

Tribal Energy Subcommittee
Thursday, January 25, 2018
3:00 PM – 4:00 PM EST
Meeting Summary

Agenda

- 3:00 Welcome and Roll Call**
- 3:05 1938 Act Working Group Report**
- 3:15 TERA Working Group Report**
- 3:25 Taxation Working Group Report**
- 3:35 Model Statute Working Group Report**
- 3:45 Discussion regarding progress and high level agenda items for February RPC Meeting**
- 3:55 Next Steps**

Welcome and Roll Call

1938 Working Group Report

- Group is working on a document with suggested amendments to the 1938 Act. Document aims to integrate Sovereign Tribal Nations and identify actions to be taken by the Secretary so that tribes can take control over mineral leasing.
- Group raised a question to pose to DOI now: Does the 1938 Act apply to lands acquired in trust by Tribal Nations?

TERA Working Group Report

- Group has a proposed recommendation for Interior:
 - To provide additional energy development-specific guidance on provisions of TERA regulations that tribes have identified to Interior as unclear.
 - To enhance the definition of what constitutes inherently federal functions and functions that will be performed by the tribes under a TERA. (Example: determine whether ESA compliance can be implemented by tribes through a TERA or otherwise).
- John Andrews will take the lead on providing more detail and context on what has already been identified as unclear.
- Group will point directly to the places where “inherently federal functions” appears in the regulations.

Taxation Working Group Report

- Group is working to integrate two documents that have been prepared by members regarding tax related barriers to development in Indian Country.
- Group will have an update by February 7th on whether it will provide an informational update at the February meeting or a recommendation.

Model Statute Working Group Report

- Group has drafted working paper outlining concepts, ideas, things to consider in effort to balance trust responsibility with burden on development – and improve things in a way not yet considered. Subcommittee members have been asked to provide feedback on the working paper by January 31st.
- After the February RPC meeting, the group will seek additional input and begin to turn concepts into a draft statute.

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

The name change, from Tribal Affairs Subcommittee to Tribal Energy Subcommittee, will need to be voted on by the full RPC. Chairman Waller offered to raise the motion for a name change.

Discussion and Next Steps

- Each working group will present (for 10 minutes) at the February meeting.
- February 5th: each working group will provide an overview of what they will present to President Begaye and Dr. Payson.
- February 6th: subcommittee call to finalize recommendations and presentations (3:00-4:00pm). Invitation forthcoming.
- February 7th: President Begaye and Dr. Payson to provide input to RPC staff regarding recommendations and draft materials that the Tribal Energy Subcommittee will present at the February meeting.
- February 8th: regular subcommittee call from 3:00-4:00pm.

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
 Jim James, BIA
 Robert Joe, Navajo
 Natasha John, Navajo
 Neal McCaleb, Chickasaw
 Monte Mills, University of Montana
 Charles Robertson, Choctaw
 Kathleen Sgamma, Western Energy Alliance
 Yvette Smith, ONRR
 Chris Stolte, DOI
 Chairman Everett Waller, Osage
 Deirdre McCarthy Gallagher, Kearns & West, Facilitator