



INDIAN COUNTRY ENERGY AND INFRASTRUCTURE WORKING GROUP

ICEIWG

March 14, 2013
Mandalay Bay Resort and Casino
Las Vegas, Nevada

MEETING OVERVIEW

The U.S. Department of Energy (DOE) Office of Indian Energy (IE) hosted an Indian Country Energy and Infrastructure Working Group (ICEIWG) Meeting on Thursday, March 14, 2013 in Las Vegas, Nevada. IE solicited nominations for new members to ICEIWG—current, new and potential new members, as well as other tribal leaders and intertribal organization representatives were encouraged to attend.

PARTICIPANTS

ICEIWG Members

- Barney Enos, District 4 Councilman, *Gila River Indian Community*
- Jim Manion, General Manager of Warm Springs Power, *Confederated Tribes of the Warm Springs Reservation*
- William Micklin, CEO, *Ewiiapaayp Band of Kumeyaay Indians*
- Robert Shepherd, Chairman, *Sisseton Wahpeton Oyate Tribe*
- Ronald Suppah, Vice-Chairman, *Confederated Tribes of the Warm Springs Reservation*
- Susan Weber, Representative, *Ho-Chunk Nation*

Other Tribal Participants

- William Anderson, Chairman, *Moapa Band of Paiutes*
- Irene Cuch, Chairwoman, *Ute Indian Tribe*
- Lloyd Irvine, Council Member, *Confederated Salish & Kootenai Tribes of the Flathead Reservation*
- Shawn Jackson, Council Member, *The Klamath Tribes*
- Carl W. Johnson, Vice-Chairman, *Walker River Paiute*
- Joseph Lucero, Council Member, *Pueblo of Isleta*
- Jimmy Newton, Jr., Chairman, *Southern Ute Tribe*
- Lorren Sammaripa, Chairman, *Walker River Paiute*
- Frank Summers, Council Member, *The Klamath Tribes*



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 of IE*
- Nathan Dexter, *Office of IE*
- Jody TallBear, Attorney, *Office of Economic Impact and Diversity*
- Dan Beckley, Principal Laboratory Program Manager, *National Renewable Energy Laboratory (NREL)*

Featured Speakers

- William Anderson, Chairman, *Moapa Band of Paiutes*
- Jimmy Newton, Jr., Chairman, *Southern Ute Tribe*
- Jacqueline Johnson Pata, Executive Director, *National Congress of American Indians (NCAI)*
- Fawn Sharp, President, *Quinault Indian Nation* and President, *The Affiliated Tribes of Northwest Indians (ATNI)*

Other Participants

- Julian Baker, *Southern Ute Tribe*
- Mindy Bridges, Staff Assistant, *National Conference of State Legislatures (NCSL)*
- Bill Cyr, Director, *Aha Macav Power Service, Fort Mojave Indian Tribe*
- Anika Evans, Director, *Gila River Telecommunications, Inc.*
- Roger Fragua, *Pueblo of Jemez and Cota Holdings, LLC*
- Anthony Frank, Secretary, *Moapa Band of Paiutes*
- Eric Friall, Regional Manager, *TAS Energy*
- Jim R. Gray, Principal, *Gray Consulting*
- Michelle Henry, *Navajo Nation*
- Michell, Holiday, *Iowa Tribe of Oklahoma*
- Royce M. Jenkins, Director, *Office of Community Planning & Economic Development; Hopi Tribe*
- Robert Martin, Director of Law, Policy & Governance, *Council of Energy Resource Tribes (CERT)*
- Wendell Matt, *Greenberg Traurig*
- Steven McSloy, Partner, *SNR Denton*
- Paul Moorehead, Partner, *Drinker Biddle & Reath LLP*
- Wayne Nelson, Tribal Planner, *Fort Mojave Tribe*
- Brooke Oleen, Policy Associate, *National Conference of State Legislatures (NCSL)*
- Jacquelyn Pless, Energy Policy Specialist, *NCSL*
- Dean Polchies, Legislative Associate, *National Congress of American Indians (NCAI)*
- Robert O. Porter, Senior Counsel, *SNR Denton*
- Adam Red, *Southern Ute Tribe*
- Karenia Simpson, *Colville Confederated Tribe*
- Bruce Valdez, Executive Director, *Southern Ute Growth Fund*
- Jennifer Weddle, *Greenberg Traurig*
- Jack Whitehorse, *Navajo Nation*



ICEIWG BUSINESS MEETING

OVERVIEW OF DOE OFFICE OF INDIAN ENERGY (IE): ACCOMPLISHMENTS TO DATE AND FUTURE PRIORITIES OF 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.

