



INDIAN COUNTRY ENERGY AND INFRASTRUCTURE WORKING GROUP

ICEIWG

May 29, 2013

Wild Horse Pass Hotel and Casino
Chandler, Arizona

MEETING OVERVIEW

The U.S. Department of Energy Office (DOE) of Indian Energy (IE) hosted an Indian Country Energy and Infrastructure Working Group (ICEIWG) Meeting on Wednesday, May 29, 2013 in Chandler, Arizona. IE welcomed reappointed and new members to ICEIWG. The ICEIWG meeting was held prior to the seventh Tribal Leader Forum on “Leveraging Tribal Renewable Resources to Support Military Energy Goals.” Arizona tribal leaders and intertribal organization representatives were encouraged to attend this meeting.

PARTICIPANTS

ICEIWG Members

- Cliff Boodram, Director of Operations, Chief Operations Office, *Seminole Tribe of Florida*
- Barney Enos, District 4 Councilman, *Gila River Indian Community*
- Mark Fox, Tax Director, *Three Affiliated Tribes*
- Chief Delvis Heath, *Confederated Tribes of the Warm Springs Reservation*
- John Hendrix, Director of Economic Development, *Mississippi Band of Choctaw Indians*
- Jim Manion, Warm Springs Power, *Confederated Tribes of the Warm Springs Reservation*
- Susan Masten, Vice-Chair, *Yurok Tribe*
- William Micklin, CEO, *Ewiiaapaayp Band of Kumeyaay Indians*
- Chief Joseph Socobasin, *Passamaquoddy Tribe at Indian Township*

Other Tribal Participants

- Neil Banketewa, Board of Directors, *Gila River Indian Community Utility Authority*
- Bruce Fredericks, Tribal Council Member, *Hopi Tribe*
- Norman Honanie, Tribal Council Member, *Hopi Tribe*
- Leroy Kewanimptewa, Jr., Tribal Council Member, *Hopi Tribe*
- George Mase, Tribal Council Member, *Hopi Tribe*
- Elizabeth Neptune, Project Coordinator, *Passamaquoddy Tribe at Indian Township*
- Steve Osceola, President of Redman Builders, Inc., *Seminole Tribe of Florida*
- Tony Sanchez, President, STOF, Inc., *Seminole Tribe of Florida*
- LeRoy N. Shingoitewa, Chairman, *Hopi Tribe*





- Mervin Yoyetewa, Tribal Council Member, *Hopi Tribe*

U.S. Department of Energy (DOE) Officials

- Tracey A. LeBeau, Director, *Office of Indian Energy (IE)*
- Pilar Thomas, Deputy Director, *Office of IE*
- Brandt Petrusek, Special Advisor, *Office IE*
- Alexander Dane, Project Leader, *National Renewable Energy Laboratory (NREL)*

Featured Speakers

- Alexander Dane, Project Leader, *NREL*
- Mark Gabriel, Administrator, *Western Area Power Administration (WAPA)*
- Jana Ganion, ICEIWG member and Energy Director, *Blue Lake Rancheria*
- Dean Polchies, Legislative Associate, *National Congress of American Indians (NCAI)*

Other Participants

- Martin Bailey, *R. Bailey and Associates*
- Peggy Beltrone, President, *Exergy Development*
- Mindy Bridges, Staff Assistant, *National Conference of State Legislatures (NCSL)*
- Mark Gabriel, Administrator, *Western Area Power Administration (WAPA)*
- Robert Lyttle, Attorney at Law
- Brooke Oleen, Senior Policy Specialist, *NCSL*
- Dean Polchies, Legislative Associate, *National Congress of American Indians (NCAI)*
- Jim Reed, Group Director, *NCSL*

WELCOME AND INTRODUCTIONS

- Welcome and introductions of current and new members of the U.S. Department of Energy (DOE) Office of Indian Energy (IE) Indian Country Energy and Infrastructure Working Group (ICEIWG)
- ICEIWG has grown in membership since 2011.
 - Returning ICEIWG members included Confederated Tribes of the Warm Springs Reservation, Gila River Indian Community, and Ewiiapaayp Band of Kumeyaay Indians. Returning member from Ho-Chunk Nation was unable to attend.
 - New member tribes included Blue Lake Rancheria, Mississippi Band of Choctaw Indians, Passamaquoddy Tribe at Indian Township, Seminole Tribe of Florida, Three Affiliated Tribes, and Yurok Tribe. New member tribe Sisseton Wahpeton Oyate Tribe was unable to attend.
- DOE-IE continues to seek participation from Alaska for ICEIWG.





