

**EXH. TAH-14
DOCKETS UE-240004/UG-240005 et al.
2024 PSE GENERAL RATE CASE
WITNESS: TROY A. HUTSON**

**BEFORE THE
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

**WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,**

Complainant,

v.

PUGET SOUND ENERGY,

Respondent.

**Docket UE-240004
Docket UG-240005
(consolidated)**

In the Matter of the Petition of

PUGET SOUND ENERGY

**For an Accounting Order Authorizing
deferred accounting treatment of
purchased power agreement expenses
pursuant to RCW 80.28.410**

**Docket UE 230810
(consolidated)**

**FOURTH EXHIBIT (NONCONFIDENTIAL) TO THE
PREFILED REBUTTAL TESTIMONY OF**

TROY A. HUTSON

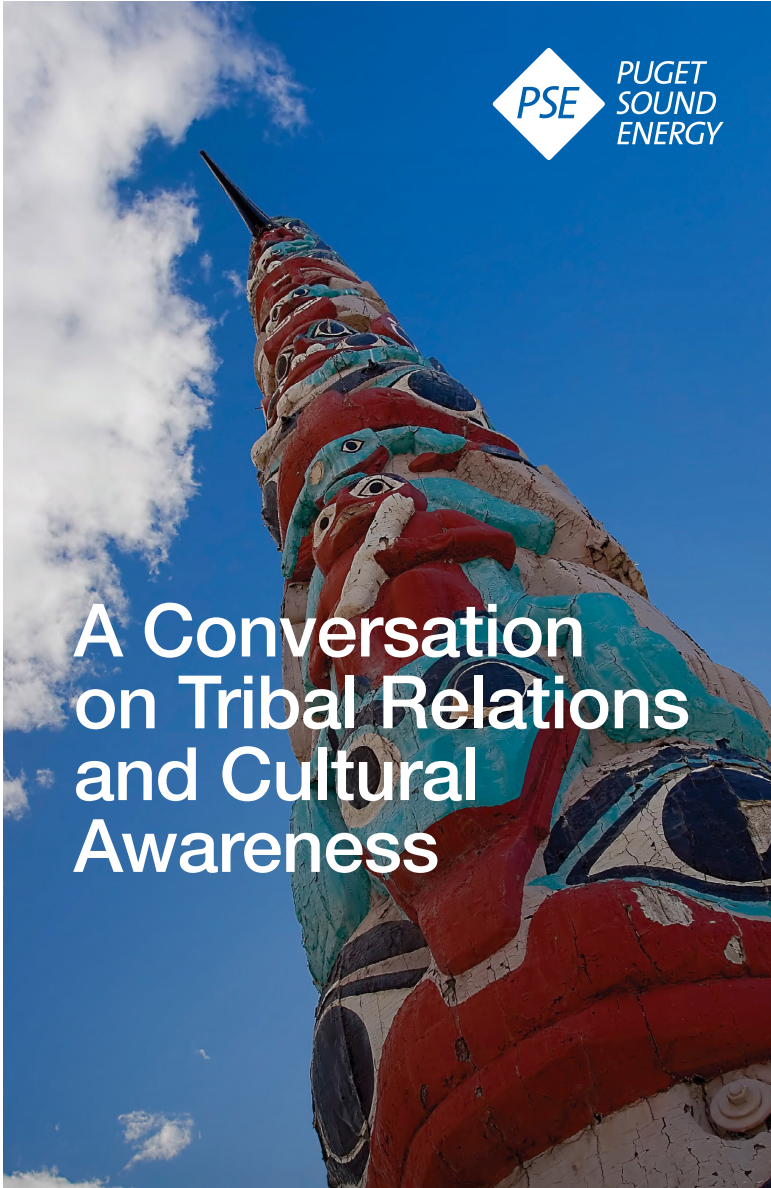
ON BEHALF OF PUGET SOUND ENERGY

SEPTEMBER 18, 2024



PUGET
SOUND
ENERGY

A Conversation on Tribal Relations and Cultural Awareness





"I think among the things that you will do in your time at PSE, this is probably one of the most important. I was lucky enough to participate in the live version of this training in 2019 and it was absolutely a life changer in terms of enhancing my understanding of the culture of this area and the contributions of the tribes.

