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

Washington, D.C., Roundtable Summary

March 30, 2011

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

DOE Tribal Roundtable on Tribal Energy
Washington, DC
March 30, 2011

WASHINGTON, D.C. EXECUTIVE SUMMARY

The Washington, D.C. Roundtable on Tribal Energy Policy and Priorities convened at 1:30 PM on March 30, 2011 at the Dirksen Senate Building. The meeting was hosted by the Department of Energy (DOE) Office of Indian Energy Policy and Programs (Office of Indian Energy). Tracey LeBeau, Director of the Office of Indian Energy, and Pilar Thomas, Deputy Director-Policy, Office of Indian Energy, represented DOE. Twenty-six participants from six different tribes, various organizations, congressional offices, industry, and other affiliations attended the session. The full list of attendees is at the end of this summary. Debra Drecksel and JR Bluehouse of the Udall Foundation's U.S. Institute for Environmental Conflict Resolution (U.S. Institute) facilitated the roundtable session.

Ms. LeBeau and Ms. Thomas introduced themselves and outlined the purpose of the roundtable session:

1. Gather feedback on tribal energy challenges and priorities in order to better focus the work of the new DOE office
2. Introduce tribal leaders to the new DOE office
3. Prepare for the Tribal Energy Summit, May 4-5, 2011 in Washington, D.C.

Participants then introduced themselves and shared their goals for the meeting. They also shared their priorities with regard to energy policy and development in Indian country, which included the following:

- Increase federal government funding for tribes and better access to grants, e.g. "one stop shopping" coordination among agencies that provide energy related grants
- Promote partnerships between tribes and the federal government, e.g. tribal energy purchased by the military
- Explore possible tribal partnerships with private companies and utilities, and provide DOE guidance for tribes with regard to these partnerships
- Gain DOE support for moving renewable energy projects forward on reservations, e.g. conduct energy audits and retrofits of energy projects
- Provide overall DOE support for tribes; streamline processes and follow through on projects

Following these introductions, participants were asked to comment on the following four topic areas:

1. Tribal energy priorities
2. Feedback on DOE policies and programs in Indian country
3. Federal government-wide energy issues coordination
4. Future DOE tribal policies

Comments on the four topics included the following.

1. Tribal energy priorities:

- Creating a sustainable, green framework for development, e.g. tribal energy generation
- Prioritizing energy development and energy efficiency on reservations
- Providing guidance to tribal partnerships and helping foster partnerships between different tribes, tribes and government (state and federal), and tribes and private entities
- Providing guidance to tribes on ways to manage requests from energy companies, e.g. requests for a facility
- Ensuring tribal “survival” – e.g. ensuring a reliable and affordable energy source for tribes, especially energy provided by a private utility
- Providing technical and cost analysis assistance to tribes for energy development projects

2. Feedback on DOE tribal policies and programs in Indian country:

- Funding challenges call for DOE support for project next steps and resources to continue projects
- Partnership assistance would be helpful

3. Federal government-wide energy issues coordination:

- Coordinating federal grants, fixing the piece-meal structure of grant programs, and addressing the status of loan guarantees
- Establishing a government preference for buying energy from tribes
- Reviewing the impact of renewable energy projects on tribes’ historical and cultural sites

4. Future DOE policies:

- Address financial barriers, e.g. tribal access to tax credits and the sale of Renewable Energy Credits (REC)
- Eliminate federal fees related to energy production, which pose a heavy burden on tribes
- Fund a program for sustainable construction of tribal government buildings, and use green, energy-efficient methods in new construction on reservations
- Conduct more outreach to tribes, e.g. tribal information and technical assistance on available grants, and provide support for projects already underway
- Support technical and substantive expertise among tribes – e.g. encourage energy education for tribes, such as apprenticeship and internship programs
- Improve government inclusion and coordination with tribes, and assist with resources to participate in environmental and technical assessments, studies, and permitting processes

- Create a technical assistance network based regionally rather than in D.C. modeled on the network developed by the U.S. Department of Agriculture (USDA)

Tracey LeBeau and Pilar Thomas ended the session with the announcement of the summit being held on May 4-5th. The summary report of all the roundtable sessions will be posted on the DOE website to inform tribal leaders of what was discussed around the country.

