UNITED STATES EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE MULTI-STAKEHOLDER GROUP ADVISORY COMMITTEE MEETING DECEMBER 10-11, 2014

SUMMARY OF PROCEEDINGS

U.S. DEPARTMENT OF THE INTERIOR PREPARED: DECEMBER 2014

I. Introduction

The U.S. Department of the Interior (DOI), with Paul Mussenden presiding as acting DFO, convened the twelfth meeting of the U.S. Extractive Industries Transparency Initiative (EITI) Multi-Stakeholder Group Advisory Committee (MSG) on December 10-11, 2014 in Washington, DC. The purpose of the meeting was to obtain updates on the work of the Implementation, State and Tribal Opt-In, and Communications Subcommittees; engage with the Independent Administrator; review the Online Data Portal; and move forward with efforts to advance from candidate to compliant country status under EITI requirements.

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II. Summary of Decisions, Approvals, and Action Items

A. Decisions

- The MSG decided to adopt company-level reporting for the December 2015 USEITI Report (p.16)
- The MSG decided to adopt the Taxes and Accounting Period Workgroup's recommendations about tax reporting and reconciliation for the December 2015 USEITI Report (p.19)

B. Approvals

- The MSG approved the September 2014 MSG meeting summary with recommended editorial corrections (p.6)
- The MSG approved the reconstitution of the Project Level Reporting Workgroup as the Template & Project Level Reporting Workgroup under the Implementation Subcommittee (p.13)
- The MSG approved the creation of the Contextual Narrative Data Workgroup under the Implementation Subcommittee (p.15)

- The MSG approved creation of the Inception Report Workgroup under the Implementation Subcommittee (p.15)
- The MSG approved the Company and Project Level Reporting Workgroup's recommendation that it continue working to develop a definition of project level reporting for the 2016 USEITI Report (p.16)
- The MSG approved the Company and Project Level Reporting Workgroup's recommendation that it draft a letter to the SEC for the full MSG's consideration (with U.S. Treasury abstaining at this time) (p.17)
- The MSG confirmed the update to the 2014 Workplan and approved the 2015 Workplan Narrative and 2015 Workplan spreadsheet for submission to the EITI International Secretariat with recommended changes (pending changes noted in the discussion) (p.22)
- The MSG approved the Chair of the State and Tribal Opt-in Subcommittee to serve as the point of contact to state governments (p.32)

C. Action Items

- **All MSG Members:**
  - Review Online Data Portal and provide feedback to DOI (p.24)
- **Co-Chairs:**
  - Review and distribute meeting summary from December 2014 MSG meeting
  - Develop agenda for February 2015 MSG meeting
  - Submit nominations to the USEITI Program Office for new and renewing members (p.4)
  - Solicit feedback and input from respective sectors about the Communications Plan by *January 16, 2014*. Desired input includes additional outreach strategies and activities; target conferences and other speaking opportunities, including contact information for those events; and members of Congress to target (p. 28)
- **Implementation Subcommittee:**
  - Address "coordination" of payor codes and clear methodology for calculating revenue and benefit streams (p.11)
  - Revise the MSG Decision Matrix to clarify the decisions that have been finalized and which areas are still awaiting further definition and decision-making (p.20)
- **Communications Subcommittee**:
  - Add the following elements to the Communications Plan (p.28)
    - Internal Communications Activity within DOI
    - A column to track the status of conference speaking requests
    - Tribal outreach activities and events
- **State and Tribal Opt-in Subcommittee**
  - Coordinate with the Contextual Narrative Data Workgroup around the collection and sorting of state-level, publicly-available data. (p.32)

    - Develop a plan for outreach to states and tribes and for these sub-national entities to opt into USEITI and engage interested states/tribes in that process development (p.32)
    - Develop a personalized letter to be signed by the Secretary of the Interior to the 35 tribes that host extractives industries on their lands similar to the Governors' letter (p.32)
- **USEITI Program Office:**
    - Publish Federal Register notice calling for nominations to the MSG (p. 4)
    - Publish Federal Register notice announcing the 2015 MSG meeting dates
    - Finalize appointment for Claire Ware as a member to the MSG
    - Revise the Workplan for the first quarter of 2015 to accommodate the refinement of the reporting template and an express preference for a 90-day reporting period for companies to respond to the data request (p.13)
    - Begin the process of implementing the membership continuity plan
- **US Department of the Interior**
    - Work with the Co-Chairs to explore options for creating the Contextual Narrative portion of the 2015 USEITI Report vis-à-vis the Independent Administrator's (IA) role and provide an update to the MSG by Friday, December 19 (p.11)
    - Explore how the MSG can send a letter to the SEC within the confines of its FACA charter with sensitivity to the role of the U.S. Treasury (p.16)
- **Workplan Workgroup**
    - Add a "Conduct Industry Outreach" subsection to the USEITI Country Workplan spreadsheet under the Communications section and include relevant activities from the Communications Plan in this subsection (p. 21)
    - Add an action item for the State and Tribal Opt-In Subcommittee to hold one of its Subcommittee meetings outside of Washington DC during 2015 in the USEITI Country Workplan spreadsheet (p.22)
- **Contextual Data Workgroup**
    - Consider Mr. Ellis' research work for selecting counties for inclusion in USEITI reports and formulate a recommendation for the full MSG (p. 33)
- **CBI:**
    - Create a draft meeting summary for the December 2014 MSG meeting
    - Circulate draft action items per the slide deck shown at the end of the MSG meeting
- **Independent Administrator (Deloitte):**
    - Provide a revised staffing proposal to DOI that addresses feedback from the MSG on the lack of quality, relevant expertise, and adequate experience
    - Attend full-day facilitated meeting with the Template workgroup to refine the reporting template

- Attend full-day facilitated meeting with the Inception Report Workgroup to finalize the Inception Report so that it becomes a document that is acceptable to the MSG.
- Assess the willingness of companies to reconcile and provide a summary report for the MSG to consider

III. Day 1 Presentations and Key Discussion Points: December 10, 2014

Mr. Paul Mussenden, Acting Designated Federal Officer (DFO), U.S. Department of the Interior (DOI), opened the meeting and welcomed participants. All individuals in attendance introduced themselves. A full attendance list can be found in Section VIII – Meeting Participants.