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.

Review of ICEIWG Goals

- Establish baselines to aid in DOE energy policy and program implementation and strategy
- Provide market and policy insight to better illuminate federal energy priorities
- Interact with federal and energy stakeholders to bring first-hand, experienced tribal energy expertise to discussions and deliberations

DOE-IE Director Tracey LeBeau reviewed ICEIWG accomplishments since its formation in August 2011 (see “Accomplishments to Date” document).

NEW MEMBER RECRUITMENT STRATEGY AND UPDATE ON APPOINTMENT AND SELECTION PROCESS

- ICEIWG members are appointed to a one-year term. New members have been solicited, and nominations are due by April 1, 2013.
- ICEIWG is a working group rather than a federal advisory committee (FAC). As a working group, non-elected tribal members, such as technical experts, can not be members. The goal of the nomination process is to recruit tribal leaders with significant background in energy development. Each current member of ICEIWG has energy development experience.
- As of late 2012, Yocha Dehe Wintun Nation is no longer represented in ICEIWG.
- Chairman Robert Shepherd, Sisseton Wahpeton Oyate Tribe, is the newest appointed ICEIWG member.
- A nomination has been received from the Three Affiliated Tribes.
- Currently, there are five to six openings for new ICEIWG members. Another reminder for nominations will be sent to the tribes. ICEIWG is hoping for more representatives from the eastern United States, Alaska, and the upper Midwest.



DOE OFFICE OF INDIAN ENERGY (IE) ACTIVITIES AND BUDGET REPORT

Budget Update for and Use of FY 2013 Appropriations – Administration, Technical Assistance and Tribal Energy Program

- DOE-IE is actively working on the Fiscal Year 2014 budget.
- Sequestration hit on March 1, 2013. There was a 5% cut across the board. The dollar amount is still being finalized. Given the size of DOE-IE's budget, the amount will not be insubstantial but it will not be furloughing.
- DOE-IE is strategically coordinating with the current tribal energy grant program to best allocate financial assistance for tribes.

Further Budget Discussion

- Vice-Chairman Suppah asked whether there will be opportunities for tribes to testify on the budget. Jacqueline Pata, Executive Director of the National Congress of American Indians (NCAI), noted that tribal leaders can send in letters and call members of Congress, but there are no opportunities to testify. NCAI is asking tribes to send messages to members of Congress. Pata said that this method does help encourage involvement.
- Vice-Chairman Suppah noted that it is important to have funding in order to protect the Strategic Technical Assistance Response Team (START) program and the other programs that IE has initiated, so that traction is not lost.

IE Program Updates for FY2013 and Initiatives and Priorities for FY2014

- Ernesto J. Moniz has been nominated as DOE Secretary Steven Chu's replacement. DOE-IE is in the process of preparing briefing materials for him to aid in his transition.
- DOE-IE has solicited START applications. The process is similar to last year: there will be a specific Alaska program and then a separate program for the lower 48 states (but will also be open to Alaska this year). This year's projects will be more focused on community-scale energy projects. IE is working to streamline the START application process.
- DOE- has tribal energy funding opportunity announcements (FOAs) pending, both of which would be for actually deploying projects. DOE-IE is exploring how to be more impactful and aligning funding with feasible projects.
- DOE-IE commissioned the National Renewable Energy Laboratory (NREL) to update and estimate renewable energy potential in Indian Country, and those statistics are now available for every reservation.
- DOE-IE also commissioned a transmission study of the western United States and tribal lands. Transmission infrastructure has been mapped out, and data are available upon request from a tribe.
- The Western Area Power Administration's (WAPA) webinar series has been very successful. The last webinar had approximately 260 participants. The webinar platform can be available on demand and is practical in its approach.
- There is an ongoing request for information from Indian Country to help with technical assistance. DOE-IE is working on providing information based on what each tribe requests. Expertise and assistance is matched based on the interest from Indian Country. For example, some tribes are discussing tribal utilities and forming utilities in and amongst themselves.