DOE Tribal Roundtable Summary Washington, D.C.

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I. Introductions and Goals for Session

Tracey LeBeau and Pilar Thomas introduced themselves, described the role of the new Office of Indian Energy, and outlined that the goals of the roundtable sessions are to:

1. Gather feedback on tribal energy challenges and priorities in order to better focus the work of the new DOE office
2. Introduce tribal leaders to the new DOE office
3. Prepare for the Tribal Energy Summit, May 4-5, 2011 in Washington, D.C.

Participants then gave introductions and described what they wanted to take away from the session:

- Understand better how the federal government will finance and provide access to grants, increasing coordination among agencies related to permitting processes and funding
- Receive DOE guidance for energy company project requests cited for tribal lands
- Receive assurance there will be an increased focus on energy efficiency on reservations
- Learn how to develop energy audits, retrofits, and other projects on reservations
- Ensure support from DOE to move renewable energy forward in Indian country and to follow through on processes
- Gather information on the new DOE office, advocate for potential renewable industry benefits for tribes, ensure compliance on tribal consultation, and stay involved in the conversation either as employees of congressional offices or other organizations

II. Tribal Feedback on Four Topic Areas

Following introductions, Ms. Thomas presented the four key topic areas for which the Office of Indian Energy wanted feedback:

1. Tribal energy priorities
2. Feedback on DOE policies and programs in Indian country
3. Federal government-wide energy issues coordination

4. Future DOE tribal policies

The roundtable participants proceeded with a discussion of each of the four topics.

TOPIC #1: Tribal Energy Priorities

Tribal energy priorities fell under the following categories: sustainable development and energy efficiency, partnerships (tribal, state, federal, and private), survival of tribes, and technical assistance.

Participant comments and DOE staff responses are categorized and summarized below.

Sustainable Development and Energy Efficiency

One participant wanted to prioritize the creation of a green, sustainable development framework for tribes to overlay on existing models.

Similarly, another participant said that energy efficiency ought to be a priority and noted that this can be done with new construction techniques and could potentially lead to manufacturing opportunities. Furthermore, the federal government must provide assistance for adoption of efficiency standards

Another participant commented, “Energy is not now seen as a priority – we are more focused on jobs, casinos, making money, but in the long-run, we are hurting ourselves. We want to create something that is more sustainable.”

DOE Response: Recently the Department of Housing and Urban Development (HUD) allowed block grant money to be used for energy-efficient features in buildings. They are more expensive, but as pointed out, tribes are trying to receive the most value for their money.

Partnerships in Energy Generation and Manufacturing

Participants wanted increased partnerships between tribes that can combine their financial capacity or land capacity for energy generation projects, i.e. energy. development and manufacturing. Participants also envisioned partnerships between multiple entities: state, federal, tribal, private, etc. in order to work inside Indian country and best benefit tribes.

DOE response: DOE is working to identify capital for new technology investments, and is working to encourage federal investment that supports federal-private partnerships in Indian country. The Office of Indian Energy is uniquely positioned, and if involved early enough can assist with development. Furthermore, tribes may partner on energy development solutions.

Another participant wanted to see processes streamlined. The participant described a situation in which a company approached their tribe last year to provide solar and a facility. The

participant wanted to see guidelines in place that detail the steps tribes can take – both for partnerships and on their own.

Survival and Reliable Energy

A participant commented that their tribal priority is survival, and this survival “drives you towards energy independence.” They have been looking to the DOE in the past four years to accomplish that goal. One major roadblock they cited was federal fees. This participant recommended that tribes be real partners in energy development. He told the group how a utility company withdrew power from their neighboring tribe, and that same utility provides energy to his own tribe, the Hualapai. This “makes us feel tenuous about reliable energy.”

A solar industry representative suggested manufacturing for tribes, especially construction jobs that are less capital intensive, yet benefit the tribes.

Technical Assistance/Cost Analysis

A participant commented that technical assistance and cost analysis would be very helpful for the tribes.

Another participant commented that even though they cannot afford certification, it is worth it, and each community should work through the arduous process to get energy efficiency.

TOPIC #2: Feedback on DOE Tribal Policies and Programs in Indian Country

Multiple participants expressed appreciation to DOE for funding given to tribes and complimented existing DOE policies in general terms. Overall, participants wanted further assistance from DOE with funding, next steps, partnerships, and general support.

