
The U.S. Department of Energy Office of Indian Energy Policy and Programs

Las Vegas, Nevada, Roundtable Summary

March 16, 2011

Prepared by: The Udall Foundation's U.S. Institute for Environmental Conflict Resolution

DOE Tribal Roundtable on Tribal Energy
Las Vegas, Nevada
April 14, 2011

LAS VEGAS EXECUTIVE SUMMARY

The Las Vegas, Nevada DOE Tribal Roundtable convened on March 16th, at the Las Vegas Hilton. The meeting was hosted by the Department of Energy (DOE) Office of Indian Policy and Programs (DOE Office of Indian Energy) and facilitated by JR Bluehouse, Program Manager, Udall Foundation's U.S. Institute for Environmental Conflict Resolution (U.S. Institute). Mr. Bluehouse was assisted by Tamara Underwood, Program Assistant, U.S. Institute. Tribal leaders and representatives from multiple tribal governments and communities attended the roundtable. Tracey LeBeau, newly appointed Director of the Office of Indian Energy attended. LaMont Jackson from DOE's Office of Electricity attended. Also attending from the administration and federal agencies were Kim Teehee, Senior Policy Advisor for Native American Affairs, The White House; Charlie Galbraith, Associate Director of the Office of Public Engagement and Deputy Associate Director of the Office of Intergovernmental Affairs, The White House; Jodi Gillette, Deputy Assistant Secretary for Policy and Economic Development, the Bureau of Indian Affairs.

Participants introduced themselves and shared their goals for the meeting, including to:

- Learn about DOE tribal energy policy and program initiatives
- Learn about DOE and other federal agency funding opportunities
- Learn and share information about tribal energy projects and development opportunities
- Learn about economic and business development funding opportunities
- Learn about renewable energy resources and programs as well as green energy, including wind, solar, and biomass
- Develop relations with federal agencies and other tribes with energy projects

Participants shared their energy policy and development priorities, which included the following:

- Renewable and alternate energy development including wind and solar energy projects
- Technical assistance, capacity development, and energy and community planning
- Tribal energy development, marketing, and transmission
- Development of oil and gas resources
- Energy independence and economic development projects

JR Bluehouse, U.S. Institute Facilitator, reviewed the facilitation agenda and the four topics on which DOE would like feedback:

1. Tribal energy priorities
2. Feedback on DOE Indian Energy policies and programs

3. Federal government-wide energy issues and coordination
4. Suggestions for future DOE Indian energy policies

Listed below are additional key issues raised by tribal participants:

Feedback on DOE Tribal Policies and Programs:

- Design programs to address human resources needs for tribal energy projects
- Aim programs and policies at tribal business development within the energy industry
- Assist local and community level energy development within rural areas

Federal Government-wide Energy Issues and Coordination:

- Increase federal agency energy coordination related to funding, jurisdiction, and trust responsibilities
- Improve federal agency coordination to expedite the approval processes for permitting and funding, e.g. environmental permits and federal grant funding

Suggestions for Future DOE Tribal Energy Policies:

- Streamline federal funding processes; combine various grant programs to “pool” funding for renewable energy projects
- Create a clearinghouse or inter-tribal energy group for help with energy project development, technical assistance, and policy and legislation advocacy

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JR Bluehouse, Facilitator, reviewed the roundtable agenda and provided background information on the U.S. Institute and the Udall Foundation, an independent agency of the federal government, with offices in Tucson, Arizona and Washington, DC.

I. Introductions and Goals for the Session

JR Bluehouse invited tribal and non-tribal participants from tribal governments, tribal non-governmental organizations and associations, and private energy industry to introduce themselves and to share their goals for participating in the roundtable dialogue. The list below summarizes many of the goals offered by the tribal leaders and representatives and other meeting participants:

- Learn about DOE tribal energy policy and program initiatives
- Learn about DOE and other federal agency funding opportunities
- Learn and share information about tribal energy projects and development opportunities
- Learn about economic and business development funding opportunities
- Learn about renewable energy resources and programs and green energy, including wind, solar, and biomass

Tracey LeBeau from DOE shared information regarding the DOE Office of Indian Policy, the purpose of the roundtables, and the upcoming tribal summit. Ms. LeBeau also detailed the use of tribal energy information as informing the DOE and various federal agencies on tribal energy priorities and needs, which would also be reviewed for the possible development of tribal energy policies and regulations. Ms. LeBeau further shared information on the Office of Indian Policy and Programs. The Office has a broad scope and mission, including clean energy as

priority for DOE and the Obama Administration. The Office was designed to provide leadership and guidance within DOE and assistance and programs related to Indian energy development. Upon completion of introductions and initial participant goals for the facilitation, Mr. Bluehouse reviewed the four topics areas on which DOE sought feedback from tribal participants:

