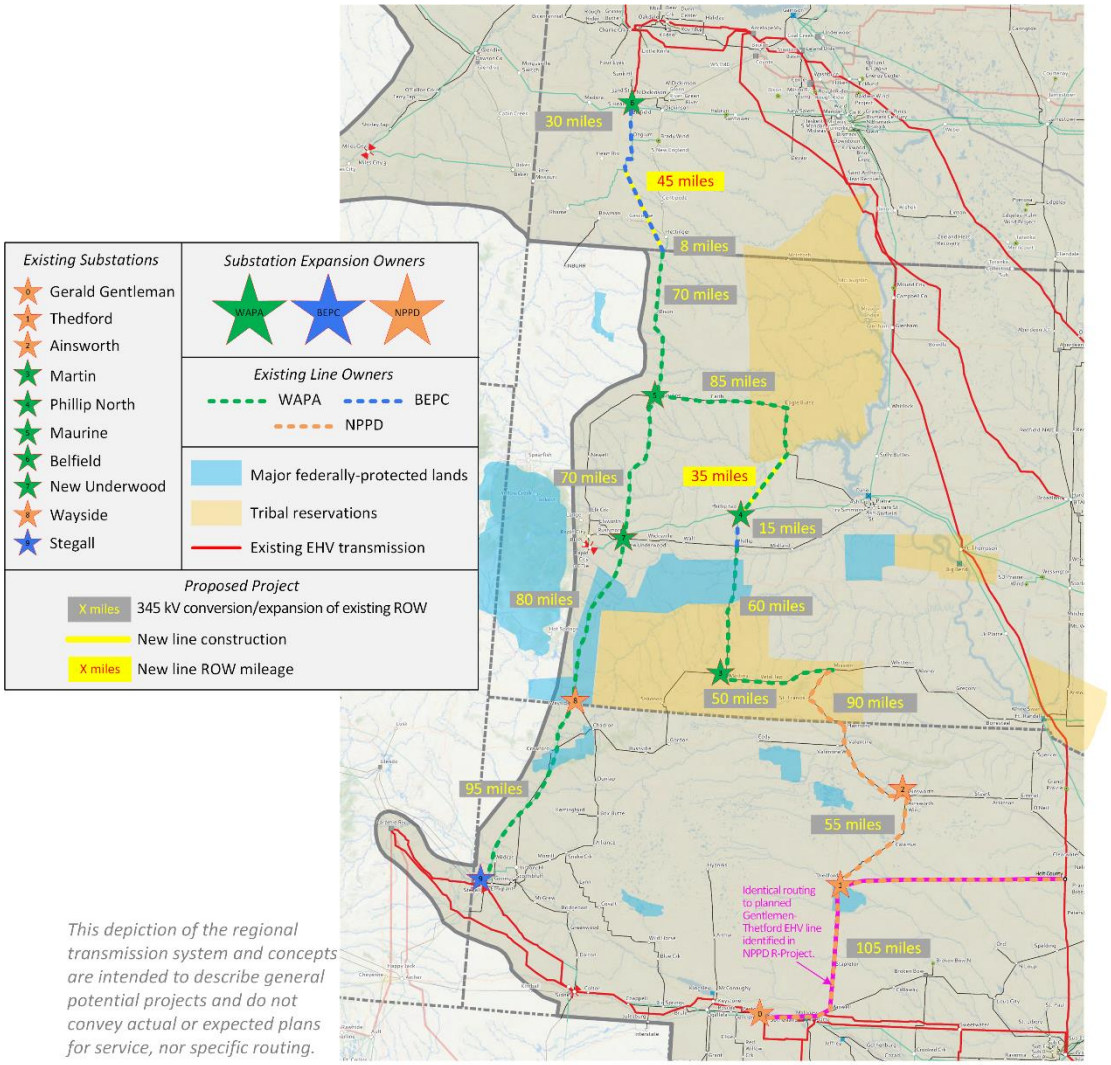
B. Tribal Energy Access NIETC



The transformation of the Northern Plains NIETC to the Tribal Energy Access NIETC is the appropriate response to the two big transmission developments in this region – the GRIP funding of the North Plains Connector and the inclusion of the Laramie-Belfield 345 kV line in the SPP 2024 ITP portfolio. The Tribal Energy Access NIETC addresses the need for new capacity to handle the expected new north/south energy demand expected from the North Plains Connector, while providing the capacity needed to allow the Tribes to develop their energy resources. And the addition of the Laramie-Belfield line to the SPP portfolio, allows the prioritized transmission corridor to shift east, directly through the reservations of the four Tribes. This is a highly targeted, highly efficient means of achieving the goals set out in the NIETC program – incenting the development of grid upgrades where they are most needed.