OVERVIEW OF DOE OFFICE OF INDIAN ENERGY (IE) AND THE INDIAN COUNTRY ENERGY AND INFRASTRUCTURE WORKING GROUP (ICEIWG)

ICEIWG was created for tribal government leaders and DOE officials to survey, analyze, and provide feedback and recommendations to the DOE Secretary and the Director of Indian Energy on DOE tribal energy policy and program initiatives. ICEIWG serves as a sounding board on a variety of issues for DOE, bringing together tribal leaders and tribal staff to share best practices and information. Current efforts to brief new DOE Secretary Moniz on DOE-IE initiatives were also discussed.

The National Conference of State Legislatures (NCSL) has been a partner since the formation of ICEIWG, assisting with note-taking and charting the progress of the working group. Documentation is available to the public on the DOE-IE website. These online notes are in the spirit of creating an information clearinghouse to provide more information to Indian Country.

DOE-IE BUDGET UPDATES AND DISCUSSION

TRIBAL ENERGY POLICY DISCUSSION

- Key motivating factors for tribal energy development
 - Community sustainability
 - Decreasing energy costs for tribal members living on tribal land
 - Energy sovereignty
- Challenge for energy development: water rights
 - Hopi Tribe is surrounded by the Navajo Nation and does not have access to water in order to develop potential energy resources (Chairman LeRoy Shingoitewa)
 - Tribes with existing water resources need to take measures today to protect these resources for the future (Mark Fox)
- Discussion on access to capital for tribal energy development
 - One of the biggest challenges for the Passamoquoddy Tribe (Chairman Socobasin)
 - Outside tribes or tribal owned organizations could provide capital for tribes to develop energy resources. Indian Country is now in a position to finance projects.
- Tribes developing own energy policies to guide future direction of tribes and contributing to active economic development strategies for the tribes. For example, Mississippi Band of Choctaw Indians is in this process.
- Discussion of intertribal political organizations and energy policy efforts
 - Discussion of importance and the former role of Council of Energy Resource Tribes (CERT)
 - Chairman Tex Hall has gathered other tribal leaders in the Great Plains to assert water rights.
 - Coalition of Large Tribes (COLT) is a resource, with a focus on DOI regulations and policy concerning oil and gas permits, approvals and leasing for oil and gas development
- Coordination with other organizations to address economic challenges
 - Gila River Indian Community is working with other utilities in the area.
- Discussion on dual taxation and future actions
 - Request for economic impact study of tribal energy and investments from the federal government; the idea of a parallel impact study of non-tribal tax and other assessments of energy on Indian lands also discussed





- Discussion on biomass
 - Strengths and policy compliments: Scalable – good fit for Small/community projects; supplies baseload power; can utilize trash/waste (which addresses tribal environmental issues)
 - How to encourage DOE to develop a technology assessment group focused on biomass?
 - Role of U.S. Department of Agriculture (USDA) and its biofuels funding program
 - Exploration of tribal loan guarantee program

LEGISLATIVE UPDATE:

N. Dean Polchies, Legislative Associate from the National Congress of American Indians (NCAI), provided an update on active, national legislative proposals related to energy development in Indian Country.

- Major enacted legislation of the 112th Congress includes the HEARTH Act, which set up a procedure for tribes to lease lands without the Interior Secretary's approval.
- Current legislative proposals in the U.S. Senate which directly affect Indian energy:
 - *The Energy Savings and Industrial Competitiveness (ESIC) Act* (S. 1000) (Sheehan-Portman)
 - *The Indian Tribal Energy Development and Self-Determination Act Amendments* (S.1684) (Barrasso)
- Current legislative proposal in the U.S. House of Representatives:
 - *Native American Energy Act* (H.R. 3973)(Young)
- Both the U.S. House Indian and Alaska Native Affairs Subcommittee and the Senate Committee on Indian Affairs have within their oversight authorities on Indian energy matters with the U.S. Department of the Interior, which are largely land management, leasing and permitting issues, so tribal energy legislation has thus far focused on those issues. Other Indian energy development, such as financing tools , development incentives, taxation issues, and energy development programs and DOE authorities and appropriations, are all under other committees which are beginning to consider legislative proposals. NCAI is working to broaden the outreach to both tribes and other committees with jurisdiction over Agencies and issues which are not just leasing and permitting. Upcoming meetings include:
 - SCIA Roundtable (Washington, D.C.) - June 5, 2013
 - NCAI Mid-Year (Reno, NV) – June 25-27, 2013

WESTERN AREA POWER ADMINISTRATION (WAPA) DISCUSSION:

Mark Gabriel was announced as the new Administrator in May 2013. Accompanied by the WAPA Desert Southwest regional team, he addressed the working group and discussed WAPA initiatives.