I really hope that this experience will enrich you personally, in terms of elevating your understanding of and appreciation for the tribes, particularly those in the Pacific Northwest.

I hope you'll walk away wanting to learn more.
I certainly have."

~ Mary Kipp

Excerpt from an introduction to "A Conversation on Tribal Relations and Cultural Awareness"

“I don’t believe in magic. I believe in the sun and the stars, the water, the tides, the floods, the owls, the hawks flying, the river running, the wind talking. They’re measurements. They tell us how healthy things are. How healthy we are. Because we and they are the same. That’s what I believe in.”

~ Billy Frank, Jr.

Billy Frank Jr. (March 9, 1931 – May 5, 2014) was a Nisqually Tribal member known for his grassroots campaign for fishing rights and was the Northwest Indian Fisheries Commission (NWIFC) chairman for many years. He is also known for promoting cooperative management of natural resources. Billy Frank, Jr. is a recipient of the Presidential Medal of Freedom.

PSE Values

WE ALL HAVE A VOICE

We believe in an open and honest dialogue supported by analysis, different perspectives, and respectful challenge of ideas, issues, and concerns.

WE DO WHAT’S RIGHT

We seek the best outcomes for our customers and community – knowing that our shareholders benefit from this commitment.

WE HAVE EACH OTHER’S BACK

We are respectful and supportive of our colleagues and are committed to the professional development of each employee.

What is an Indian Tribe?

Indian Tribes are distinct, independent political communities, retaining the original natural rights in matters of local self government. Indian Tribes are not instrumentalities of the Federal, state or local government. They retain the right to make their own laws and be ruled by them.

Tribal Governments

There are now 574 federally recognized Tribes located in 35 states. There are Indian people living in all 50 states.

Every Tribe is unique with their own history, culture, traditions and, even, politics.

Pacific Northwest Tribes are growing in economic and political influence, demonstrated by their expanded business portfolios, including gaming and land holdings, as well as political contributions and charitable giving.



Tribal Sovereignty

Sovereignty is the right or power that comes from itself, and no other source, that a government draws on for its authority to govern. Federally recognized Indian Tribes retain all inherent powers of a sovereign nation except those that the Tribe has agreed to cede or that Congress has removed.

Tribal sovereignty is inherent as it predates the existence of the United States. It is not granted by any government. It is recognized in treaties, the US Constitution and court decisions and it is separate and independent from the federal and state governments.

Sovereign Powers of Tribes include:

- The power to determine their form of government
- Define conditions of membership
- Regulate domestic relations among members
- Proscribe rules of inheritance
- Levy taxes on members & non-members
- Control entry onto Tribal lands
- Regulate the use and distribution of tribal property
- Administer justice among members of the Tribe



Photo of Jamestown S'Klallam Tribal Center Image courtesy of Washington Indian Gaming Association, WIGA

Key Concepts

(The following information provided by Maranda S. Compton, Esq.)

The Semantics: How to refer to individuals and groups?

Names and references to the race and ethnicity of native peoples are very important. A common question when working with native people is: should I use “American Indian” or “Native American”? The answer: either. While there tend to be some generational differences – with American Indian often being preferred in younger populations, both are common and respectful terminology. These terms are often shortened to “Indian” or “Native” by native people themselves or supplanted with the term “Indigenous” (particularly when including indigenous peoples of Canada or other countries).

However, if you know the specific tribe or that the individual you are speaking to belongs to a specific tribe, the most accurate and respectful form of reference is to the particular tribe; and, even more, to the tribe’s own identification terminology. Often the word that tribal members use to describe themselves collectively is the word from their native language that signifies “the people.”

For example: I am American Indian. I am a citizen of the Delaware Tribe of Indians. I am Lenape.

What makes a tribe and how are tribes recognized?

American Indian tribes are both legal entities and cultural/racial groups. Because of this duality, things can get confusing.

Culturally, “tribes” exist as communities with shared language, rituals, narratives, kinship, or clan ties, and a shared relationship to a specific land. However, as a legal term, “tribe” typically means a designated group of native people with whom the federal government has established some kind of political relationship or “federal recognition.” It is important to understand that recognition is not cultural validation, only an identification of political entities respected by another government and eligible for certain benefits.