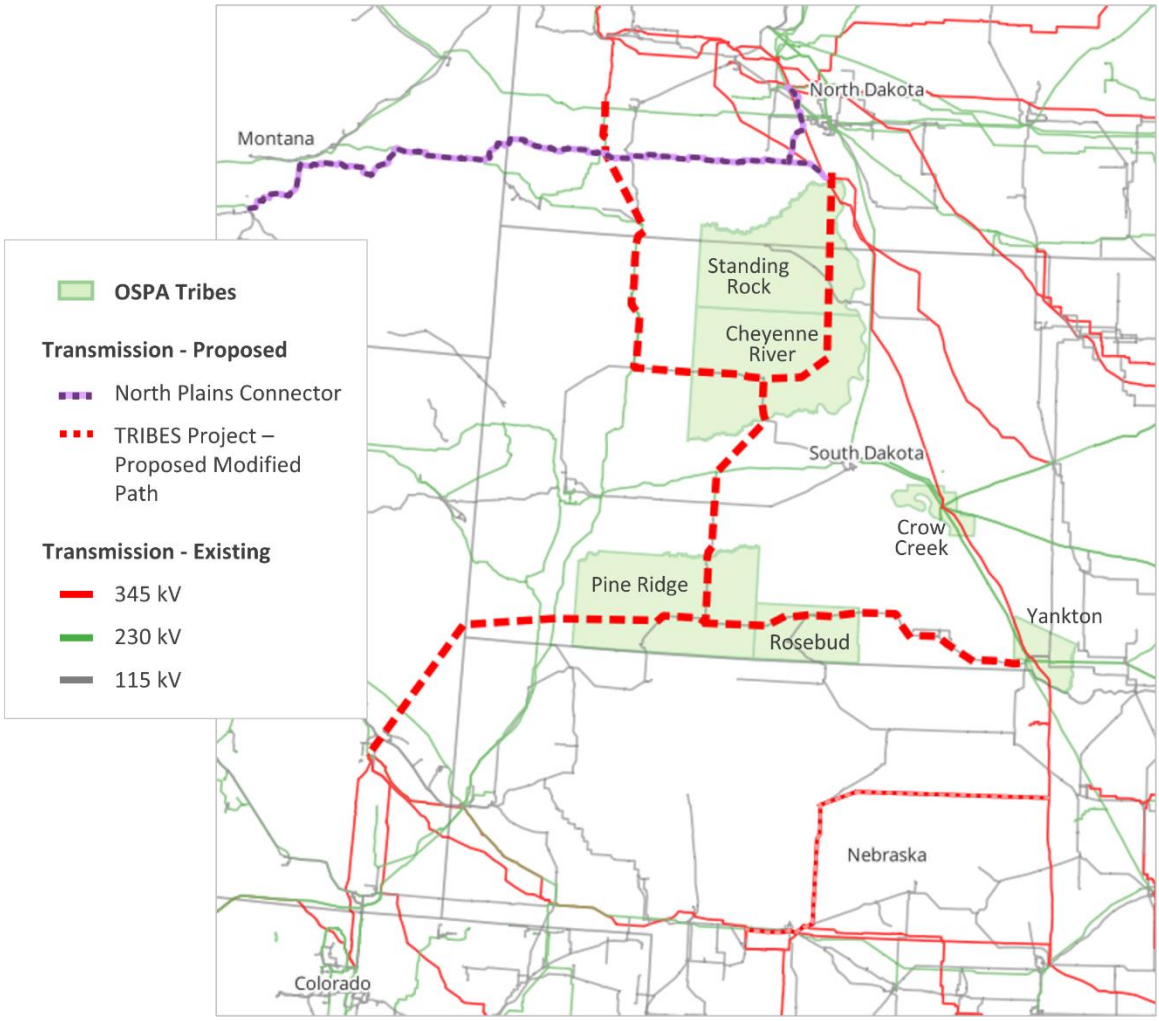
OSPA and the other members of the TRIBES Project team are in the process of redesigning the TRIBES route to respond to these same two developments. The original TRIBES Project design tried to strike a cost-effective balance between the need for north/south congestion relief along the western SD border, while providing adequate service to the Tribes. See the original project design in Figure 3 below.