Funding and Next Steps

One participant cited funding challenges, especially to keep projects running. The same participant requested DOE assistance in identifying next steps for projects and provide further resources to continue projects.

Partnerships

Multiple participants wanted further assistance finding partnerships and meeting matching requirements for funding. One participant working on a retrofit program wanted help making connections with people who have knowledge about these types of projects. This participant wanted assistance establishing an energy efficiency program. Another participant pointed this tribal member to the Scottsdale energy program as a particularly user-friendly model.

A solar industry representative discussed a company that helps communities with energy development by providing tools to determine carbon footprints, inventories, etc.

General Support

Participants wanted to see further support from DOE to deal with the multitude of issues that surround energy development and programs. They suggested that DOE could help bring the pieces together.

TOPIC #3: Federal Government-wide Energy Issues and Coordination

The major discussion points for Topic #3 focused on funding coordination among government agencies, creating a tribal preference for government energy purchase, modernizing tax attributes for tribes, and understanding regional proclivities.

Grant Coordination within the Federal Government

One participant mentioned the frustration of having to apply for six different grants to complete one project. Others added the need for government coordination and the possibility of this provision in proposed legislation.

DOE response: Discussions are occurring with governmental counterparts about coordinating funds prior to the new office initiating programs. They noted the office is hearing how challenging it is for tribes to identify funding sources. The office staff suggested that the Office of Indian Energy provide information on funding and the transactional processes related to energy development. The office is also determining how to best way to combine technical assistance, funding, project development, and other factors to best assist tribes.

DOE cited the difficulty tribes have with the 477 program (under Public Law 102-477 To Combine Formula-Funded Federal Grant Funds). The new DOE office wants to explore how to streamline administratively and come together as federal agencies. An example of feedback that would be helpful is how that 477 program works and how DOE can better coordinate.

A useful resource was identified in developing a handbook on aligning grant requirements and cycles.

Coordinating federal funds and responsibilities among agencies was also noted, such as feasibility studies, technical assistance, etc. For example, 8% of DOE funding goes to feasibility studies. The Department of Commerce does planning, while the Environmental Protection Agency (EPA) does technical assistance and feasibility studies related to environmental resources.

A participant followed up by asking about loan guarantees and grants.

DOE Response: There are no appropriations for loan guarantees, and that there is \$20 million authorized for the Office of Indian Energy for each of fiscal years 2006 through 2016.

Another participant suggested establishing a core staff and program for grants for tribal energy programs.

Various participants discussed the Energy Efficiency and Conservation Block Grant (EECBG) Program and had questions as to whether those grants will continue. **DOE** said there would need to be further appropriations to continue the program.

Tribal Energy Preference

Multiple participants discussed the possibility of establishing a government preference to buy energy from tribes. The military, the largest consumer of energy, could buy from tribes, suggested a participant.

Another participant mentioned the issue of modernizing tax attributes for a tribe so they could conduct a project.

Again, back-up support from DOE Office of Indian Energy was mentioned as one way to help energy projects.

Miscellaneous Comments: NEPA Compliance Coordination and Impact on Cultural/Historical Sites

A congressional staff member discussed National Environmental Policy Act (NEPA) compliance and permitting and the need for coordination. Nationwide agreements impact tribes, this participant noted. There is a need for better coordination to involve the tribes in energy development. Basic communication is important and better coordination would be a great success.

Another participant mentioned the impacts of energy development on historical/cultural sites for tribes. This development requires consultation.

DOE response to Topic #3 comments: One of the goals of the Office of Indian Energy is to understand regional issues; for example, California has good incentives that tribes may take advantage of, but on the other hand cannot take advantage of federal incentives because tribes are not taxable. DOE is trying to understand regional challenges and obstacles that tribes are encountering in some states. It is hard to structure a national solution, but understanding what is happening in that region helps DOE understand more fully the issues and challenges.

TOPIC #4: Future DOE Office of Indian Energy Policies

Comments made in the final discussion focused on financial barriers for tribes, e.g. tax credits, possible solutions, and intellectual capacity building among tribes. Single comments were made that once again emphasized tribal energy preference among purchasers, and also noted the

desire to establish a program for efficient tribal buildings and assist tribal members to access tribally-owned resources.