There are 573 federally recognized tribes in the United States. However, not all tribes are federally-recognized – some are only recognized by their state (under state law) and some remain entirely unrecognized under any federal or state law. Many “un-recognized” tribes are in the process of seeking or lobbying for federal recognition. Federal recognition is granted based upon a regulatory process under the Bureau of Indian Affairs (which includes evaluation of certain criteria of separate and continuous existence as a political entity) or through Congressional act (i.e., a bill).



Tribal Law 101

Indian law is the body of law that defines the legal and political relationship between the federal, state, and local governments; Indian Tribes; and individuals.

Indian Law sources include:

- Constitution
- Treaties with Tribes
- Federal Statutes
- Executive Orders
- Case Law – Both Federal and State
- Administrative Law – Tribal, Federal and State

What is “Indian Country”?

“Indian Country” includes reservations, fee land within reservation boundaries, dependent Indian communities, Indian allotments, and trust land. The designation of land as Indian Country means that the Tribe and the federal government have jurisdictional authority within the boundaries and the states are excluded (with some exceptions).

Tribes have broad authority to regulate activity on trust land within Indian Country. A Tribe can regulate non-members on fee land in Indian Country if:

- The nonmember enters into consensual relationships with a Tribe or the Tribe's members; or
- The nonmember's conduct threatens or has some direct effect on the political integrity, economic security, or health or welfare of the Tribe.

Why does all this legal history matter?

- Tribal sovereignty is inherent to American Indian Tribes and recognized by federal and Washington state law.
- Washington Tribes have existed in the area since “time immemorial” and will continue to exist.
- Establishing trust & working relationships makes sense for everyone.
- Cooperation has long-term benefits for our company and the Tribe.

History of Federal Indian Law

Pre-1492	Pre-Columbian Period: Indigenous people occupied all of North and South America for millennia — utilizing systems of social and political organization, including sophisticated governments.
1492-1828	Colonial Period: Contact is made between European settlers and the Indigenous populations. Colonial governments are created and interact with American Indian Tribal governments as sovereigns and enter into mutual defense agreements against other European forces (i.e., Spanish and French) setting precedent for U.S. Law.
1778-1887	Removal, Reservation and Treaty Period: American settler society grows and because it is based upon individual property and agriculture, increasing amounts of land are also required. Conflict over land increases. Tribes sign treaties with the newly formed United States wherein Tribes moves westward and promise to occupy smaller areas of land, and in exchange the U.S. promises protection from settler intruders; assistance with food, health, and education; and the tribes' continuing ability to self-govern.
1887-1934	Allotment and Assimilation Period: In an effort to require Tribal members to prescribe by the individual (versus communal) property model, the US bans Tribal land ownership, dividing Tribal lands amongst individual members (with each member receiving a homestead) and opening portions for settlement. The Allotment era results in the U.S. government taking over 90 million acres of land from Tribes without compensation.
1934-1953	Indian Reorganization Period: Allotment ends. Reform period. European/Anglo values and government structures were imposed on Tribes, damaging traditional values, structures, and governance.
1953-1968	Termination Period: Terminated 100 plus Tribes. Significant loss of land. Relocation to urban areas.
1968-Now	Indian Self-Determination Period: Pushed U.S. policy toward self-determination and self-governance. Policies favor Tribal control. Resurgence and revival of unique cultures and societies.