A. USEITI MSG Business

1. Membership Continuity Plan

Mr. Paul Mussenden, DOI, reminded meeting participants that the MSG approved the USEITI Program Office to implement a Membership Continuity Plan to address the expiration of members' terms on the MSG. Ms. Judy Wilson, DOI, reported that the Program Office is proceeding with the Plan. Under the Plan, the Program Office will soon be publishing a Federal Register notice announcing that the nomination period for USEITI representatives will be open until March 31, 2015. She requested that sectors send in their complete re-nominations of existing members as quickly as possible and that the Program Office will review nominations in batches as they come in. Ms. Wilson also reported that, because the vetting period for two recent additions to the MSG has not yet expired - the reappointments of Mr. Mike Matthews, State of Wyoming; and Johanna Nesseth Tuttle, Chevron), will be pursued by the Program Office when their terms expire.

2. Personnel Updates

Ms. Judy Wilson, DOI, reported that the nomination of Ms. Claire Ware, Shoshone & Arapaho Tribes, for a seat on the MSG as a tribal representative from the government sector is in progress. Ms. Ware's nomination was vetted by the White House on December 9, 2014 and will be soon reviewed by the Secretary of the Interior. Ms. Ware joined the meeting via teleconference.

Mr. Patrick Field, facilitator from CBI, reported that Ms. Rachel Milner Gillers had left CBI to take a position at the US Office of Special Counsel.

Mr. Paul Mussenden, DOI, reported that Ms. Marti Flacks left her position at the US Department of State to take another position. Ms. Haley Rice has taken over Ms. Flacks' previous role in support of the USEITI process.

Mr. Veronika Kohler, National Mining Association and industry sector co-chair, reported that Mr. Bob Reynolds, BP America, will be retiring and will therefore leave the MSG. The MSG thanked him for his service.

3. USEITI September 2014 Meeting Summary

The MSG discussed the meeting summary from the September 2014 USEITI MSG meeting. Mr. Michael Ross, UCLA, noted for the record that the CSO sector disagrees with a statement made by Mr. Aaron Padilla, API, at the September 2014 MSG meeting that non-public lands are not included in the scope of USEITI.

Ms. Betsy Taylor, Virginia Polytechnic Institute and State University, also asked to note, for the record, that the Independent Administrator does not validate or approve which types of data are included in the Contextual Narrative report but rather works with the MSG to decide, together, which types of data are included. Ms. Taylor also asked for two corrections to be made to the September 2014 MSG meeting summary:

- Correction of the spelling of Wise County, Virginia (see page 22 of the September meeting summary).
- The MSG has provisionally endorsed Deloitte's appointment as the Independent Administrator, contingent on Deloitte presenting to the MSG qualifications of additional IA core team members with experience with development issues (see page 29 of the September meeting summary).

Mr. John Harrington, ExxonMobil, stated that the September 2014 meeting summary is the best summary that the MSG has reviewed, to date.

Pending the two corrections to the September 2014 meeting summary put forward by Ms. Taylor, the MSG approved the meeting summary. A copy of the final, approved meeting summary from the September 2014 MSG meeting is available at: http://www.doi.gov/eiti/FACA/upload/USEITI-MSG-Sept-2014-Mtg-Summary-REV.pdf

- **Approval: The MSG approved the meeting summary from the September 2014 USEITI MSG meeting with changes noted just above.**

4. Decision-Making Terminology

Mr. Patrick Field, Consensus Building Institute, introduced three terms that the MSG will use in order to differentiate between different types of decisions that need to be made:

- "Decisions" will indicate significant actions and agreements by the MSG.
- "Approvals" will indicate lower-level decisions by the MSG, such as approving work plans, meeting summaries, process changes or additions, etc.
- "Confirmations" will confirm decisions that the MSG has previously made.

5. EITI International Update

Mr. Paul Mussenden, DOI, reported that he attended the Open Government Partnership Regional Meeting for the Americas in Costa Rica on November 18-19, 2014 and spoke

about EITI and the US experience with candidacy and implementation there. He noted that, of the countries that were represented at this meeting, Columbia has recently become a candidate country and that Mexico is considering becoming a candidate country. Mr. Mussenden reported that Mexican representatives were interested to learn more about the US experience and that he encouraged the Mexican team to reach out to representatives from each of the three USEITI sectors. Finally, he noted that progress with USEITI was highlighted as part of the 2015-2018 Strategy for the Open Government Partnership.

B. Independent Administrators' Update

Mr. Greg Gould, DOI, opened this session by noting that USEITI will be creating its first full report, to be submitted to the International EITI Board in December 2015. While recognizing that this is the first report, the goal is to have the 2015 report be as solid as possible. The MSG will be building on the impressive work that it has already done over the past two years to create the 2015 report. Mr. Gould stated that Deloitte, as the Independent Administrator (IA), would help put together the 2015 USEITI report. He introduced Deloitte, noting that they would provide an update on their work, including the reporting template, inception report, as well as an update on the qualifications of their IA team. He noted that the IA's Inception Report was not yet ready for detailed discussion by the MSG. Following Deloitte's presentation and accompanying response from the MSG, the MSG discussed how to proceed with the creation of a reporting template and reviewed the near-term workplan (Q1 of 2015) for the IA's work.

1. Update from the Independent Administrator

Mr. Greg Arend and Ms. Jane Kapral, Deloitte & Touche, LLP, introduced themselves as the Partner and Project Manager for the Independent Administrator (IA) USEITI engagement , respectively. The also introduced the other members of the Deloitte team in attendance: Alex Klepacz, AJ Maxwell, David Rogers, and Rhonda Willert. The presentation slides used by the IA team are available at: http://www.doi.gov/eiti/FACA/upload/Inception-Report-Overview_12082014-Finalv2-2.pdf.

