

Tribal Energy Subcommittee
Tuesday, July 17th, 2018
10:00 AM – 11:00 AM EST
Meeting Summary

Agenda

- **Welcome and Roll Call**
- **DOI Update**
- **BLM Presentation: Categorical Exclusions**
- **TERA Working Group Update**
- **Model Statute Working Group Update**
- **1938 Act Working Group Update**
- **Taxation Working Group Update**
- **Next Steps and Adjourn**

DOI Update

- The Albuquerque meeting summary should be available soon.
- Professor Eggert testified on the Hill about critical minerals on 7/17.

BLM Presentation and Discussion: Categorical Exclusions

- The overarching questions from the Tribal Energy Subcommittee relate to Section 390 of the Energy Policy Act of 2005. The language of Section 390 specifically applies to federal lands, raising the questions:
 - Does Section 390 also apply to tribal lands?
 - If there are instances in the field where section 390 categorical exclusions have been used on tribal lands:
 - What are those examples? How was this done? On what grounds?
 - If there are grounds for Section 390 categorical exclusions, how is BLM treating them?
- The answer to these questions will determine what recommendations are needed to apply categorical exclusions to tribal lands.
 - Is this something that can be done in-house? Is this a matter of putting agreements in place internally to ensure their use?
 - Are there regulatory statute tweaks that will be necessary, in which case the Secretary might need to pursue an effort to broaden the language to include tribal lands?

TERA Working Group Update

- Update on TERA Recommendation: SOL is reviewing the requirement with an eye towards developing new guidance. Jim James asked the Indian Energy and Economic Development (IEED) program to work on developing a template pursuant to the new guidance.
- Discussion on potential for new guidance:
 - Do we have a sense of what that will look like?
 - What is the process for developing the new guidance?

- The Subcommittee should be involved in the process to develop the guidance and the corresponding template.

Model Statute Working Group

- Still working on this, while taking into account other issues that have been discussed by the subcommittee.

1938 Act Working Group

- Engaging in some related discussions and hope to provide an update during the next call.

Taxation Working Group

- Will set up a meeting with new AS-IA Tara Sweeney.

Other Items and Next Steps

- Comment period for CEQ NEPA Advance Notice of Proposed Rulemaking has been extended to August 20th.
- Next subcommittee call will be on Tuesday, July 31st, from 10:00-11:00am.

Roll Call

Attendees:

Matthew Adams, CloudPeak

Bidtah Becker, Navajo

Josh Campbell, DOI

Natasha John, Navajo

Sheila Mallory, BLM

Monte Mills, University of Montana School of Law

James Schindler, DOI/BOEM, RPC Executive Director

Janna Simonsen, BLM

Tim Spisak, BLM

Councilman Waller, Osage

Deirdre McCarthy Gallagher, Facilitator