Tribes in Washington State

Tribes	Tribe information	County(ies)	PSE Service area
Confederated Tribes and Bands of the Yakama Nation	yakamanation-nsn.gov	Klickitat, Yakima	
Confederated Tribes Of The Chehalis Reservation	chehalis-tribe.org	Grays Harbor, Thurston	1
Confederated Tribes Of The Colville Reservation	colvilletribes.com	Ferry, Okanogan	
Cowlitz Indian Tribe	cowlitz.org	Clark, Cowlitz	
Hoh Indian Tribe	hohtribe-nsn.org	Jefferson	
Jamestown S'Klallam Tribe	jamestowntribe.org	Clallam	
Kalispel Tribe Of Indians	kalispeltribe.com	Pend Oreille	
Lower Elwha Klallam Tribe	elwha.org	Clallam	
Lummi Nation	lummi-nsn.org	Whatcom	2
Makah Tribe	makah.com	Clallam	
Muckleshoot Tribe	muckleshoot.nsn.us	King	3
Nisqually Indian Tribe	nisqually-nsn.gov	Thurston	4
Nooksack Indian Tribe	nooksack-tribe.org	Whatcom	5
Port Gamble S'Klallam Tribe	pgst.nsn.us	Kitsap	6
Puyallup Tribe	puyallup-tribe.com	Pierce	7
Quileute Tribe	quileutenation.org	Clallam	
Quinault Indian Nation	quinaultindiannation.com	Grays Harbor, Jefferson	
Samish Indian Nation	samishtribe.nsn.us	Skagit	8
Sauk-Suiattle Indian Tribe	sauk-suiattle.com	Skagit	9
Shoalwater Bay Indian Tribe	shoalwaterbay-nsn.gov	Pacific	
Skokomish Indian Tribe	skokomish.org	Mason	10
Snoqualmie Indian Tribe	snoqualmienation.com	King	11
Spokane Tribe of Indians	spokanetribe.com	Spokane, Stevens	
Squaxin Island Tribe	squaxinisland.org	Mason, Thurston	12
Stillaguamish Tribe Of Indians	stillaguamish.com	Snohomish	13
Suquamish Tribe	suquamish.nsn.us	Kitsap	14
Swinomish Indian Tribal Community	swinomish.org	Skagit	15
Tulalip Tribes	tulaliptribes-nsn.gov	Snohomish	16
Upper Skagit Indian Tribe	upperskagit.nspw.gov	Skagit	17

Non-Federally Recognized Tribes in Washington State

Pending Designation	Tribe information	County(ies)	PSE Service area
Chinook Indian Tribe	chinooknation.org	Pacific	
Duwamish Tribe	duwamishtribe.org	King	18
Steilacoom Tribe		Pierce	19
Pending Designation	Tribe information	County(ies)	PSE Service area
Kikiallus Indian Nation			
Marietta Band of Nooksack Tribe		Whatcom	20
Snohomish Tribe	snohomishtribe.com	Snohomish	21
Snoqualmoo Tribe		Island	22

Information from Washington Governor’s Office of Indian Affairs <https://goia.wa.gov>

Federally Recognized Tribe
The Bureau of Indian Affairs (BIA) defines a federally recognized tribe as an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation and is eligible for funding and services from the Bureau of Indian Affairs. Federally recognized tribes are recognized as possessing certain inherent rights of self-government and are entitled to receive certain federal benefits, services, and protections because of their special relationship with the US. Of the 573 federally recognized tribes, 29 are in Washington State.



Photo credit: The Washington Indian Gaming Association (WIGA)

Tribal Culture

Culture could be described as “the way of life” of a people. Culture includes a vast array of behaviors and beliefs. Critical cultural factors may differ greatly from culture to culture. Factors that should be considered when interacting with Native Americans include, but are not limited to:

- History, from a Tribe’s own perspective.
- Traditional values and attitudes, including the Tribe’s relationship to their homelands and social etiquette.
- Spirituality, such as ceremonies, rituals, sacred objects and places, and beliefs.
- Societal structure, including bands, clans and other kinship relations, gender roles, and the position of elders and children within the Tribe.
- Governmental structures, protocols and laws, including traditional and westernized models.
- Language, which includes spoken, written, and non-verbal communications.



Tribal Relations

When working with Indian Tribes, it is critical to be sensitive to each Tribe's history and culture. However, there are some cultural attributes that many Tribes share:

- Respect for the natural world
- Spirituality
- Elders and Children
- Leadership & Decision-making

Working Effectively with Tribal Governments

It is important to know the Tribe's history and culture, and what their political environment and decision-making process is. Remember you are a guest of the Tribe. Prior to starting communication with a Tribe, understand PSE's prior history and work involvement. Know what the protocol for engagement is and communicate early and often. Priorities may change and may conflict with Tribal cultures, so listen and be open-minded and respectful.