Mr. Arend noted that it has been a very interesting journey for the IA team since September and stated that he has great respect for all of the work of the MSG. He said that the IA team has learned a lot about the EITI process and that his team would like to share some of what they have learned as well as some recommended changes.

Ms. Kapral reviewed the team's work, to date, including:

- Reviewing the historical materials and decisions of the MSG in the publicly available materials and minutes from past MSG meetings;
- Consultations with the EITI International Secretariat, sectors of the MSG, and DOI employees;
- Review of the EITI website(s) and resources, including the 2013 EITI Standard, as well as review of EITI annual reports issued by other countries; and,

- Consultations with various members of the broader Deloitte & Touche IA team.

Mr. Arend explained that the Deloitte is proposing to add four new team members in response to the request from the CSO sector to add team members who have experience with civil society. These four individuals are: Jitinder Kohli, Branko Terzic, Daniel Byler, and William (Bill) Eggers. Mr. Arend proceeded to read aloud the bios of each of the four proposed team additions. Mr. Arend and Ms. Kapral also spoke about Deloitte's commitment to corporate citizenship and their own past volunteer work.

The IA team and the MSG also discussed the IA's process around the drafting and completion of the Inception Report.

Finally, Ms. Kapral outlined the IA team's proposed next steps:

- Proposed collaboration session with MSG on Inception Report;
- Work with the Implementation Subcommittee to develop the Reporting Template;
- Work with MSG to perform outreach to companies with guidance on reporting process and to obtain buy-in; and,
- Coordinate with the MSG to improve documentation of scoping decisions with details of considerations and rationale for determinations.
    - 1st Quarter FY 2015 IA Deliverables
        - Data Collection and Reconciliation Report Plan (January 2015)
        - On-line Data / Contextual Narrative Report Plan (February 2015)

In response to the presentation by the IA, MSG members provided the following comments. Ms. Danielle Brian, Project on Government Oversight and CSO Co-Chair, stated that the CSO sector organizations on the MSG have been very unhappy with IA's performance thus far. She expressed displeasure with the IA's performance around the Inception Report. She also emphasized that there is a range of substantive experience that is missing from the IA team. Referencing the Qualification Requirements of the USEITI Independent Administrator Terms of Reference, she noted that a key missing qualification is experience with open government initiatives. Ms. Brian stated that the IA team also seems to be confused about its role: the MSG was looking to the IA for advice on how to implement its decisions rather than to pass judgment on them. She finished by asking the Government sector what the process would be for the MSG to consider whether Deloitte is the right firm for the Independent Administrator role, particularly in writing the contextual narrative.

Ms. Veronika Kohler, National Mining Association, expressed concern about the IA's role vis-à-vis the MSG and MSG decisions. She stated that the IAs role is to see how it can implement the MSG's decisions and, for those areas where the MSG needs help, to find solutions for those issues, not to second-guess MSG decisions. The IA's confusion of roles has set back USEITI's schedule by 3 to 6 months. For example, the IA was supposed to present a draft reporting template to the MSG but it has not done so and this means

that the MSG will now have to create that template. Ms. Kohler added that the MSG needs the IA to be a team member and partner, not a validator.

Mr. Greg Gould, DOI and government sector Co-Chair, noted that the government went through a contracting process and hired a contractor for the IA role, Deloitte and Touche, which met the contractual requirements built from the Terms of Reference. Moving forward, he suggested that the MSG create workgroups that include Deloitte staff as team members. He reiterated Ms. Kohler's point that the IA is intended to be an independent reconciler only of revenue data that is submitted to it, not a validator of the MSG's process or decisions.

MSG members then made the following comments.

- Ms. Danielle Brian emphasized that the CSO sector remains very alarmed about the situation and is reserving judgment about Deloitte's fitness for the IA role.
- Ms. Betsy Taylor, Virginia Polytechnic Institute, emphasized the qualifications that were contained in the USEITI Independent Administrator Terms of Reference that the CSO sector believes the Deloitte team to be lacking at this time, particularly around regional development, sustainable development, democratic natural resource governance, and public involvement. She stated that this sort of expertise is required to write the contextual narrative. She noted that she has heard of Bill Eggers' writing in the field of Open Government.
- Mr. Greg Arend and Ms. Jane Kapral responded to the MSG members' comments by noting that Deloitte is a very large firm with diverse expertise in-house. If the CSO sector members are not seeing the types of expertise they want among the four proposed additions to the IA team, they can communicate that to the federal procurement officer who will then, in turn, work with Deloitte. They also expressed a desire to make this engagement work and a willingness to make the changes that would be necessary to do so.
- Mr. Paul Mussenden, DOI, noted that an opportunity exists to fix the current situation and address the concerns that have been raised, particularly if the IA team is willing to re-conceptualize its role in the process.
- Mr. Michael LeVine, Oceana, explained to the IA team that the MSG has built trust over two years of working together, and that MSG members can only judge the IA on its work to date. Building trust with the MSG will require work and will include a change in tone, transparency, and approach.
- Ms. Veronika Kohler re-emphasized that the role of the IA is not to validate the USEITI report or its approach. The MSG hired Deloitte as the Independent Administrator to work as part of the team and to solve problems. The MSG will never ask the IA to validate. She stated that is not their role.
- Mr. Greg Arend, Deloitte, responded that his team had perhaps taken the validation role/review too intensively. He had understood part of their role as providing feedback and guidance based on Deloitte's experience working with

other countries implementing EITI to ensure US EITI will meet the international standards.

- Mr. Paul Mussendent, DOI, explained that the MSG has been reaching out to the International EITI Secretariat to seek counsel, guidance, and feedback at every step along its process and so does not necessarily need that input from the IA.

