

**Tribal Energy Subcommittee**  
**Tuesday, August 28th, 2018**  
**10:00 AM – 11:00 AM EST**  
**Meeting Summary**

**DOI Update:**

- RPC Chair, Vincent DeVito, announced that he is leaving the Department to pursue an opportunity in the private sector. Scott Angelle, Bureau of Safety and Environmental Enforcement Director, will be the acting chair for the September meeting.
- September RPC: There is a scheduled tour of the National Renewable Energy Laboratory (NREL) on September 12<sup>th</sup> from 10:00am – noon for anyone who is interested. More information will be provided via email.

**Update: Categorical Exclusions**

- During last subcommittee meeting, confirmed that Section 390 categorical exclusions do not apply to tribal lands. Also discussed (preliminarily) what the subcommittee can/should do to tackle this issue.
- This issue needs more discussion at the Tribal level. Will raise this during the sector meeting for Tribes, which will take place on September 12<sup>th</sup>.
- Could also present/discuss publicly at the larger RPC meeting. *Will need to identify someone to prepare and present on categorical exclusions at September 13<sup>th</sup> meeting.*

**Update: Scheduling**

- Hoping to confirm a meeting with ASIA Tara Sweeney on September 5<sup>th</sup>.
- If the meeting on the 5<sup>th</sup> does move forward, Jim James and President Begaye plan to attend in person.
- Additionally, will work to arrange a phone line so that other members of the Tribal Energy Subcommittee can participate.

**TERA Working Group Update**

- DOI Update:
  - Internal working group developed the first draft of a primer to help guide tribes that are seeking applications for TERAs. The primer was sent to the Solicitor's Office for review.
  - A subset of the Tribal Energy Subcommittee will serve in an advisory capacity to this group. An email will be sent this week to determine who is interested in participating.
  - Question was raised regarding the specific response to the recommendation that was approved at the RPC Meeting in Albuquerque, which asked the Secretary to clarify certain functions – regularly performed by states – that are not inherently federal functions and, therefore, are appropriate for tribes to manage in a TERA. The second prong of the recommendation was to ask the Secretary to provide additional guidance regarding inherently federal functions.

- With the primer, the internal working group is focusing on the second prong of the recommendation.
- Jim James committed to follow up on the status of the first prong of the recommendation.
- For the September RPC, it was suggested that Bidtah Becker deliver the presentation.

#### **Model Statute Working Group**

- Natasha John will reach out to Monte Mills to discuss the September RPC: if presentation needed and if should discuss Model Statute during Tribal Sector meeting.

#### **1938 Act Working Group**

- Jim James will contact Councilman Waller re: whether he will attend September RPC.

#### **Taxation Working Group**

- Cynthia Monteau prepared talking points on the dual taxation issue. This was provided to the subcommittee for review.

#### **Other Items and Next Steps**

- Next subcommittee call will be on Tuesday, September 11th, from 10:00-11:00am. The group preferred to have this call before everyone heads to the RPC meeting in Denver.

#### **Attendees:**

President Russell Begaye, Navajo Nation, Subcommittee Co-Director

Jim James, BIA, Subcommittee Co-Director

John Andrews

Natasha John, Navajo Nation

Tim LaPointe, BIA

James Schindler, DOI/BOEM, RPC Executive Director

Deirdre McCarthy Gallagher, Facilitator