

Tribal Energy Subcommittee
Thursday, January 11, 2018
3:00 PM – 4:00 PM EST
Meeting Summary

Agenda

- 1. Welcome and Roll Call**
- 2. Review of Proposed Focus**
- 3. Review of Proposed Working Groups**
- 4. Discussion**
- 5. Vote on proposed focus and proposed working groups**
- 6. Working Groups: Review and Assign**
- 7. Next Steps**

Welcome and Roll Call

Review and Discussion of Proposed Focus Areas

President Begaye reviewed the proposed focus of the Tribal Energy Subcommittee

- To develop new options for Congress to consider so that tribes can take control over mineral leasing
- To develop Department of Interior (DOI) changes to the regulations that implement the Indian Tribal Energy Development and Self-Determination Act of 2005 so that tribes can control more aspects of mineral leasing through the option of Tribal Energy Resource Agreements (TERAs)
- To develop DOI changes to the Indian trader regulations to eliminate barriers to energy development in many tribal areas..

The proposed focus areas were unanimously approved by the Subcommittee.

Review of and Discussion on Proposed Working Groups

Using the proposed focus areas as a starting point, four proposed working groups were identified. These are:

1. 1938 Act Working Group: to consider what congressional changes to the 1938 Act are necessary so that tribes can take control over mineral leasing
2. Model Congressional Statute Working Group: to address what a model Congressional statute might look like. How would the model improve upon current statutes?
3. TERA Working Group: to address specific changes that DOI needs to provide for additional guidance on the activities that would be considered inherently federal functions so that tribes would utilize TERAs

Taxation Working Group: to consider necessary updates to the Indian Trader Regulations to eliminate the economic barriers to energy development on tribal lands

The proposed working groups were unanimously approved by the subcommittee.

Working Groups Assignments and Designation of Moderators

- Working Groups will meet on their own. They should consider the RPC Staff as a resource.

1938 Act Working Group

Robert Joe

Neal McCaleb*

Charlie Robertson*

Chairman Everett Waller

- Chairman Waller will confirm with Neal McCaleb and Charlie Robertson that they will participate in the 1938 Act Working Group. Chairman Waller will also ask Charlie Robertson whether he will serve as the moderator of the group

Model Congressional Statute Working Group

Natasha John

Monte Mills (**moderator**)

TERA Working Group

John Andrews

Bidtah Becker (**moderator**)

Kathleen Sgamma

Chris Stolte

Taxation Working Group

Matthew Adams

Jackson Brossy

Chairman Fox

Dr. Steven Payson (**moderator**)

- The Taxation Work Group affirmed that initially, they will limit their focus to energy products.

Vote on Proposed Name Change from Tribal Affairs Subcommittee to Tribal Energy Subcommittee

The name change, from Tribal Affairs Subcommittee to Tribal Energy Subcommittee, was unanimously approved.

Next Steps

If the group has something that it wants to present at the full RPC meeting on February 28th, it will need to provide draft presentation materials to the Department by February 7th (February 8th, after the Tribal Energy Subcommittee call is the absolute cutoff). Working backward from this, the full subcommittee would need to review anything prior to sending it for Department review by February 7th.

- Based on this schedule, President Begaye and Dr. Payson will email a recommended timeline to each of the working groups by late this weekend.

- RPC Staff will send an email to each working group, with contact information for each member of the working group.

Attendees:

President Russell Begaye, Navajo, Subcommittee Co-Director

Dr. Steven Payson, ASIA, Subcommittee Co-Director

Matthew Adams, Cloud Peak

John Andrews, State of Utah

Bidtah Becker, Navajo

Jackson Brossy, Navajo

Robert Joe, Navajo

Natasha John, Navajo

Monte Mills, University of Montana

Councilman Christopher Red, Southern Ute

Kathleen Sgamma, Western Energy Alliance

Chairman Everett Waller, Osage

Roger White Owl, The Three Affiliated Tribes

Jennifer Malcolm, ONRR

Chris Mentasti, ONRR

Deirdre McCarthy Gallagher, Kearns & West, Facilitator

Rachel Milner Gillers, Kearns & West, Facilitator

James Schindler, DOI-BOEM, RPC Executive Director

Yvette Smith, ONRR

Chris Stolte, DOI