MSG members discussed the options, process, and mechanisms that are available to them for reviewing Deloitte's appointment and role as the Independent Administrator:

- Ms. Danielle Brian emphasized that the CSO's acceptance of Deloitte as the IA is still provisional.
- Mr. Greg Gould noted that, while all three sectors need to accept any and all decisions that are made in order for the MSG to move forward, the US Government has signed a contract with Deloitte to serve as the IA. He recommended strongly against stopping that contract.
- Ms. Brian and Mr. David Goldwyn, Goldwyn Global Strategies, responded that the Government signed a contract with Deloitte, not the MSG as a whole. It is a requirement for validation of USEITI's report by the International EITI Board that all of the sectors endorse the IA and the CSO sector is not yet ready to provide that endorsement. Deloitte needs to demonstrate that it has the qualifications requested of it, needs to reach out to each of the sectors and engage with them more fully, and the MSG needs to explore whether it could take on the task of writing the contextual narrative for the 2015 report itself.
- Mr. Paul Mussenden, DOI, agreed that each of the three sectors must endorse the IA for the USEITI report to be validated by the International Board.
- Mr. Greg Gould suggested that the MSG gauge how the IA performs over the next three months and commit to making a decision on endorsing Deloitte as the IA at the February MSG meeting.
- Mr. Michael LeVine, Oceana, articulated discomfort at committing to a February decision and noted that the CSO sector could withdraw its endorsement at any time if it loses confidence in the IA's performance.
- Mr. Michael Ross, UCLA, asked about formal mechanisms that the MSG can use to file a grievance against Deloitte's performance.
- In response, Mr. Greg Gould noted that Deloitte is hearing the MSG's grievances and that he would recommend against pursuing a formal grievance mechanism as these are all very time-intensive and would significantly delay the USEITI process.
- Mr. Keith Romig, United Steelworkers, suggested that, whatever direction the MSG decides to go in, it should decide quickly. A delay caused by revising Deloitte's role would cause a delay, but this delay would be even more significant if the MSG waits six months to act. The MSG needs to hear promptly from Deloitte that they understand the MSG's input and concerns and about how they intend to respond.

- Mr. John Harrington, ExxonMobil, noted that there is going to be an inevitable learning curve for any organization entering the process and suggested that the MSG look to move forward constructively.
- Mr. Greg Gould suggested that the MSG take a decision to create two new workgroups under the Implementation Subcommittee: an Inception Report Workgroup and a Reporting Template Workgroup.

Mr. Patrick Field, facilitator, summarized the discussion. He articulated three roles that the IA plays:

- Reconciliation – only for industry payments to the government;
- Advisory – based on best professional standards, how the USEITI effort can succeed;
- Staffing – to do work, as articulated in the IA's Scope of Work.

He also summarized MSG members' concerns about the IA's performance:

- Misunderstanding of role and approach;
- Concern about meeting qualifications as outlined in the Terms of Reference;
- Displeasure about quality of work product, to date.

Following further discussion, Ms. Danielle Brian, Project on Government Oversight and CSO sector Co-Chair, reported to the MSG on the second day of the MSG meeting (Thursday, December 11) that the CSO sector is comfortable with the Deloitte team taking the lead on the data reconciliation portion of the December 2015 USEITI Report but, the CSO sector has a fundamental concern about the Deloitte Team creating the Contextual Narrative portion of the report.

Mr. Greg Gould, speaking in his capacity as a federal official from DOI, committed to finding a resolution that works for all parties. He committed to working with the Co-Chairs during the coming week and providing an update to the MSG by Friday, December 19th about the potential options with which USEITI can move forward.

2. Reporting Template Discussion

Ms. Veronika Kohler, National Mining Association, stated that the MSG needed to decide about developing a template by which payors can report their payments to the government to USEITI for the December 2015 report. She noted that the MSG had previously discussed holding a webinar for payors in January to explain reconciliation such that the Independent Administrator can reach out to them in February to begin collecting information. However, the draft template produced by the IA seems inadequate and so the MSG needs to decide how to proceed.

Mr. David Romig, Freeport-McMoRan Oil & Gas and also representing the perspective of the Council of Petroleum Accountants Societies (COPAS), identified some issues that he has identified while participating in voluntary disclosure with ONRR:

- Discrepancies in payments and revenues due to ONRR sometimes receiving payments from BSEE and BOEM. The current draft template calls for separating out these payments, which is not always possible for firms.
- One cannot always itemize the different types of payments made.
- As Freeport zooms out to a larger scale of payments and revenues, some discrepancies in accounting become evident, but it would take a very high level of effort to reconcile these discrepancies. By way of context, these discrepancies total a few hundred thousand dollars out of approximately $400 million that Freeport paid in rents, royalties, and other payments to the federal government last year, and so it would be worth considering whether and what reasonable margin of error could be built into the reconciliation effort.

Mr. Aaron Padilla, American Petroleum Institute, offered a few suggestions around reporting and reconciliation of payments:

- While the government sent a Dear Payor letter out to companies requesting that they reconcile their payor codes with those of ONRR, many of these companies likely have not done so. ONRR will need to make an effort to contact these companies to undertake this process.
- A standard methodology for calculating revenue and benefit streams needs to be developed such that ONRR and payors are calculating these streams in the same fashion.
- Once these first two steps are completed, the MSG needs to revise and finalize the reporting template. We will need to take into account benefit streams that may already be reported elsewhere to minimize duplication of effort. Also, we'll need to explore where there is a threshold in the difference, or delta, in reporting between ONRR figures and those of a company that would trigger further investigation (thereby allowing for the margin of error that Mr. David Romig suggested).

Mr. Greg Gould, DOI, responded that ONRR has been working on these various issues and that DOI would soon be publishing a Federal Register notice about reporting burdens as part of the government being able to use a different form (i.e., the reporting template). He also noted that the first report, due in December 2015, is intended to provide for this sort of learning process.