Figure 3: Original TRIBES Transmission Route



But the Laramie-Belfield line calls for a revision to this design and allows a significant shift of the Project to the east, to more directly serve Tribal energy and economic development needs. Moreover, the eastward shift allows the TRIBES Project to connect directly to the proposed substation at St. Anthony, North Dakota, a hub near the eastern terminus of the North Plains Connector. These developments create the opportunity for an extremely efficient design that provides north/south congestion relief, while bringing 345 kV lines through some of the Tribal reservations with the greatest energy and economic development potential. The current plan for the TRIBES Transmission Project is shown in Figure 4 below. It includes a modified path for the western Laramie-Belfield line and a new path to the east to address the impact of the North Plains Connector on the grid in the Dakotas.

Figure 4: Current Iteration of TRIBES Project Map



B. These 2024 Developments Call for More Flexibility than OSPA Anticipated

OSPA considers the two big 2024 transmission project advancements in the region to be very positive developments because they allow OSPA and the TRIBES Project team to redesign the TRIBES transmission routes in a way that more directly and cost-effectively serves the OSPA member Tribes. However, this redesign does add a new element of uncertainty – while the old design made extensive use of existing transmission rights of way across the Tribal lands, the extension of the transmission project into the northeastern area of the Cheyenne River Reservation and across the Standing Rock Reservation will require substantial greenfield construction. While both Tribes are fully supportive of this development, the selection of the optimal new transmission paths will require active involvement of the Tribes, the Tribes' Historic and Cultural Preservation Officers and community outreach. These essential processes mean that we can't identify the new transmission routes on those two reservations with certainty at this time.

Designation of the Tribal Energy Access NIETC remains of utmost importance to the Tribes, and OSPA has already started the process of engaging the Tribes and the TRIBES Project team to begin the transmission planning and siting process as soon as possible. This planning process will necessarily consider a number of factors – cultural and wildlife surveys of the proposed routes are of course paramount. The Tribes will also want to maximize the deployment of new transmission across Tribally owned land or Allotted Trust tracts owned by Tribal members, in order to maximize right-of-way payments to the Tribe and Tribal members. Finally, we will consult extensively with the Tribes' Economic Development Committees to accommodate any development plans the Tribes may have, including social/cultural projects, economic development and energy generation projects.

OSPA is fully supportive of the general intent of the Tribal Energy Access NIETC as depicted in the GDO map, but recommends that the areas for new greenfield development that cannot utilize existing transmission rights of way be expanded to ensure that any transmission sited within the proposed NIETC meets Tribal goals, priorities and preferences. OSPA recommends widening the northern NIETC route that runs through the Standing Rock Reservation to the middle of the Cheyenne River Reservation to accommodate a number of possible alternative routes – compare potential route across those reservations depicted in Figure 2(B) with that in Figure 4. If widening this portion of the NIETC area is not workable at this stage, OSPA asks that GDO Staff plan for potential changes in the proposed transmission routes – particularly on the Cheyenne River and Standing Rock Reservations – that may be required as the planning process is conducted by OSPA, the Tribal Offices and the TRIBES Project team – and accommodate such changes resulting from this Tribally driven routing and siting process.

III. Definitional Issues: How to Ensure that Transmission Projects Developed Within the NIETC will Achieve the Goal of Providing Tribal Energy Access

OSPA reiterates its gratitude to OSPA Staff for revising the potential NIETC into the Tribal Energy Access NIETC – you have heard the Tribes, and have been fully responsive to our concerns. Moreover, in light of the fact that other big transmission projects to the north, west and south of the Tribes are making progress, it is particularly important that the Tribal lands be specifically identified for prioritized transmission development.

As OSPA has noted in previous comments, the availability of the Transmission Facility Financing (TFF), and Transmission Facilitation Program (TFP) financing programs, may be particularly important to incenting the type of transmission development that is critically needed for the Tribes. Assuming that the potential Tribal Energy Access NIETC is finalized, however, this raises an issue that we have not focused on specifically before: how to ensure that transmission projects developed within the NIETC, and made eligible for TFF/TFP financing and expedited permitting, are projects that provide access to Tribal energy generation projects?

OSPA recommends that GDO adopt some general guidelines that will provide guidance to potential TFF/TFP applicants, while providing enough flexibility to include novel projects. In

general, a transmission project should be deemed to support Tribal energy access if any of the following criteria are met:

- The transmission project is wholly or in substantial part located on Tribal land, and has the demonstrated approval of the affected Tribe(s), via a Tribal Council resolution or other action demonstrating Tribal support.

- A Tribe, a group of Tribes, or a Tribal Energy Development Organization is a part of the transmission project team (directly involved in designing, funding/financing, project development, project construction, project operation and/or project ownership).

- The transmission will carry energy generated on Tribal lands and allow for the point of interconnection to be within the exterior boundaries of the Tribal reservation, and has the demonstrated approval of the affected Tribe(s).