1. Tribal Energy Priorities
2. Feedback on DOE Indian energy policies and programs
3. Federal government-wide energy issues and coordination
4. Suggestions for future DOE Indian energy policies

II. TRIBAL ENERGY PRIORITIES

Developing Energy Projects in Rural Tribal Communities:

Several participants shared specific information on the need for energy project development within rural tribal communities, particularly with Native Alaska villages. The discussion identified the need for tribal and federal agency policy coordination, along with coordination with private energy industry and expertise and technical knowledge. Common among concerns from tribal participants were the high cost of energy within rural tribal communities, access to reliable and affordable energy, and the development of local or regional energy projects such as wind, solar, small scale hydro electricity, and biomass. A representative made similar comments from a northern California tribe, with an additional consideration for the uniqueness of tribal interests and needs saying, “Not every tribe is the same, as a result tribal energy needs and resources will differ greatly. Policies need to take this into account.”

Energy Planning, Education and Capacity Building Resources:

Three tribal participants identified the need for technical assistance and training for developing tribal energy projects leading to internal technical capacity. Additional tribal participants highlighted that energy project development was a new tribal endeavor with “a lot of unknowns.” Development of a federal, tribal and private energy sector training program would greatly assist tribes in establishing energy programs.

A public university representative mentioned that universities would be ideal partners to provide training and technical assistance on a variety of energy development work from grant writing to setting up and establishing solar energy projects, and sharing information and resources on building energy-efficient homes for tribal members.

Economic Development and Tribal Energy Projects:

A few tribal participants highlighted federal and state tax policies as a challenge for tribal energy development. An example was provided in the “double taxation” of non-tribal businesses providing services, technical assistance, and materials for tribal energy projects within tribal lands. A possible solution would examine policies that would provide a credit to tribal governments and non-tribal energy businesses operating within tribal lands, thereby making it more of an incentive for tribes, federal agencies, and the private energy sector to work together to develop tribal energy projects.

A tribal representative commented that in energy development projects, while focusing on economic development as a primary driving factor, we should not lose sight of developing energy projects in an environmentally and culturally responsible manner.

III. Feedback on Current DOE Tribal Energy Policies and Programs

Tribal Considerations when Developing Energy Policies and Programs:

A participant commented that in developing energy policies, federal agencies should focus not on statistics, but rather on human factors, or “people” and tribal values related to community and environment.

Interconnectivity and Transmission Lines:

A comment was offered on interconnectivity. The Wind Energy Tribes United (WETU) drafted an energy policy that DOE should review. WETU energy projects have highlighted a need for an examination on interconnectivity issues, citing a DOE Western Area Power Administration (WAPA) study on interconnectivity and line capacity in which a national interconnectivity policy for tribal energy projects would be very beneficial.

A participant also added that issues exist with transmission lines and non-tribal energy coops that operate within tribal lands, noting that it is exceptionally cumbersome and challenging for tribes to utilize transmission lines for new and additional energy capacity.

Alaska’s Unique Energy Realities and Needs:

Three tribal participants with energy development experience with Alaska Native communities provided information on the unique energy realities and needs in Alaska. Federal energy programs and policies are designed to be accessible for tribal governments are land based; this prohibits Alaska Native tribes from participating because of the unique land status of Alaska Native communities.

Hydro energy discussions related to Alaska Native communities are not large scale, rather small scale from lakes and streams. Hydro classifications were designed for large scale hydro projects and as a result do not apply to Alaska Native communities. It was suggested that DOE and other federal agencies re-examine hydro policies.

Environmental and Wildlife and Fish policies may be prohibitive for tribal energy development. There is a need to examine alternatives or exemptions on the application of environmental or wildlife and fish policies and laws in order to not only protect animals and the environment, but also allow tribal energy development to proceed. There is a real need for coordination on these issues between DOE, the Environmental Protection Agency (EPA), the Department of the Interior (DOI), and tribal governments and communities. For example, a participant opined that during the NEPA process, federal agencies often compete for comment on impacts and various studies and, at times, overlook ‘trust responsibilities’ for tribal beneficiaries of the federal trust. Additionally, there is a need to examine policies in light of their impact on entire species or a

single animal. As it is now, a participant expressed that these policies prohibit energy development to the detriment of entire tribal communities and economies.

IV. Federal Government-wide Energy Issues and Coordination:

Coordination of Tribal Energy Information, Policies and Regulations, and Agencies – “One Stop Shop”:

A number of tribal participants identified the need to organize, coordinate, and develop a “one-stop shop” with resources for tribes on energy related information, including funding and grant opportunities, policy and regulations, meeting notices, and identification of and points of contact for various federal agencies working on tribal energy issues and projects.