Ms. Debbie Tschudy, DOI, agreed that ONRR has only heard from a handful of companies regarding payor codes and requested that Industry sector representatives to the MSG encourage their peer companies to contact ONRR about this. Ms. Veronika Kohler, National Mining Association, expressed concern that the draft template also involves reporting and reconciliation of payments to four additional government agencies beyond ONRR (BLM, BOEM, BSEE, OSM) and that the overall task is going to be quite complex.

Ms. Kohler and Ms. Tschudy also discussed the scheduling and purpose of a webinar for payors. On the second day of the meeting, Thursday, December 11, Ms. Kohler clarified that the purpose of the webinar would be to educate companies about USEITI and the reconciliation process and would be held after the reporting template is finalized. The target timeframe for this webinar of January 2015 would need to be adjusted given the delay in finalizing the template, likely, at least February 2015.

The MSG decided to reconstitute the Project Level Reporting Workgroup as the Template & Project Level Reporting Workgroup under the Implementation Subcommittee with the following members:

- Paul Bugala (Workgroup lead),
- Michael LeVine,
- John Harrington,
- David Romig,
- Phil Denning,
- Debbie Tschudy,
- Curtis Carlson

➢ **Approval: The MSG approved reconstitution of the Project Level Reporting Workgroup as the Template & Project Level Reporting Workgroup under the Implementation Subcommittee.**

3. Workplan for Independent Administrator's Work in 2015 Q1

Ms. Judy Wilson, DOI, introduced the following proposed workplan for the Independent Administrator's work during the first quarter of 2015:

- Data Collection and Reconciliation Project Plan – Jan. 05
    - Contracting Officer's Representative (COR) review (Jan. 6-7)
    - MSG/Implementation Subcommittee (Jan. 8-15)
    - IA distributes templates; collects data, associated supporting documentation, any other information (Jan. 16 – Feb. 18)
- Reporting entities complete templates. IA checks for completeness, gaps, discrepancies (Feb. 19 – Mar. 19)
- Online Data/Contextual Report Plan – Feb. 2
    - COR review Feb. 3-4
- February MSG Meeting – Inception Report & Online Data / Contextual Report Plan discussions/decisions Feb. 24-25
- Draft Reconciliation Report – May 4

In addition to this workplan, Ms. Wilson reminded the MSG of the various requirements contained in the Independent Administrator's Terms of Reference (TOR) and EITI Standard related to the above workplan elements (for details, please see the second and third slides of Ms. Wilson's presentation: http://www.doi.gov/eiti/FACA/upload/Q1-2015-Presentation-day-1am.pdf).

Ms. Veronika Kohler stated that, due to concerns already expressed, including about the reporting template not being ready, the timeline laid out in the workplan would need to be pushed back.

Ms. Kohler, Ms. Susan Ginsberg (Independent Petroleum Association of America), Ms. Johanna Nessith Tuttle (Chevron), Mr. David Goldwyn (Goldwyn Global Strategies), and Mr. Phil Denning (Shell) all stated that the 30-day reporting period proposed in the workplan for companies to provide payment information to the IA would be insufficient. They expressed concern that even the suggestion of such a short time period would discourage companies from reporting because it would seem unreasonable. These MSG members suggested that, at minimum, a 90-day reporting period should be considered.

Mr. Greg Gould, DOI, thanked these individuals for their comments and agreed that the Implementation Subcommittee would revise the workplan while still trying to meet the December 2015 report deadline. Mr. Gould added that the plan had been to have the MSG approve the reporting template at the current, December MSG meeting, but that, with the template incomplete, one option might be to have the MSG approve the template via WebEx. He expressed hope that industry representatives on the MSG could discuss the request to report with their colleagues among the 44 companies targeted for reporting and reconciliation so that they are prepared.

MSG members made the additional comments.

- Ms. Johanna Nesseth Tuttle, Chevron, asked whether the reporting template would have to comply with the Paperwork Reduction Act. In response, Mr. Greg Gould affirmed that it would and said that DOI is preparing a Federal Register notice that will have a 60-day public comment period.
- Ms. Veronika Kohler expressed concern that companies will have a difficult time providing public comment about the reporting burden that will be imposed on them if they have not seen the reporting template. Although the MSG has identified the revenue streams that companies will be asked to report on, the MSG has not yet defined what is included in those revenue streams – thereby making it difficult for companies to provide information on their paperwork burden.
- Mr. Greg Gould stated that the Federal Register notice will include sufficient detail for companies and other interested parties to respond.
- Mr. Bob Reynolds, BP America, inquired whether the time period envisioned for data reconciliation would include sufficient time to work through mechanical issues with the reporting companies and suggested that this would be important so that companies that are trying to comply are not unnecessarily reported as noncompliant. A representative of the Independent Administrator responded that the IA's process would account for that.

- Mr. Brent Roper, Rio Tinto, suggested that letting companies know that there would be a margin of error allowed would encourage them to participate in voluntary reporting.

Mr. Patrick Field, facilitator from the Consensus Building Institute, suggested that in addition to the already-formed Template & Project Level Reporting Workgroup, two additional Workgroups be created under the Implementation Subcommittee:

- A Contextual Narrative Data Workgroup that would define what information would be included in the contextual narrative and would build it out in partnership with the Independent Administrator. Members to include:
    - Betsy Taylor (Workgroup lead),
    - Mia Steinle,
    - Aaron Padilla,
    - Johanna Nesseth Tuttle,
    - Blair Pasalic,
    - Chris Mentasti
- An Inception Report Workgroup would work with the Independent Administrator to complete the Inception Report. Members to include:
    - *Members:*
    - Mia Steinle (Workgroup co-lead)
    - Emily Kennedy (Workgroup co-lead),
    - Laurie Sherman,
    - Jennifer Goldblatt,
    - Judy Wilson,
    - Tawny Bridgeford,
    - *IA Support*: Alex Klepacz

➢ **Approval: The MSG approved the creation of the Contextual Narrative Data Workgroup under the Implementation Subcommittee.**

➢ **Decision: The MSG approved the creation of the Inception Report Workgroup under the Implementation Subcommittee.**

C. Implementation Subcommittee Update

1. Project Level Reporting Recommendation: Discussion and MSG Decision

After briefly reviewing the process that the Company and Project Level Reporting Workgroup has followed, Mr. Paul Bugala, Calvert Investments, reiterated the recent conclusions to date of the Workgroup:

- In most cases, the prospect of "competitive harm" under the Trade Secrets Act is not seen as a significant impediment to the disclosure of lease-level, year old data, by company and by commodity. The MSG has yet to find evidence that indicates an incidence of "competitive harm" on this basis.

