



Guidance for successful Tribal engagement

Guidance for energy infrastructure developers in working effectively with Minnesota's Tribal governments

July 2025

(Adopted from MN DOT Indian Country Guidance Manual – revised February 2020)

List of acronyms and abbreviations

BIA	Bureau of Indian Affairs
DOC	Department of Commerce
EA	Environmental Assessment
EIS	Environmental Impact Statement
EQB	Environmental Quality Board
MIAC	Minnesota Indian Affairs Council
MnDOT	Minnesota Department of Transportation
MNTEC	Minnesota Tribal Environmental Council
NATHPO	National Association of Tribal Historic Preservation Officers
PUC	Minnesota Public Utilities Commission
TACE	Tribal Advisory Council on Energy
TERO	Tribal Employment Rights Ordinance or Office
THPO	Tribal Historic Preservation Officer

Introduction

This resource is intended for use by energy infrastructure permitting applicants seeking permits in the state of Minnesota. The document provides technical guidance and information on how to engage effectively with Tribal governments in Minnesota, ensuring that applicants conduct their work in a consistent manner that meets the expectations of relevant permitting authorities, in compliance with applicable statutes and laws.

The information contained here was developed by agency staff in coordination with Tribal Nations. Technical guidance may change over time, and information will be added or updated as it becomes available. Applicants may contact Tribal liaisons at the Public Utilities Commission (PUC), Department of Commerce (COMM), or the Environmental Quality Board (EQB) with questions that are not addressed within this guidance document.

Note that this guidance document uses the term “Indian” rather than “Native American.” “Indian” is generally the term used in the law. Use of the term “Indian” is also used on Minnesota’s reservations. Generally, you may expect to hear the terms “Indian,” “American Indian,” or “Native American.” If an individual expresses a preference for one term over the other, you should respect that preference.

When must an applicant interact with Tribal governments?

Under the Minnesota Energy Infrastructure Permitting (EIP) Act, [Minn. Stat. § 216I](#), a utility company, developer, or other entity intending to build a transmission line or power generation resource – including solar, wind, energy storage, and high-voltage transmission lines – under the jurisdiction of the Public Utilities Commission, has a legal requirement to engage with Tribal governments in Minnesota before and during the permitting process.

The statute describes actions that applicants must take related to interaction with Tribal governments. The purpose of this policy is to develop and maintain collaborative relationships between energy infrastructure permit applicants and Tribal governments in Minnesota.

1. **216I.05, Subd. 3 (b)(16)** [the application must contain] a discussion regarding coordination with Minnesota Tribal governments, as defined under [section 10.65, subdivision 2](#), by the applicant, including but not limited to the notice required under subdivision 5 of this section.
2. **216I.05, Subd. 5.** At least 30 days before filing an application with the commission, an applicant must provide notice to: (1) each local unit of government within which a site or route may be proposed; (2) Minnesota Tribal governments, as defined under [section 10.65, subdivision 2](#); and (3) the state technical resource agencies. The notice must describe the proposed project and provide the entities receiving the notice an opportunity for preapplication coordination or feedback.

To comply with Stat. 216I.05, subd 3(b)(16) above, applicants should consider creating an appendix (like an appendix related to government agencies) that discusses Tribal coordination,

which should be part of the application materials submitted during the pre-application review and as part of the permit application.

The appendix might include, for example, a record of attempted outreach efforts, including the methods, recipients, and dates, and a summary of successful coordination meetings or conversations and outcomes. Additionally, applicants may include official letters from Tribal governments or Tribal staff received regarding a project.

How do I know which Tribal governments to contact?

Which Tribal governments to engage will depend on many factors, including the project location, natural resources in the area, proximity to historical, archaeological, or cultural sites, treaty rights associated with a proposed project's location, and more. The earlier an applicant engages with Tribal governments, the sooner they will better understand the potential Tribal impacts of a given project and the appropriate engagement strategies necessary.

Importantly, some Tribal governments that have cultural ties and treaty rights in Minnesota may no longer reside within the state's boundaries. Engaging with Tribal governments outside of Minnesota could be appropriate in some circumstances. Consulting resources like the National Association of Tribal Historic Preservation Officers ([NATHPO](#)) or the Minnesota Indian Affairs Council ([MIAC](#)) can help you find Tribal contacts with Minnesota's borders and outside the state.

How do I know if there is a Tribal interest?

Only title work will tell you for sure how land is owned. Tribal offices of Land Management will tell you who is the landowner and who is the dwelling owner. Be aware that laws define "Tribal lands" differently for different purposes; some laws may use words such "Indian country" or "Indian lands" rather than the word "Tribal lands."

Which boundaries (federal, state, Tribal) do I use?

There are very few differences between the federal, state, and Tribal boundaries; most differences are a result of minor mismatched mapping data. Except for White Earth, there are no substantial differences between the three sets of boundaries. The largest of all the boundaries is used for the purpose of coordinating with the tribe. If you have a question about which boundaries to use for a particular purpose, please contact individual Tribal communities, as they will have the most up-to-date information.

Who do I contact when coordinating with Tribes?

The PUC maintains a Tribal Government contact list and a Tribal Historic Preservation Office (THPO) contact list. In addition to Tribal contacts that a project developer may create while planning for an infrastructure project, please ensure these lists are utilized as part of Tribal notification plans.