Difficulties with Grants and Funding:

Tribal participants also commented that federal energy grants do not allow the “pooling” of multiple grant resources for renewable energy projects, and therefore, renewable energy projects cannot be fully developed and completed. Additionally, grant requirements should take into account the unique circumstances of tribes. “A cookie cutter approach to grant funding does not work well for tribes with different energy needs and capacity.”

A number of tribal participants also commented that they need technical assistance and guidance on grant writing; particularly with technical energy information and understanding complicated grant sequences or processes. Time limitations pose an additional challenge when tribal staff is also working on numerous other issues. Federal assistance in the form of training, individualized grant opportunities, and planning assistance would be beneficial for tribes seeking to pursue energy projects.

Federal Agency Coordination, Communication, and Streamlining:

A tribal participant noted that it is critically important the federal agencies coordinate among themselves to identify their roles and responsibilities during a tribal energy project, i.e. rights of way review and approvals, environmental and wildlife studies, technical assistance and permitting, etc. These elements involve various federal agencies such as the DOI and the Bureau of Indian Affairs (BIA), the EPA and DOE, Federal Energy Regulatory Commission (FERC), and other federal agencies. This discussion also identified the need for agencies to work together on funding sources and opportunities.

Ms. Teehee commented that the Obama Administration is committed to working with tribal governments and recently held a tribal summit where federal agency leadership met with tribal leaders and identified areas where they can work together on issues important to tribes. Additionally, given the national economic realities, there is an emphasis on streamlining federal processes and coordination and collaboration on funding resources. Ms. Gillette offered, as an example of federal agency coordination, Public Law 102-477 which is the Indian Employment, Training, and Related Services Demonstration Act of 1992, as amended by Public Law 106-568, the Omnibus Indian Advancement Act of 2000. Public Law 102-477 is unique among federal legislation, in that it allows federally-recognized Tribes and Alaska Native entities to combine

formula-funded federal grants funds, which are employment and training-related into a single plan with a single budget and a single reporting system.

A similar examination related to tribal energy issues may prove to be beneficial for both federal agencies and tribal governments.

V. Closing Remarks

At the conclusion of the Las Vegas Tribal Roundtable, Ms. LeBeau thanked tribal participants for attending the meeting and highlighted future DOE Tribal Roundtables and the DOE Tribal Summit on May 5th. Mr. Bluehouse added that there are numerous opportunities for tribal participants to provide comment on tribal energy initiatives and issues.

VI. Roundtable Participants

Art Allison, Dine Development Corporation
John Alloway, Forest County Potawatomi
Shenan Atcitty, Holland and Knight
Warren Auntim, GEO-Energy
Payton Batliner, OIEED-Demo
Phil Bautista
Hank Bonga, Mille Lacs
Henry Cagey, Blue Stone
Lauren Carson, CleanEdison
Jane Caufield, MicMac Nation
Holmer Dugger
Andy Ebona
Madeline Falco
Charles Galbraith, White House
Sean Gallagher, K Road Power
Jodi Gillette, Bureau of Indian Affairs
Anthony Gardono
Ken Hall
Mike Hart, Sierra Energy
Bryan Henry, Assembly of First Nations
Chief Victoria Higgins, MicMac Nation
Sumi Ko Hong
Karen Hunter, Assembly of First Nations
Cheryl Ann Kary, Standing Rock Sioux Tribe
Steve Kearney
Jared King, Navajo Nation
Javier I. Kinney, Yurok Tribe
Cassandra Kipp, Nez Perce
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Erica Hightower Lewis

W. McDonald, Salish-Kootenai
Will Micklin
Chester D. Mills
Alvin Moyle
Karen Nichols, Catawba
Michael Noone, Morgan Stanley
Eileen Norbert, Bering Straits Native Corporation
Peggy O'Neill, Yurok Tribe
Barbara Ortega
Kelcey B. Packineau
Deb Painte, MHA Nation UTTC/Bismarck, ND
Rom Poplanski
Andy Quintana, Cochiti Pueblo
Delvin RabbitHead, MHA Nation New Town, ND
Jennifer Reimann, OIEED-Demo
Sherrice Roanhorse, Navajo
Doug Robertson, Clean Nations Lummi
Sol Sanderson
Shane Seibel, Southern Ute Indian Tribe
John Sirois, Confederated Tribes of Colville Reservation
A.T. Stafne, Fort Peck Tribes
Mark Stuart
Tara Sweeney
Jody Tallbear, DOE
Richard Tallbear, TallBear Solar
LeeAnn Tallbear, Soboba Band
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Liz Walker, Walker Law
John G. Weeks, Fort Peck Tribes
Dave Williams, Three Affiliated Tribes
Ryan Williams, CleanEdison
Bridget Wolgemuth
Sam Woods, Navajo Nation
Bruno Zagar, Fond du Lac Band Lake Superior Chippewa
Peterson Zah, Navajo

Facilitation Team:

J.R. Bluehouse, Program Manager, U.S. Institute
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