- Workgroup notes that under the International EITI standard, reporting at the project level is required, provided that it is consistent with SEC rules and EU law.
- The workgroup was unable to reach a consensus on a project-level reporting definition consistent with Section 5.2e in the necessary timeframe.
- Workgroup recommendation is that the first USEITI report to be published in December 2015 follow the first part of Section 5.2e of the EITI Standard that states: "It is required that EITI data is presented by individual company, government entity and revenue stream." Project, itself, should go undefined. Specifically, company or country-level disclosure is not project-level disclosure.
- The newly constituted workgroup will work toward defining project level disclosure for the USEITI report to be published in 2016.

Mr. Bugala reported that the Workgroup was unable to reach a consensus on a project-level reporting definition consistent with Section 5.2e of the EITI Standard in the necessary timeframe at this time. As such, the Workgroup recommended to the MSG that the first USEITI report, to be published in December 2015, follow the first part of Section 5.2e of the EITI Standard that states: "It is required that EITI data is presented by individual company, government entity and revenue stream." The workgroup recommends that project remain undefined and stressed that company or country-level disclosure is not project-level disclosure. The Workgroup also recommended that it continue working on this issue in order to prepare a project definition recommendation that satisfies the requirements of Section 5.2e for use in the second USEITI report. Finally, the Workgroup recommended that the MSG send a letter to the Chair and Commissioners of the SEC expressing the MSG's significant interest in the prompt release of new implementing rules for Section 1504 of the Dodd-Frank Act. Section 1504Both a new rules release for Section 1504 and the continued progress in transposition of the EU Accounting and Transparency Directives, as well as the progress of other EITI MSGs, would provide significantly greater clarity to the Project Level Workgroup in its effort to reach consensus on a project definition for the 2016 USEITI report. Further detail about the Workgroup's recommendation can be found in the Workgroup's recommendation note to the MSG: http://www.doi.gov/eiti/FACA/upload/USEITI-Company-and-Project-Level-Recommendation.pdf.

In response to the Company and Project Level Reporting Workgroup's recommendation, the MSG decided to adopt company-level reporting for the December 2015 USEITI Report.

- **Decision: The MSG decided to not define project-level reporting and comply with the first part of Section 5.2e: "It is required that EITI data is presented by individual company, government entity and revenue stream."**

In addition, the MSG approved the Company and Project Level Reporting Workgroup's recommendation that it continue working on project level reporting for the 2016 USEITI Report.

- **Approval: The MSG approved the Company and Project Level Reporting Workgroup's recommendation that it continue working on project level reporting for the 2016 USEITI Report.**

The MSG also discussed the Workgroup's recommendation that the MSG submit a letter to the Securities and Exchange Commission (SEC) expressing the MSG's significant interest in the prompt release of new implementing rules for Section 1504 of the Dodd-Frank Act.

Ms. Danielle Brian, Project on Government Oversight, noted that there are restrictions on how the MSG, as a body, can communicate publicly since, under the Federal Advisory Committee Act (FACA), the MSG was established as an advisory committee to the Secretary of the Interior and not as a body that can make decisions in its own right.

MSG members discussed the following options for communicating with the SEC:

- Individual organizations send letters on their own letterhead.
- The Industry sector and the CSO sector could each organize themselves, outside of the auspices of the MSG, to send letters to the SEC.
- The MSG could draft and sign a letter and submit this to the Secretary of the Interior, who would then send it to the SEC on behalf of the MSG.
- The Secretary could endorse the MSG to send a letter to the SEC.

Mr. Greg Gould stated that the Interior Department would explore how the MSG could send a letter to the SEC within the confines of its FACA charter.
Mr. Curtis Carlson, Treasury Department, expressed reservations about government agencies, and the Treasury Department in particular, writing to urge the SEC to take action due to the Treasury Department's general approach of prioritizing the SEC's status as an independent agency of the federal government. Mr. Patrick Field, facilitator, acknowledged Mr. Carlson's concerns and suggested that the Treasury Department could recuse or abstain from a joint letter.

Ms. Veronika Kohler, National Mining Association, suggested that the White House could be making a greater effort to encourage coordination among government agencies around USEITI. She expressed frustration that the White House is pushing a transparency initiative like USEITI but that government agencies are not working in coordination to facilitate the USEITI process. Ms. Danielle Brian noted that independent commissions, such as the SEC, are set up to be truly independent of other branches of the government, including the White House.

The MSG approved the Company and Project Level Reporting Workgroup's recommendation that it draft a letter to the SEC for the full MSG's consideration, with the U.S. Treasury government sector MSG members abstaining at this time.

- **Approval: The MSG approved the Company and Project Level Reporting Workgroup's recommendation that it draft a letter to the SEC for the full MSG's consideration (with U.S. Treasury abstaining at this time).**

2. Tax Recommendation: Discussion and MSG Decision

Mr. Bob Reynolds, BP America, and Ms. Zorka Milin, Global Witness, presented the recommendations of the Taxes and Accounting Period Workgroup with regard to reporting and reconciling corporate income tax payments under USEITI. Their presentation slides are available at: http://www.doi.gov/eiti/FACA/upload/Accounting-Period-and-Corporate-Tax-Payments_Revised-12-10-14.pdf.

