

Tribal Energy Subcommittee
Wednesday, December 12th, 2018
10:00 AM – 11:00 AM EST
Meeting Summary

DOI Update:

- The next RPC meeting will take place on January 31st in Phoenix, AZ. Inform RPC staff if a committee member cannot attend so that the alternate can be informed.
- The Solicitor's Office is still working on the TERA guidance. The goal for timing for the completion of their review is the end of the year.

TERA Working Group Update

- Legislation that relates to TERA (Act to amend the Indian Tribal Energy Development and Self Determination Act of 2005) passed the House and Senate and is awaiting the President's signature. The legislation may not encompass all of the changes discussed by the TERA Working Group; however, the legislation will make it easier for Tribes to enter TERAs and include provisions for DOI to review regulations and funding.
- A subset of the TERA Working Group and outside experts convened to develop alternatives for when the Office of the Solicitor publishes the list of not inherently federal functions. These may include a checklist of federal approval steps, items to consider for renewables, and a proposed definition of inherently federal functions.
- There are no recommendations for the January meeting at this time; however, the group may develop one in relation to the new legislation. The group will also plan to discuss the guidance from the Office of the Solicitor and the alternatives the work group put together.
- There was a question regarding how the new legislation will change the situation on the ground: the legislation will amend the Energy Policy Act: it streamlines the process, includes time limits for the Secretary's review, and streamlines TERA.
- There was a question regarding what a recommendation from the working group might look like. A recommendation would likely be in the context of regulatory review and a request for Congress to examine inherently federal functions. Alternatively, it could create a process for Tribes or tribal interests to be included in the review process.

Model Statute Working Group

- The group expects to have a discussion draft by the end of the year, which can be reviewed and discussed at the January RPC meeting.

1938 Act Working Group

- There are no updates at this time.

Taxation Working Group

- There are no updates at this time.

Other Items and Next Steps

- Assistant Secretary Sweeney was briefed on dual taxation issue. RPC will follow up with the Assistant Secretary's office to see if followup is needed.

- The next call will be on December 19, 2018 from 10:00-11:00am Eastern.
- The last day for submitting recommendations for the RPC meeting is January 3.

Attendees:

Matthew Adams, CloudPeak

John Andrews

President Russell Begaye, Navajo Nation, Subcommittee Co-Director

Bidtah Becker, Navajo Nation

Jackson Brossy, Navajo Nation

Jim James, BIA

Monte Mills, University of Montana

Dr. Steve Payson, DOI/IEED

James Schindler, DOI

Erica Wales, Facilitator