- Other demonstrations of direct benefits to the Tribe(s) stemming from the transmission project (*i.e.* long-term revenue sharing, provision of service to Tribal institutions or businesses approved by the Tribe, enabling the development of new businesses, such as data centers).

Transmission projects that merely pay the Tribe right-of-way or lease fees, or short-term payments, should not be deemed to meet this standard.

IV. The Tribal Energy Access NIETC Map Depicts the Jurisdictional Status of Bennett County as "Other" Rather than "Tribal" – This Is an Error that Must Be Corrected

OSPA's Phase 2 comments, filed June 24, 2024, contained Section III(A), entitled "The Map Must Be Changed to Show the Correct Boundaries of the Oglala Pine Ridge Reservation." That 6-page section quotes and cites federal court cases and federal maps from the U.S. Department of the Interior and Census Bureau and other sources that definitively establish that Bennett County is a part of the Pine Ridge Reservation. OSPA will not repeat those sources here, but refers to its June 24, 2024 comments by reference.

In its latest NIETC map[6], however, GDO continues to depict Bennett County as other than the Oglala Sioux Tribe Pine Ridge Reservation. The map's key shows color coding that purports to reflect the jurisdiction of the land at issue – the Pine Ridge Reservation is coded as "Tribal Land" but Bennett County is shown in a different color that identifies its jurisdiction as "Other." See Figure 2B above.

The jurisdictional data reflected in the GDO NIETC maps appears to come from the U.S. Department of the Interior's Bureau of Land Management (BLM) databases, specifically the Surface Management Agency Geographic Information System. However, as OSPA

[6] "NIETC map" in this case refers generally to the PDF-formatted maps distributed by GDO with its December 2024 NIETC announcement and to the NIETC depiction on the interactive online mapping tool - https://gem.anl.gov/tool/.

demonstrated in its June 24 comments, the characterization of Bennett County as other than Oglala Sioux Tribal land is flatly contradicted by legal precedent established in a 1995 federal court case that supported the position of the U.S. Department of the Interior that Bennett County is part of the Pine Ridge Reservation,[7] and which is currently reflected in Bureau of Indian Affairs maps, as well as Census Bureau maps.[8] In light of the explicit and repeated precedent on this matter, it is impermissible to accept BLM land jurisdiction website data to support a position to the contrary, particularly given the following admonition on the BLM website: "These data are provided by Bureau of Land Management (BLM) "as is" and might contain errors or omissions. . . . These data are neither legal documents nor land surveys, and must not be used as such."[9]

V. Conclusion

OSPA thanks GDO Staff for the opportunity to provide this Information Submission regarding the Tribal Energy Access NIETC. We are at your disposal if we can provide any additional information or materials.

Respectfully submitted,

/s/ Lyle Jack

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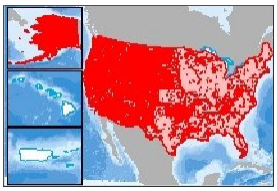
[7] OSPA June 24, 2024 comments at 6-9, citing *State of South Dakota v. the U.S. Department of the Interior*, 69 F. 3d 878 (8th Cir. 1995) *vacated and remanded to Department of Interior* 519 U.S. 919 (1996).
[8] OSPA June 24, 2024 comments at 9.
[9] U.S. Bureau of Land Management, "*BLM National SMA Surface Management Agency Area Polygons*" at page 1 (emphasis added). Note, this page was obtained by using the interactive map from the Argonne National Laboratory – Geospatial Energy Mapper (GEM) at https://gem.anl.gov/tool/ – and downloading the metadata associated with the Federal Land (Surface Management Agency) layer that is activated when viewing the Phase 3 Potential NIETCs. A PDF copy of the page, with the above-quoted language highlighted, is appended to this document as Attachment 1.

ATTACHMENT 1

Excerpt from Metadata for the Bureau of Land Management
Surface Management Agency (SMA) Geographic Information System (GIS)

BLM National SMA Surface Management Agency Area Polygons



Tags

Alaska, Arizona, Cadastre Theme, California, Colorado, Eastern States, Federal Land Stewardship, Federal Lands, Federal Surface Management, Geospatial, Idaho, Land Status, Land Use Planning, Lands, Management, Montana, National Geospatial Data Asset, Nevada, New Mexico, NGDA, NGDAID-188, Oregon, Ownership, planningCadastre, Public Land, SMA, Surface Management Agency, United States, Utah, Western States, Wyoming

Summary

The purpose of this dataset is to fulfill the public and Government's need to know what agency is managing Federal land in a given area, and for use by BLM Staff for use in analysis and reports. This dataset is useful as a tool to determine and illustrate the boundaries of a particular Federal agency's "managing" area and to quantify these areas in terms of geographic acreage.