After explaining the Workgroup's definition of certain words and phrases, Mr. Reynolds and Ms. Milin presented the Workgroup's recommendations.

- Request companies report the sum of all *corporate* income tax payments/refunds (based on 13 identified IRS transaction codes) made by or on behalf of all of the companies included in the annual consolidated federal income tax income return for the first U.S. EITI report
  - IA reports which companies did or did not report
- IRS will develop the vehicle for reconciliation in time for the IA to do so prior to contacting companies (subsequent bullet)
- MSG tasks the IA to assess the willingness of companies to reconcile
  - IA assesses the willingness of companies to reconcile and provides summary report for the MSG to consider
- MSG encourages reconciliation
  - Robust outreach will be needed to maximize participation
  - For the first report: IA *positively* highlights companies that choose to reconcile and to be named in the report (companies can choose to pilot reconciliation without being named in the report)

Ms. Zorka Milin reviewed the 13 IRS transaction codes that can be used to identify 'cash' payments and refunds. In addition, she explained that, although some Industry members have articulated a preference to seek adapted implementation from the EITI International Board around income tax reporting and reconciliation for USEITI, the Workgroup is not recommending that the MSG pursue adapted implementation at this time. She cited two reasons for this recommendation: first, the United States had stated that it would reconcile corporate income taxes in its EITI Candidacy Application, and second, the MSG does not yet have hard data about how many companies would be willing to participate in reporting and reconciliation of taxes. This is why one of the recommendations is to task the IA to assess the willingness of companies to reconcile. If

it turns out that very few companies are willing to participate, then the MSG can explore its options.

Ms. Veronika Kohler, National Mining Association, thanked the Workgroup for their recommendations. She also noted that, while the reconciliation recommendation would clearly be a challenge, even the request to report income tax payments would be a challenge while companies are still waiting for the SEC to release regulations for Section 1504 of the Dodd-Frank Act. Ms. Kohler and Ms. Milin clarified that tax reporting only applies to companies that are publicly traded and that pay corporate income taxes. It does not apply to pass-through tax payments.

The MSG made the following comments in response to the Taxes and Accounting Period Workgroup's presentation:

- Mr. Brent Roper, Rio Tinto, asked for confirmation that, where income or loss from a partnership or other entity flows through to a reporting corporation, the increase or decrease in tax paid by that reporting corporation, as a result of the flow-through, would be included in the parent company's tax reporting.
- Mr. Jim Roman, ConocoPhillips, clarified that the more accurate term for "IRS Transaction Codes" is "IRS Transcript Codes." In addition, the corporate income tax payments of C corporations to the IRS are made on a consolidated basis that does not solely reflect their upstream extractive activities on federal lands in the United States for a given period of time. In other words, extractives company corporate income tax payments in the U.S. in a given tax or calendar year, represent, for many companies, a range of activities that are not all extractive in nature, do not reflect company activity only in the U.S., and correspond to activities in multiple tax reporting accounting periods. The United States is different than OECD countries, Norway and the United Kingdom, where the corporate income tax on the extractive industry is ring-fenced for oil and gas extraction.
- Mr. Keith Romig, United Steelworkers, responding to Mr. Roman's statement, posited that EITI covers any revenues paid to the government due to extractive activity on land of any type of ownership. Mr. Romig noted that while the 2015 USEITI report will only include revenues from federal lands because this is the only type of land from which the federal government collects revenues, the inclusion of sub-national activity in future reports would mean that revenues, such as severance taxes, that are collected by state governments on state and private lands would also be included in the scope of USEITI.
- Ms. Susan Ginsberg, Independent Petroleum Association of America, reminded the MSG that her organization's membership, which includes many companies that are smaller and that only operate in the United States, keep asking why the U.S. is implementing EITI and are going to be confused if this broader reach is emphasized because they think that only revenues from federal lands are included.

- Mr. Michael LeVine, Oceana, thanked the Workgroup for the recommendations and reminded the MSG that, in addition to thinking about what is possible in terms of corporate participation in reporting, the MSG needs to keep in mind the EITI requirements, which include reconciliation of tax payments. He acknowledged that the CSO sector understands that tax payments can include non-extractive activity and that materiality can be an issue.
- Ms. Veronika Kohler agreed that the MSG is moving down the path towards asking companies to reconcile tax payments but asked the MSG to remember that industry participation may be very challenging. She also clarified that the Industry sector's comments about materiality are not intended to undermine the Workgroup's recommendation and that the sector representatives would work hard to implement the recommendation.
- Ms. Johanna Nesseth Tuttle clarified that, although Ms. Kohler committed the Industry sector's support of the Workgroup's recommendation, some of the companies represented on the MSG may not report their tax payments.
- Workgroup members suggested that the IRS develop the vehicle for reconciling tax payments as soon as possible such that the IA can then survey companies about their willingness to participate in reconciliation and provide data about this willingness to the MSG.

The MSG decided to adopt the Taxes and Accounting Period Workgroup's recommendations about tax reporting and reconciliation for the December 2015 USEITI Report.

- **Decision: The MSG decided to adopt the Taxes and Accounting Period Workgroup's recommendations about tax reporting and reconciliation for the December 2015 USEITI Report (as noted above).**

3. USEITI Decision Matrix: Discussion

Mr. Greg Gould, DOI, introduced the MSG Decision Matrix, a document intended to provide a summary of key decisions made by the MSG as they apply to USEITI reporting. A version of the Matrix can be found here: http://www.doi.gov/eiti/FACA/upload/USEITI-Reporting-Decision-Matrix-Final.pdf.

Mr. Gould explained that the document is meant to be a "living" document that is continually updated as the MSG continues to make and refine decisions. He noted that there are a number of areas, such as the "Revenue Streams" categories in the final six rows of the document, that still need further definition by the MSG. Mr. Gould asked that MSG members review the document carefully to make sure that it is accurate and that the MSG both update it as needed and hold itself accountable to the document.