Leveraging other DOE Resources and Working with Interagency Partners

- In terms of technical assistance, DOE-IE is reaching out and collaborating with other agencies. For example, DOE-IE's work with the U.S. Department of Agriculture (USDA) and its Rural Community Development initiatives has been impactful and should continue to increase in the future.
- DOE-IE has upgraded the on-demand technical assistance program. Forty hours of free technical assistance are available upon request from a tribe. DOE is focusing on high-value, high-impact assistance. Typical high priorities for technical assistance include projects already in development process, tribes seeking competitive proposals, and strategic energy planning.
- A primary resource for technical assistance is the National Renewable Energy Laboratory (NREL). Strategic energy planning is mostly managed out of Sandia National Laboratories and is often combined with NREL technical experts. Also, organizations such as WAPA work on interconnection feasibility studies on its system. Depending on the request, DOE-IE can reach out to the wealth of technical experts throughout the DOE complex to best match tribal need and expertise.
- Vice-Chairman Suppah mentioned that he had met with the Columbian River Tribes about the lack of notification from DOE on the Hanford storage tank leakage. The tribal leaders had found out about the leak through media reporting and were disappointed by the lack of notification. Suppah requested consultation from DOE at the appropriate level.
 - DOE-IE suggested contacting David Conrad, Director of Tribal and Intergovernmental Affairs, DOE Office of Congressional and Intergovernmental Affairs, who could facilitate this request.
- Will Micklin noted that tribal relationships with public lands are important. The U.S. Bureau of Land Management (BLM) has improved on these issues. Tribes deserve some sort of reference and deference to traditional knowledge in the environmental impact assessment process. There needs to be greater discussion on the environmental impacts of any project.

Alaska Strategic Technical Assistance Response Team (START) Program Lessons-Learned

- Another major effort that DOE-IE hopes will benefit the lower 48 states is the revamped technical assistance in Alaska. DOE-IE is collaborating with the University of Alaska on some federal-state projects. In the Alaskan Native communities, almost every native Alaskan is on a microgrid, diesel generation set, and most of the villages have renewable energy resources such as hydro, wind, solar or biomass.
- DOE has funded this project through the Energy Efficiency and Conservation Block Grant (ECBG). The University of Alaska at Fairbanks is evaluating these systems. The Alaska Energy Authority is evaluating the performance as well.
- This project could greatly benefit Indian Country and the lower 48 states by providing information on how to integrate renewable energy into the grid. The design, technology and funding opportunities exist.
- Will Micklin noted that Alaska is similar to other rural ICEIWG tribes. The grids are the ultimate solution for the integration of various technologies such as waste, wind, solar and biomass. As in southeast Alaska, there is the challenge to see if public lands can provide sufficient waste stream to make the fuel source reliable. The Ewiiapaayp Band of Kumeyaay Indians is investigating wood pellet technology, which requires there be conversion and a fuel source that is still cost-effective considering transportation.



Education and Capacity Building

- Deputy Director Pilar Thomas provided an overview of the education and capacity building efforts of DOE-IE and specifically for Fiscal Year 2013. DOE-IE is planning workshops with the Tribal Energy Program (TEP). There will be an annual workshop in August 2013 (location to be decided) and one in October 2013 in Alaska.
- DOE-IE plans on providing two to three workshops on new project development and finance as part of an initiative with NREL. Nathan Dexter is developing with NREL the curriculum for a three day workshop.
- DOE-IE intends to provide a summary version of the materials to support tribal staff and provide details on how to get projects developed and financed.

Tribal Leader Forum with the U.S. Department of Defense (DoD)

- DoD has an aggressive 25% renewable energy procurement priority to achieve by 2025. DOE-IE completed a study of tribal lands near military installations and identified the top 15 tribes/projects. DOE-IE has been in close contact with DoD to discuss potential partnerships.
- The next DOE-IE sponsored Tribal Leader Forum will be designed to provide information for tribal leaders and U.S. military leaders on the renewable energy resource development potential on tribal lands, and the opportunities for partnerships between tribes and military installations to promote energy development on tribal lands and achieve military energy security goals.
- The Tribal Leader Forum will take place in late May in Phoenix, Arizona, and in conjunction with the Western Regional Partnership's (WRP) subcommittee meetings.
- DOE-IE is also planning a related webinar that will take place before the Tribal Leader Forum.