- By law, WAPA must serve other customers and not just preference customers.
- When working with a federal agency, WAPA can give preference to tribal energy resources.
- WAPA shares the concern of future water availability and has teams working on the water-energy nexus.
- WAPA cannot get financing for projects for anything greater than WAPA’s annual revenue. Issue with access to capital.
- WAPA does have a new Transmission Infrastructure Program (TIP) which has a \$3.25 billion authority for new public-private transmission projects.
- “We want to manage the best transmission system in the region.”





BLUE LAKE RANCHERIA COMMUNITY-SCALE BIOENERGY POWER

Jana Ganion, ICEIWG Member and Energy Director at Blue Lake Rancheria, presented on the Blue Lake Rancheria Biomass-to-Fuel Cell Power Project for the working lunch session.

- Blue Lake Rancheria Tribal Council requested to meet or exceed California’s renewable energy standard of 33% by 2020.
- In April of 2012, the Blue Lake Rancheria was approached to be host site and owner of a demonstration bioenergy project.
- Phase 2 of a multi-phase California Energy Commission initiative “Public Interest Energy Research (PIER) Program.
- Energy security is a tribal and regional concern. Regionally, renewables are cost-effective.
- Blue Lake Rancheria’s region is rich in biomass.
 - Community-scale / distributed-generation size is feasible and allows the tribe to gain experience with relatively low risk (vs. a larger commercial plant).
 - Gasifier is flexible in terms of feedstocks:
 - Biomass
 - Municipal Solid Waste
 - Wastewater Treatment Plant Sludge
 - Fuel cells are much more efficient in converting fuel to electrical power (40-50%) compared with gas gensets (in the 20% range).
 - Limited use for waste heat (vs. colder climates; places with existing infrastructure), so focus is on maximizing electricity.
 - The fuel cell system is cleaner from an air quality standpoint.
 - Thinking long term, the system generates pure hydrogen, which can be used to power hydrogen vehicles/other hydrogen-based systems as these come to commercial status.
 - Blue Lake Rancheria will measure and report on system efficiency and economics of their system compared with other options.
- The entire project was on trust land. The Environmental Assessment and the Tribal Historic Preservation Office Review have been completed.
- The project has been a regional driver in terms of innovation and economic development and demonstrates how collaboration with regional stakeholders, nonprofits, and academic organizations can accomplish regional energy advances.

DEPARTMENT OF ENERGY (DOE) OFFICE OF INDIAN ENERGY (IE) PROGRAMMATIC DISCUSSION

ADMINISTRATION AND TRIBAL LEADER FORUM SERIES

- Reminder that on demand technical assistance is available, and the application link is on DOE-IE website.
- Input from ICEIWG members was requested for future topics for Tribal Leader Forum series. Possible Tribal Leader Forum topics include:
 - Investment and financing including public financing options and business structures
 - Biomass, waste to energy, and carbon sequestration
 - Utilities (transmission and distribution)





- Strategic Technical Assistance Response Team (START) Initiative for Rural Alaska Native Community Energy Planning Projects
- DOE-IE responded to ICEIWG members questions regarding the DOE Tribal Loan Guarantee Program, which has never been appropriated.

TRIBAL ENERGY DEVELOPMENT: TECHNICAL ASSISTANCE, TRAINING AND TOOLS

Alexander Dane, IE START Project Leader, provided updates on DOE-IE capacity building efforts and the START Initiative for Rural Alaska Native Community Energy Planning and Projects.

Updates on START Initiative for Rural Alaska Native Community Energy Planning and Projects:

- Overview on START overall, which includes 11 projects in 2012 and 10 projects in 2013.
- START Alaska Projects for 2013:
 - Native Village of Kongiganak – strengthen existing wind energy infrastructure, efficiency measures, and smart grid technology development.
 - Native Village of Koyukuk – upgrades to its energy infrastructure and identification of energy efficiency and biomass opportunities.
 - Native Village of Minto – energy efficiency, biomass, and solar energy opportunities.
 - Native Village of Shishmaref – capacity and increase sustainability within the village to mitigate current energy and community relocation challenges.
 - Yakutat T’lingit Tribe – biomass, ocean energy, and efficiency measures.