Description

The Surface Management Agency (SMA) Geographic Information System (GIS) dataset depicts Federal land for the United States and classifies this land by its active Federal surface managing agency. The SMA feature class covers the continental United States, Alaska, Hawaii, Puerto Rico, Guam, American Samoa and the Virgin Islands. A Federal SMA agency refers to a Federal agency with administrative jurisdiction over the surface of Federal lands. Jurisdiction over the land is defined when the land is either: Withdrawn by some administrative or legislative action, or Acquired or Exchanged by a Federal Agency. This layer is a dynamic assembly of spatial data layers maintained at various federal and local government offices. The GIS data contained in this dataset represents the polygon features that show the boundaries for Surface Management Agency and the surface extent of each Federal agency's surface administrative jurisdiction. SMA data depicts current withdrawn areas for a particular agency and (when appropriate) includes land that was acquired or exchanged and is located outside of a withdrawal area for that agency. The SMA data do not illustrate land status ownership pattern boundaries or contain land ownership attribute details. The SMA Withdrawals feature class covers the continental United States, Alaska, Hawaii, Puerto Rico, Guam, American Samoa and the Virgin Islands. A Federal SMA Withdrawal is defined by formal actions that set aside, withhold, or reserve Federal land by statute or administrative order for public purposes. A withdrawal creates a title encumbrance on the land. Withdrawals must accomplish one or more of the following: A. Transfer total or partial jurisdiction of Federal land between Federal agencies. B. Close (segregate) Federal land to operation of all or some of the public land laws and/or mineral laws. C. Dedicate Federal land to a specific public purpose. There are four major categories of formal withdrawals: (1) Administrative, (2) Presidential Proclamations, (3) Congressional, and (4) Federal Power Act (FPA) or Federal Energy Regulatory Commission (FERC) Withdrawals. These SMA Withdrawals will include the present total extent of withdrawn areas rather than all of the individual withdrawal actions that created them over time. A Federal SMA agency refers to a Federal agency with administrative jurisdiction over the surface of Federal lands. Jurisdiction over the land is defined when the land is either: Withdrawn by some administrative or legislative action, or Acquired or Exchanged by a Federal Agency. This layer is a dynamic assembly of spatial data layers maintained at various federal and local government offices. The GIS data contained in this dataset represents the polygon features that show the boundaries for Surface Management Agency and the surface extent of each Federal agency's surface administrative jurisdiction. SMA data depicts current withdrawn areas for a particular agency and (when appropriate) includes land that was acquired or exchanged and is located outside of a withdrawal area for that agency. The SMA data do not illustrate land status ownership pattern boundaries or contain land ownership attribute details.

Credits

Bureau of Land Management

Use limitations

These data are provided by Bureau of Land Management (BLM) "as is" and might contain errors or omissions. The User assumes the entire risk associated with its use of these data and bears all responsibility in determining whether these data are fit for the User's intended use. The information contained in these data is dynamic and may change over time. The data are not better than the sources from which they were derived, and both scale and accuracy may vary across the data set. These data might not have the accuracy, resolution, completeness, timeliness, or other characteristics appropriate for applications that potential users of the data may contemplate. The User is encouraged to carefully consider the content of the metadata file associated with these data. These data are neither legal documents nor land surveys, and must not be used as such. Official records may be referenced at most BLM offices. Please report any errors in the data to the BLM office from which it was obtained. The BLM should be cited as the data source in any products derived from these data. Any Users wishing to modify the data should describe the types of modifications they have performed. The User should not misrepresent the data, nor imply that changes made were approved or endorsed by BLM. This data may be updated by the BLM without notification. The SMA data contained in this dataset are extracted from Federal land status records. The official Federal land status records of the appropriate surface land managing agency should be consulted concerning ownership details including interest in the federal subsurface mineral estate. The geographic acreages contained in this dataset are not derived from legal documents associated with title documents or survey records. Rather, they are computed by mathematical programs.

Extent

West -179.144809 **East** 179.774913
North 71.389488 **South** 17.673760

Scale Range

Maximum (zoomed in) 1:5,000
Minimum (zoomed out) 1:100,000

Topics and Keywords

THEMES OR CATEGORIES OF THE RESOURCE planningCadastre

CONTENT TYPE Downloadable Data
EXPORT TO FGDC CSDGM XML FORMAT AS RESOURCE DESCRIPTION No

PLACE KEYWORDS Alaska, Arizona, California, Colorado, Eastern States, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Wyoming

THESAURUS
TITLE BLM-STATE

PLACE KEYWORDS United States, Western States

THESAURUS
TITLE NONE