Legal Framework

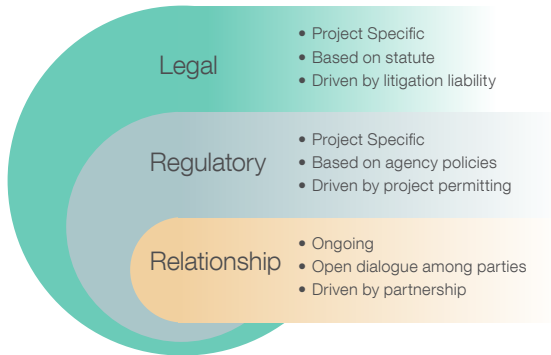
Understand key concepts and sources for laws and regulations that apply to Indian Nations—especially federal laws, Executive Orders, and laws that apply to Washington Tribes.

Know when Tribes should become involved in projects and processes.



Traditional plant monitoring with the Confederated Tribes and Bands of the Yakama Nation, Wild Horse Wind & Solar Facility.

What does Successful Corporate and Tribal Relations look like?



Themes of Successful Tribal Relationships

- Recognize Tribal government as a political entity and appreciate their cultural concerns.
- Understand Tribal interests in terms of historical context and tribal sovereignty.
- Distinguish Tribes from stakeholders, environmental groups, and NGOs.
- Build Trust – leave time to do so and engage in relationships for the long-term.
- Ensure multi-level outreach with long-term strategic focus – know Tribal structure and reach out to appropriate agencies, departments, and councils.

Putting Themes Into Practice

- Leverage internal resources and take responsibility.
- Find ways to regularly interact and communicate with the Tribal government and broader Tribal community.
- If you hit a wall, pivot.
- Involve and update federal and state decision-makers when appropriate.
- There's no exact roadmap, so customize the process for each Tribal relationship.

Questions to Ask When Working With A Tribe...

- What action and where?
- What are the relevant Federal, State, and Tribal laws?
- Who is this Tribe?
 - » What are their establishing documents (e.g., Treaty, Executive Order, etc.)?
 - » Where are their Tribal lands and resources (including cultural resources and protected treaty rights)?
 - » What are their defining experiences with the Federal Government?
- What could be the Tribe's perspective?
- How and with whom should I communicate?
 - » One email or letter to a Tribal Chairman is not enough
 - » Tribes have various departments and agencies often with overlapping interests

And Remember...

- Every PSE Interaction in Indian Country is a reflection of the whole of PSE:
 - » Every employee
 - » Every interaction
 - » Every conversation
- You don't have to have all the answers.
 - » Respect and curiosity are key.

PSE Tribal Relations Program

PSE formalized its Tribal Relations Program in 2017 to increase cultural awareness within the company, establish regular, sustained paths of communication with Tribal leaders and Tribal personnel, and to develop best practices ensuring early and appropriate engagement throughout PSE's service and project areas.

Questions on Tribal Relations? Please contact:

Kelsey Hulse, Tribal Relations Manager

Phone: 360-522-2636

Email: kelsey.hulse@pse.com

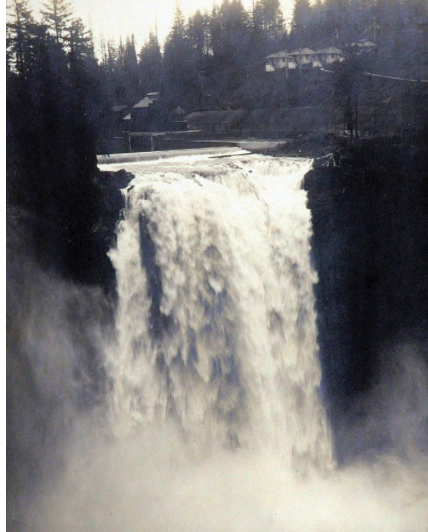
Cultural Resources Management

(The following information provided by PSE.)

The practice of managing cultural resources is called Cultural Resources Management, or CRM, a term that has been widely adopted by archaeologists, Indian Tribes, historic preservationists, historians, museum professionals, and archivists to describe the resources that characterize traditional and historic cultures.

PSE and Cultural Resource Management

PSE's cultural resource program is responsible for implementation of federal and state laws and regulations that affect Tribes in Washington State. Several general cultural resource plans include provisions for managing significant cultural resources on PSE's licensed project lands. These plans address the need to identify, evaluate, and consult with Indian Tribes, draw upon direction provided in the National Historic Preservation Act (NHPA), and provide the broad management context within which NHPA specifically addresses protection of cultural heritage.



