

Tribal Energy Subcommittee
Tuesday, July 31st, 2018
10:00 AM – 11:00 AM EST
Meeting Summary

Agenda

- **Welcome and Roll Call**
- **DOI Update**
- **Update: 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 has been posted online.
- Regarding the Tribal Energy Subcommittee briefing for new ASIA Tara Sweeney: Jim James will reach out to get on her schedule. It would be ideal if President Begaye could be present for this meeting – either in person or by phone.

Update: Categorical Exclusions

- The question that the subcommittee would like to explore is whether the Section 390 categorical exclusions apply to Tribal lands.
- Are there examples where Section 390 categorical exclusions have applied to Tribal lands. If yes, what are they and how was it done? If no, what needs to be done to ensure that Section 390 categorical exclusions apply to Tribal lands.
- Jim James will follow up with BLM and with Josh Campbell to learn more and move this along.

TERA Working Group Update

- DOI/BIA/Solicitors have formed a work group to look at this from a legal perspective. The group is in the very early stages. A template will be developed.
- The subcommittee expressed an interest in playing a role in this process, from interaction with the work group to development of the template.
- Regarding the template, the subcommittee raised the question: Will the template include capacity?
- Jim James is meeting with the working group and will report back to the subcommittee on August 14th. Jim will also reach out to Bidtah Becker to discuss next steps.

Model Statute Working Group

- Will take into account what is learned about Section 390 categorical exclusions applicability to tribal lands – and explore whether a legislative fix is needed.
- The Model Statute Working Group will plan to have something in place for the Denver meeting. The group also hopes to hear more from Indian Country at that meeting.

1938 Act Working Group

- Work continues but no recommendations at this time.

Taxation Working Group

- Has not met. Will meeting with about future recommendations.
- John Andrews and Monte Mills will explore this issue more, particularly as to whether there are other states that have taken an approach similar to that of Utah.

Other Items and Next Steps

- For awareness, the comment period for CEQ NEPA Advance Notice of Proposed Rulemaking has been extended to August 20th.
- Next subcommittee call will be on Tuesday, August 14th, from 10:00-11:00am.

Attendees:

Jim James, BIA, (Co-Director)
Matthew Adams, CloudPeak
John Andrews
Bidtah Becker, Navajo
Jackson Brossy, Navajo
Natasha John, Navajo
Monte Mills, University of Montana School of Law
Dr. Steve Payson, DOI/IEED
Councilman Waller, Osage
Deirdre McCarthy Gallagher, Facilitator