It is best to include both Tribal staff and government leaders in your communication efforts. Tribal governments are busy entities, so ensuring that leadership and the appropriate staff are aware of your project is key. Tribal governments utilize various staff members when reviewing energy projects. Some common staff that may engage with energy infrastructure projects include:

Tribal Historic Preservation Officer (THPO)

THPOs are federally recognized officials who work to preserve Tribal cultural traditions and historic properties, designated by Tribes to work in conjunction with the National Park Service. On Tribal lands, they assume many of the responsibilities of a state historical preservation officer (SHPO) and are often the designated Tribal representative for consultation on historic and cultural properties in ancestral lands.

Even if a project is not located geographically within or next to Tribal reservation lands, THPOs should be consulted to advise on whether your project may be impacting an area of cultural importance.

The Minnesota Indian Affairs Council (MIAC) maintains a list of Tribal THPOs and their contact information on their website (mn.gov/indian-affairs/cultural-resources/tribal-historic-preservation-officers-.jsp).

Tribal Energy Staff

Some Tribal governments have staff dedicated to energy issues. Their responsibilities may be focused on Tribal energy efficiency initiatives, Tribe-specific energy generation initiatives, or Tribal utilities commissions. Other Tribes have staff dedicated to following issues at state and federal energy regulatory agencies.

Office of the Environment or Natural Resources

Department responsibilities vary by Tribal nation, but these staff generally work to manage natural resources on reservation lands and protect Tribal nations' inherent usufructuary rights to hunt, fish, and gather resources in ceded territories. They may also be involved in reviewing energy infrastructure projects for potential impacts on the environment.

Tribal Employment Rights Offices (TERO)

Six of Minnesota's 11 federally recognized tribes have designated Tribal Employment Rights Offices. These are the primary mechanisms through which Tribal governments administer the labor and employment provisions of their TERO ordinances.

TEROs require employers conducting business on reservations to give preference to qualified American Indians. Designated TERO officers or Tribal employment representatives monitor and enforce the requirements of their respective ordinances. The Minnesota Department of Transportation maintains a list of TEROs and their contact information (dot.state.mn.us/civilrights/tribal-employment-contacts.html).

Working with the Tribes

What does successful coordination with Tribal governments look like?

Permit applicants are responsible for tribal outreach when developing an energy infrastructure project proposal. Statute specifically uses the term “coordination.” The Minnesota Department of Transportation (MnDOT) defines coordination with Tribes as “Each party: shares and compares in a timely manner its...plans, programs, projects and schedules with related plans, programs, projects, and schedules of the other parties; and adjusts its plans, programs, projects, and schedules to optimize the efficient and consistent delivery of...projects and services.”¹

Each Tribal Nation may define “coordination” differently, so it is important to develop a shared understanding of the term to have a successful working relationship with Tribal governments.²

Recommended best practices

1. *Engage early.*

Permit applicants should engage with Tribes well before submitting a permit application, while developing the project. Engaging and coordinating with Tribal Nations while developing an environmental assessment (EA) or during the environmental impact statement (EIS) process will also benefit the final product. Building relationships early with Tribal Nations can also help project developers with long-term planning.

2. *Engage often.*

In addition to early communication with Tribal staff and leaders, continuing communication and coordination throughout the permitting process and into construction will help maintain these relationships. It may also benefit projects that a developer or utility may work on in the future.

3. *Coordinating takes time.*

When initiating conversations with Tribal governments, it is important to remember that relationships take time to develop, and the process will likely include multiple interactions or meetings. It is a good practice to document engagement and coordination that occurs and describe how it impacted the project proposal, explanation of any areas of disagreement or a request that could not be met. Applicants are expected to keep Tribal governments informed about a project’s status throughout the process.

4. *Plan to use multiple communication methods.*

Applicants should expect to use multiple means of outreach to help ensure a response,

¹ Minnesota Department of Transportation (updated March 14, 2025). *Indian Country Guidance*.

<https://www.dot.state.mn.us/mntribes/resources.html>

² “Coordination” and “consultation” are distinctly different forms of engagement. Consultation is reserved solely for interactions conducted between government leaders from each party (government-to-government).

including writing letters, sending emails to staff and the Tribal leaders, making phone calls, and leaving messages. Writing a letter or email to a Tribal council should not be the only outreach method used. This method is not an effective means of outreach and will likely not get a response.

If there is no response to your first email, letter, or phone call, follow up with emails and phone calls until you speak with a Tribal staff member. Meeting with Tribal staff and leaders in person can also help develop a working relationship.

What information should be provided to Tribal governments?

The resources needed for successful coordination may vary between a THPO, environmental resources staff, and Tribal leaders. Asking up front what information all parties need can directly impact the success of your tribal engagement efforts. Materials needed may include general project information, detailed maps, draft application materials, and/or cultural and historical resource information.

Tribal Nations in Minnesota: Additional resources

More information about the history of Indian Tribes in Minnesota and Tribal-State relations can be found at the links below.

www.dot.state.mn.us/mntribes/mntribes.html

Provides information sheets and website links for each of the 11 federally recognized Tribal nations in Minnesota as well as maps showing the locations of Tribal reservations within the state.

www.dot.state.mn.us/mntribes/resources.html

Contains webinar links for educational presentations on aspects of the Tribal-State of Minnesota relationship, contact lists, glossaries, and maps.

<https://youtu.be/JQRmiRrb8jA>

Webinar from 2020 explaining the difference between Tribal coordination and consultation, presented by Levi Brown, former Tribal Affairs Director from MnDOT. 56 minutes.

www.dot.state.mn.us/tribaltraining/resources.html

Web page managed by the Minnesota Tribal-State Relations Training team offering glossaries, webinars, videos, reference documents, and reading lists.