Financial Barriers and Possible Solutions

A participant mentioned that tribes cannot access tax credits for selling energy to the government. Another participant added that tax credits should be modified, and perhaps made tradable.

DOE Response: A possible solution would be a tribal specific tax credit.

A participant noted that the government is the largest purchaser of REC Credits. If tribes can be a part of this, they can sell REC credits to agencies. If you leverage REC credits it can double the value to the project.

DOE Response: When discussing incentives, funding, etc., cities and other nontaxable entities should be studied as models. For example, the tools cities use – taxes, bonds – are the same tools that tribes use. There are many similarities between local governments and tribal governments and how they combine financing tools. It would be useful to look at local governments as possible models.

One participant again stated that the government should eliminate federal fees to tribes. DOE implied this fell under Congress' authority.

A participant again raised the issue of tribes helping tribes and working together; allowing Indian country to help itself.

Another participant suggested establishing a technical assistance network, similar to the one USDA created. The network would be regionally focused, rather than have a central D.C. location.

A tribal member wanted help to establish a program that increases the energy efficiency of tribal government buildings. The same participant wanted DOE to help tribal members access tribally owned resources.

Intellectual Capacity Building and Education

As emphasized by multiple roundtable participants, another way to overcome certain barriers tribes encounter would be through outreach to tribes and education initiatives. For example, education to tribal leaders, developing the understanding among tribal members, and fostering intellectual exchange.

Technical and substantive expertise and capacity building sparked several ideas among participants. Roundtable participants pointed to apprenticeships, internships, and partnerships with municipalities as possible avenues to increase capacity. Internships could take place in Washington, D.C. or in collaboration with universities. One participant noted that

municipalities host tribal staff and provide valuable learning opportunities. Another participant flagged DOE as a possible source of funding for these internships.

DOE also is exploring how best to reach out to urban Native Americans to join apprentice programs with labor unions, businesses, and other groups, and this initiative would extend beyond just tribes.

III. Conclusion

In closing, Ms. Thomas and Ms. LeBeau reminded participants about the Tribal Energy Summit on May 4-5 in Washington D.C. DOE mentioned that the day before the summit would be dedicated for tribe to tribe dialogue. A summary from the roundtables will be provided on the Office of Indian Energy website to inform tribal leaders what was said across the country at each roundtable. The roundtables are part of a continuing dialogue.

IV. Roundtable Participants

Xavier Barraza, Senate Committee on Indian Affairs
Zoe Beck, Senator Al Franken
Dennis Bodenchuk, Division of Energy and Mineral Development
David Conrad, US Department of Energy
Cindy Darcy, Friends Committee on National Legislation
Jack Ehrhardt, Hualapai Tribe
Jordan Exantus, Red Lake Nation
Jeff Hazel, for Michelle Holiday
Wendy Helgemo, Senate Committee on Indian Affairs
Diane Humetema, Hualapai Tribe and Squire Sanders
Rocky Imus, Hualapai Tribe
Ashley James, Athabascan Tribe
David Johnson, US Department of Interior
D. Bank Kraus, NATHPO
Tracey LeBeau, Director, DOE Office of Indian Energy Policy and Programs
Bob Lotion-Thon, Wise Solar Development
Aurene Martin, Spirit Rock Conservation
Mike McCos, Sault Tribe of Chippewa Indians
Debra Pine, Sault Tribe
Wilson Pipeston, Jefan Consulting
Whitney Robinson, House Committee on Natural Resources
Jennifer Romero, House Committee on Natural Resources
Dean Suagee, Hobbs Straus Law Firm
Jody TallBear, DOE Office of Economic Diversity, Contractor
Pilar Thomas, Deputy Director – Policy, DOE Office of Indian Energy Policy and Programs
Allen Urban, Yocha Dehe Wintun Nation
Neil White, Cocopeh Tribe

Facilitation Team:

Debra Drecksel, Sr. Program Manager, Senior Facilitator, U.S. Institute

JR Bluehouse, Program Manager, U.S. Institute

Marie Horbar, Program Assistant, U.S. Institute

Logistics Management:

Jonathan Blackwell, Chickasaw Nation Industries

Charlie May, Chickasaw Nation Industries