

**Tribal Energy Subcommittee
Tuesday, August 14th, 2018
10:00 AM – 11:00 AM EST
Meeting Summary**

Agenda

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

DOI Update

- Deadline for recommendations is the end of this week (August 17th). All recommendations will need to include a section outlining the potential impact on Tribes.

Update: Categorical Exclusions

The question that the subcommittee is exploring is whether the Section 390 categorical exclusions apply to tribal lands.

- BLM confirmed that Section 390 categorical exclusions do not apply to tribal lands.
- Group will explore ways to get to the same place through other means.

Update: Scheduling

- Jim James is working to schedule a meeting with new ASIA Tara Sweeney. Focusing on the morning of September 5th, since President Begaye should be in town that day and able to participate in person.
- The purpose of the meeting is to provide a briefing on the work of the subcommittee.

TERA Working Group Update

- DOI Update:
 - Internal working group is developing a template to help guide tribes that are seeking applications for TERAs.
 - A subset of the Tribal Energy Subcommittee could serve in an advisory capacity. Can discuss who would like to assist.

Model Statute Working Group

- Work continues, no recommendations to report at this time.

1938 Act Working Group

- Work continues, no recommendations to report at this time.

Taxation Working Group

- Has not met. Planning to meet with new ASIA Tara Sweeney about taxation.
- John Andrews provided an update on the research he conducted regarding Utah's approach to dual severance taxation. With regard to the Navajo and the Ute, Utah has a revitalization fund for each tribe that takes 80% of the state tax revenue from these areas and sends them to a state appointed commission with tribal representation. The commission then determines how to send revenue back to the areas where it was generated.
- There are discussions about similar severance taxes in New Mexico, which has an intergovernmental tax credit account for new wells. The state credits a percentage back to the Navajo Nation.
- In preparation for the meeting with new ASIA Tara Sweeney, Cynthia Monteau agreed to prepare an outline of taxation issues to consider and discuss. She will aim to get this to the subcommittee for review by the 22nd or 23rd of August, to discuss during the next call on the 28th.

Other Items and Next Steps

- Jim James (with Bidtah and Josh) will outline talking points on TERA and share with the subcommittee by next week, for discussion during the next call.
- Next subcommittee call will be on Tuesday, August 28th, from 10:00-11:00am. Will include agenda item to discuss what the subcommittee needs/hopes to accomplish during the September meeting. (For example, the Model Statute Working Group indicated that it hopes to hear more from Indian Country.) The subcommittee can discuss how best to structure and schedule time to ensure that it collects the input needed to move forward.

Attendees:

Jim James, BIA, Subcommittee Co-Director
Matthew Adams, CloudPeak
John Andrews, Utah
Bidtah Becker, Navajo
Jackson Brossy, Navajo
Josh Campbell, DOI
Neal McCaleb, Chickasaw
Cynthia Monteau, MHA
Dr. Steve Payson, DOI/IEED
Kathleen Sgamma, Western Energy Alliance
Yvette Smith, DOI/ONRR
Deirdre McCarthy Gallagher, Facilitator