DOE AND ICEIWG MEMBER DISCUSSION:

POTENTIAL POLICY & LEGISLATIVE TOPICS CONVERSATION TO SHAPE A NATIONAL INDIAN ENERGY POLICY DISCUSSION

DOE-IE officials and ICEIWG members participated in a discussion on policy issues and the role of the DOE-IE office before the following National Indian Energy Policy Discussion.

- Vice-Chairman Suppah asked about continuing efforts on proposed tribal energy legislation that was proposed during the last session of Congress.
- DOE-IE explained that the Office of Indian Energy been asked to aid in technical drafting services and that is the primary, appropriate manner which it participates in energy legislative activities (besides testimony). Thus far, the U.S. House requested the administration to help draft proposed legislation. Like other federal agencies, DOE provides this technical drafting service upon request from congressional members or committees.

Tribal Leader Discussion on Potential Tax Reform Legislation

- Will Micklin mentioned that tax reform legislation will be interesting to track this upcoming session. At the staff level as well as for tribal leaders, some appreciation of how tax credits could be made available is important.



- National Congress of American Indians (NCAI) is currently preparing briefings on tax credits and related topics for this purpose.
- Will Micklin noted that early action is critical in order for the appropriate language to be incorporated into proposed legislation. He made note of the Coalition of Large Tribes (COLT) as well as national organizations such as NCAI as good conduits and avenues to communicate.
- What could be done through legislation, especially with the prospect of tax reform in Congress this session?

Tribal Discussion on Commercial Development, Energy Procurement and Transmission

- Will Micklin noted that the Ewiiapaayp Band of Kumeyaay Indians is working on commercial energy development opportunities and training tribal members as energy auditors. California has a cap and trade law; it is an opportunity to profit and establish an annual growth baseline and still get paid for keeping it on the ground.
- In California, there is a fairly aggressive Renewable Portfolio Standard. Additionally, there is less interest in transmission coming from northern California. Tribes are concerned because they are in large part subject to independent owned utilities.
- Vice-Chairman Suppah noted that a transmission line coming through a reservation affects a tribe's ability to survive. The rights of way and lease issues come into effect.
- Will Micklin discussed how the U.S. Environmental Protection Agency (EPA) puts out word and there are very narrow parameters that tribes can negotiate within. If we don't get transmission rates sufficient to connect to other regions, it is not much use. Is it the state that we can work with to push these interests? Is it the state that improves the grid? There is interest to bring that surplus generation and move that energy to other regions that have need.
- The Arizona Corporation Commission, the U.S. Department of Defense, and the U.S. General Services Administration are the only three agencies that have the authority to purchase energy on their own. DOE has to follow certain rules, and DOE facilities have to look at what sources are already serving them, which poses its own set of challenges.

Discussion of Renewable Energy Credits (RECs)

- There is an incentive by federal agencies to reach a goal but not monetize this incentive.
- Jim Manion explained that it is a benefit to the agency because it is counted twice. It is not a benefit to the tribe.
- Deputy Director Pilar Thomas explained that the REC market is a relatively robust and open market around selling. There is more information on the U.S. Environmental Protection Agency's (EPA) *Green Power Market* website. For example, Native Energy, which is not native owned, will buy and then resell RECs. Western Area Power Administration (WAPA) buys RECs for the federal government agencies.

Discussion on Business Partnerships and Incentivizing Investment

- There continues to be conversation in Indian Country about how to incentivize tribal ownership and capital. There is a consistent tribal interest in maintaining control of projects on tribal lands and deploying capital and investment opportunities. While the energy industry is expecting a phase-out of renewable energy tax credits, the federal Renewable Energy Production Incentive, which was designed for nonprofits, cooperatives and tribes, still exists but has not been funded.



- Will Micklin noted that tribes need some guidance in developing business partnerships and in trying to determine equitable ownership interests between tribe and economic partners. Tribes need guidance on capital pools among partners and what part is subject to risk and loss.
- There was discussion and information distributed on Master Limited Partnerships (this document could be attached or some additional bullets could be included) and the Master Limited Partnerships Parity Act proposed by U.S. Senator Chris Coons.