Snoqualmie Falls

PSE and Washington State

Cultural resources are protected by a variety of federal and state laws. Federal law applies to all projects that involve federal money, permits and/or licenses. Washington State law applies to all local projects. In Washington, archaeological sites and Native American graves are protected from known disturbance by a variety of state and federal laws. Federal law applies to all federal and Native American lands and Washington State law applies to all other lands. It is each employee's responsibility to understand how a project may affect cultural resources and if any federal or state laws apply. PSE shares the region's deep-rooted environmental ethic and embraces our responsibility to protect natural and cultural resources. One of the ways PSE demonstrates its commitment to the environment and Indian Tribes is by providing management for Washington's significant and non-renewable cultural resources.

PSE Resources

PSE's Cultural Resource program oversees historic districts, archaeological sites, Traditional Cultural Properties, historical archival collections and other places important to Washington's heritage. Our corporate responsibility to comply with environmental laws and be a good steward of Washington resources is in keeping with the responsibilities of the Cultural Resources program.

Questions on CRM? Contact:

Elizabeth Dubreuil, PSE Consulting Cultural Resource Scientist

Office: 360.766.5609

Mobile: 425-691-7095

Email: elizabeth.dubreuil@pse.com

Salal

**SCIENTIFIC NAME**

Gaultheria shallon

SNOHOMISH/SNOQUALMIE NAME

ta' ka' 'ats

TRADITIONAL USE

Berries eaten fresh or dried

Young leaves make a fine tea

Tribes and PSE

PSE regularly interacts with tribes throughout our service area and has generating facilities adjacent to tribal lands. In addition to being customers, PSE works with tribes on project development, major accounts, regulatory requirements, ongoing service delivery, and renewable energy solutions.

With tribes as customers and business partners, our engagement will be in the context of their sovereignty and cultural sensitivity. Unlike other customers, the sovereignty of tribes allows for other opportunities, including our Policy and Energy Supply objectives, including:

- Reducing GHG through energy efficiency education
- Pursuing new energy resources, particularly renewables
- Working together to address regulatory policies
- Establishing partnerships where all parties have a vested interest in a common objective

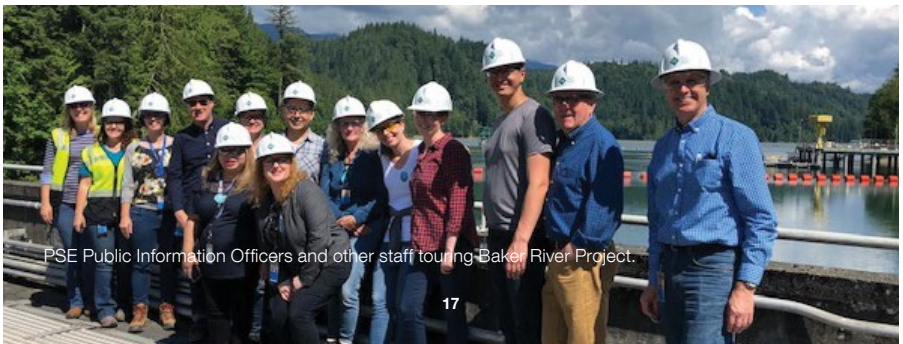
**The future suggests that there are many opportunities ahead...
so how do we do this?**

Aligned Values

Our vision is a better energy future that protects and preserves the environment for future generations. We are an innovative and community-based company where our values come through in everything we do.

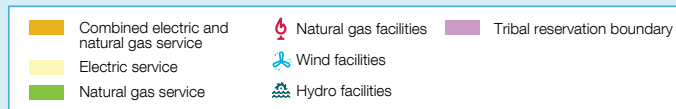
We will strengthen our relationships with tribes by:

- Understanding history
- Developing cultural awareness
- Investing time and resources
- Engaging at appropriate levels
- Building lasting relationships



PSE Public Information Officers and other staff touring Baker River Project.

Tribal Lands and PSE Service in Washington



References

While not an exhaustive list, the following federal laws are important to understand when working with Tribes and Tribal lands. Please check the Tribal Relations website for updated list.