Overview of DOE-IE capacity building programs and resources:

- A variety of new capacity building programs and resources were created to address different educational needs among tribes and tribal audiences. Tribal leadership has different levels of educational needs in order to make final and interim decisions regarding energy projects. Other programs are designed for tribal staff and provide information on more technical aspects of project development and implementation.
- Tribes can apply for up to 40 hours of free technical assistance from DOE-IE.
 - 25 tribes have received technical assistance between October 2012 and May 2013
- Tribal Leader Education Program offers nine foundational courses and seven advanced courses online through National Training and Education Resources (NTER). The courses are free to register, and participants can track their projects through the coursework.
- Tribal Leader Forum series has included six forums with the seventh forum on May 30-31, 2013, in Chandler, Arizona on “Leveraging Tribal Renewable Resources to Support Military Energy Goals.”
- Upcoming tribal renewable energy project development and finance workshops geared toward tribal staff
 - July 9-11, 2013, in Denver, Colorado – commercial scale development
 - September 16-20, 2013, in Golden, Colorado – community and facility scale development
 - Tribal staff need education on the process that is more “in the weeds.”
- Tribal Renewable Energy Webinar series, focused on commercial scale projects and working with utilities, is offered on the last Wednesday of each month and open to all interested. There have been nearly 1,100 attendees to date.





- Overview of a number of tools on National Renewable Energy Laboratory's (NREL) website that can be accessed through the Department of Energy (DOE) Office of Indian Energy (IE) website: <http://energy.gov/indianenergy/office-indian-energy-policy-and-programs>
 - PV watts
 - RE Atlas
 - Jobs and Economic Development (JEDI) model

DOE-IE INITIATIVE WITH THE U.S. DEPARTMENT OF DEFENSE (DOD)

- Goals of this initiative are to educate tribes on how the military procures energy as well as to educate the military on nearby tribal installation energy potential opportunities so that DoD can achieve its renewable energy goals and energy security goals.
- The Tribal Leader Forum, "Leveraging Tribal Renewable Resources to Support Military Energy Goals," on May 30-31, 2013, in Chandler, Arizona was designed to provide information for western U.S. tribal leaders and military leaders on the renewable energy resource development potential on tribal lands, and the opportunities for partnership between tribes and military installations to promote energy development on tribal lands to achieve military energy security goals.

DISCUSSION RECAP, ADMINISTRATIVE BUSINESS AND NEXT STEPS

- DOE-IE continues its focus on getting projects done rather than spending money on feasibility projects.
- The idea for an Indian Energy General Assistance Program (GAP) was discussed but was discussed as not likely to happen, as technical nature of energy needs does not lend itself to this model.
- **Capacity building** is a priority and still one of the major challenges for DOE-IE.
 - One proposed idea was to "train the trainer" at the level of intertribal and regional tribal groups. DOE-IE had put out a request for interest (RFI) to tribes and intertribal organizations determine interest in technical training on project development and finance. This RFI did not receive any response from tribal leaders and staff with the some interest to get trained coming from consultants.
- **Discussion on intertribal organizations and regional groups** (recurring topic throughout ICEIWG meeting)
 - DOE-IE has a statutory authorization to support, encourage and facilitate intertribal cooperation.
 - Mark Fox, Three Affiliated Tribes, expressed interest in discussing further regional collaboration among tribes.
- **Identifying partners within Indian Country**
 - Capital investment and financing of tribal energy projects can come from within Indian Country. Some tribes do not have the land base, but do have the capital. There are many possible variations on how these relationships can be formed.
- **Indian Country needs more energy professionals from Indian Country.** DOE has an impressive amount of scientists from across Indian Country, but DOE-IE is eager to specifically support the development of more energy professionals coming from Indian Country. For example, Council for Energy Resource Tribes (CERT) internship program and its mentoring for students had previously been successful so could be a good model.





ACTION ITEMS:

- NCSL in consultation with ICEIWG members will draft a letter requesting DOE to convene a conversation on waste-to-energy technology vetting and tribal project financing. (This idea was originally raised by Oneida Nation of Wisconsin to Secretary Chu and Director LeBeau.)
- NCSL will review list of ICEIWG pending action items and reformat the list as a matrix.
- NCSL will poll ICEIWG members on date of next ICEIWG meeting. This date will likely be in late-August or early September of 2013.
- ICEIWG members will provide further input on topics for the future sessions of the Tribal Leader Forum series.