American Indian Religious Freedom Act (AIRFA) Protects the rights of Native Americans to exercise their traditional religions by ensuring access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

Archeological Resources Protection Act (ARPA) Governs the excavation of archeological sites on federal and Indian lands and requires protective measures for removal and disposition of archeological resources from those sites.

National Environmental Act (NEPA) NEPA broadly requires federal agencies to incorporate environmental considerations into their decision-making process—through the assessment of a federal action's direct, indirect and cumulative impacts on the environment.

National Historic Preservation Act (NHPA) In addition to NEPA directives, requires that all federally-permitted projects are to consider the potential adverse effects on historical or culturally significant properties—including those of Indian Tribes both on and off reservation. The statute and regulations make specific arrangements for the consultation and inclusion of Indian Tribes.

NHPA Section 106 requires Tribal consultation in all steps of the process when a federal agency project or effort may affect historic properties that are either located on Tribal lands, or when any Native American Tribe or Native Hawaiian organization attaches religious or cultural significance to the historic property, regardless of the property's location.

NHPA Section 110 sets out the broad historic preservation responsibilities of federal agencies and is intended to ensure that historic preservation is fully integrated into the ongoing programs of all Federal agencies.

Native American Graves Protection and Repatriation Act (NAGPRA). Requires protection of Tribal rights to, and custody of, American Indian remains, funerary objects, and objects of cultural patrimony uncovered during development on federal lands, a protection that is often considered through pre-development consultation and the creation of inadvertent discovery plan(s).



Elk collaring with local tribes, Washington Department of Fish & Wildlife, and PSE, Baker River area

Washington State

Washington Centennial Accord (1989) was executed between the federally recognized Indian Tribes of Washington signatory to the Accord and the State of Washington, through its governor, in order to better achieve mutual goals through an improved relationship between their sovereign governments. The Accord provides a framework for that government-to-government relationship and implementation procedures to assure execution of that relationship.

Chapter 43.376 RCW outlines the responsibilities for the Government-to-Government Relationship with Indian Tribes and includes requirements that state agencies will have a Tribal liaison, yearly meetings to discuss issues of mutual concerns, and training of staff. More information: Governor's Offices for Indian Affairs (GOIA) <https://goia.wa.gov/>

More on Washington and Tribes

Indian Tribes have always inhabited the watersheds of western Washington, their cultures based on harvesting fish, wildlife, and other natural resources in the region. In the mid-1850s, when the United States government wanted to make Washington a state, a series of treaties were negotiated with Tribes in the region. Through the treaties, the Tribes gave up most of their land, but also reserved certain rights to protect their way of life (from: Northwest Treaty Tribes)

The federal government entered into seven treaties with Tribes in Washington Territory.

*Treaty of Medicine Creek, 1854

*Treaty of Neah Bay, 1855

*Treaty of Olympia at the Quinault River, 1856

*Treaty of Point Elliott, 1855

*Treaty of Point No Point, 1855

Treaty with Walla Walla 1855

Treaty with the Yakama, 1855

*Negotiated by territorial Governor Isaac Stevens in what is now western Washington.

For more information: <https://goia.wa.gov/resources/treaties>

The Boldt Decision.

United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), aff'd, 520 F.2d 676 (9th Cir. 1975): reaffirmed Tribes' treaty rights to harvest up to half of the harvestable number of salmon (and other species of finfish) returning to Washington waters.

A similar ruling in 1994, called the Rafeedie Decision, extended the recognized treaty right to shellfish harvest.

These decisions reaffirmed Tribes' rights to act as co-managers with the state.



Photo credit: The Washington Indian Gaming Association (WIGA)



This booklet was prepared in 2019 and updated in 2020 for PSE's, "A Conversation on Tribal Relations and Cultural Awareness" sessions. It is a companion piece to the sessions so is not a standalone document, nor is it intended for distribution outside of PSE.

Where noted, images are from Washington Tribes (washingtontribes.org) a site sponsored by The Washington Indian Gaming Association (WIGA), a non-profit organization of tribal government leaders of federally recognized Tribes in the state of Washington.

washingtonindiangaming.org. PSE thanks WIGA for their permission to use the selected photographs, including the images on the back cover.