Ms. Veronika Kohler, National Mining Association, echoed and emphasized that certain areas will need further definition and asked for some means of distinguishing which

decisions have been finalized by the MSG and which areas need further definition and decision-making.

4. 2014 Workplan and 2015 Workplan: Discussion and MSG Approval

Mr. Chris Mentasti, DOI, gave a presentation about the Workplan Workgroup's work with the 2014 and 2015 USEITI Workplans.

- The presentation slides Mr. Mentasti used can be viewed here: http://www.doi.gov/eiti/FACA/upload/2014-2015-Workplan-Presentation.pdf.
- The 2014 Workplan narrative can be found here: http://www.doi.gov/eiti/FACA/upload/2014-WORKPLAN-NARRATIVE-11_25_14-final.pdf
- The 2014 Workplan narrative can be found here: http://www.doi.gov/eiti/FACA/upload/2015-WORKPLAN-NARRATIVE-11_25_14-final.pdf
- The Workplan spreadsheet (covering both 2014 and 2015) can be found here: http://www.doi.gov/eiti/FACA/upload/WORKPLAN-12-8-2014-final.pdf

Mr. Mentasti noted that the MSG is generally familiar with the 2014 Workplan but that, since the September MSG meeting, the USEITI Program Office had received input from the International EITI Secretariat about a revision that needed to be made to both the 2014 and the 2015 Workplans. The International Secretariat directed USEITI to define its National Priorities based on the U.S. National Action Plans for the Open Government Partnership. In addition, the Workplan Workgroup linked the EITI principles with the National Priorities and updated and linked the action items and outcomes contained in the Workplan with the National Priorities.

Mr. Mentasti reviewed the resulting changes to the narratives of the 2014 and 2015 USEITI Workplans. Mr. Mentasti noted that the 2014 Workplan contains a new section titled "National Objectives" that identifies six fundamentals from the U.S. National Action Plans for the Open Government Partnership as National Objectives. He also noted that the 2015 Workplan also contains a new section titled "National Priorities and Objectives and Other Reform Processes" that builds on the 2014 "National Objectives" section and combines it with a previously-separate "Links to Other Reform Priorities" section. The 2015 Workplan also expands on the Goals from the 2014 Workplan.

Mr. Mentasti also reviewed the resulting changes to the "USEITI Country Workplan," a spreadsheet that contains details about the actions that USEITI is taking. The Workplan contains seven sections, each of which now includes the national objectives that are being implemented in that section. In addition, the activities are now more outcome-based and are themselves linked to the national objectives.

Following Mr. Mentasti's presentation, MSG members provided the following comments:

- Mr. David Goldwyn, Goldwyn Global Strategies, suggested that, since outreach to industry to encourage participation in USEITI would be a priority for 2015, the 2015 Workplan define it as a strategic goal. Ms. Johanna Nesseth Tuttle, Chevron, agreed about the importance of this effort.
- Ms. Veronika Kohler, National Mining Association, suggested that a subsection for "Conduct Industry Outreach" be added to the USEITI Country Workplan spreadsheet under the Communications section. Relevant activities that are already in the Communications Plan could be incorporated into this new section of the Workplan.
- Ms. Danielle Brian, Project on Government Oversight, stated that the State and Tribal Opt-In Subcommittee would like to hold one of its Subcommittee meetings outside of Washington DC during 2015 to more effectively conduct outreach to states and tribes that have expressed interest in USEITI. This will require supplementary funding. Mr. Greg Gould, DOI, concurred that this would be important and should be added as an action item under the Communications section of the USEITI Country Workplan spreadsheet.
- Ms. Betsy Taylor, Virginia Polytechnic Institute and State University, suggested that the increased emphasis on linking outcomes to priorities and objectives under the revised Workplans could be an opportunity for USEITI to incorporate metrics to measure the effectiveness of its efforts.
- Mr. Greg Gould, DOI, noted that the Workplan is a living document and requested that all MSG members send updates to Mr. Mentasti on an ongoing basis.

The MSG approved the 2015 Workplan Narrative and 2015 Workplan spreadsheet for submission to the EITI International Secretariat, pending changes noted above.

- **Approval: The MSG approved the 2015 Workplan Narrative and 2015 Workplan spreadsheet for submission to the EITI International Secretariat (pending the changes noted above).**

IV. Day 1 Public Comment: December 10, 2014

No public comments were offered during the allotted public comment period.

During the afternoon of Day 1 of the MSG meeting, Rhonda Zygocki, EVP for Policy & Planning at Chevron, thanked the MSG and the Department of Interior for their work, and congratulated everyone on the release of the Online Data Portal.

The meeting was adjourned on December 10 at 4:01 pm.

V. Day 2 Presentations and Key Discussion Points: September 10, 2014

Mr. Paul Mussenden, acting Designated Federal Officer (DFO), U.S. Department of the Interior (DOI), opened the meeting at 9:40 am and welcomed participants. He reviewed the agenda for the day and meeting attendees identified themselves and their affiliations. The operator noted that eleven (11) observers were on the teleconference.

A. Comments from Principal Deputy Assistant Secretary for Policy, Management, and Budget

Mr. Mussenden introduced Ms. Kris Sarri, the **Principal Deputy Assistant Secretary** for Policy, Management, and Budget. Mr. Mussenden noted that Ms. Sarri previously served at the Office of Management and Budget, at the Commerce Department, and on Capitol Hill. She started at DOI about three months.

Ms. Sarri thanked everyone for welcoming her and thanked Veronika and Danielle for their leadership. She thanked the MSG for their hard work, which comes on top of their day jobs. She noted accomplishments that the MSG is celebrating this morning with the launch of the Online Data Portal. She expressed that she is looking forward to seeing the growth of this group. She noted that she has recently transitioned from OMB and she understands value of transparency and has been part of the Open Government Initiative. She noted her excitement about the Online Data Portal and that when an agency puts this much data on-line, there will be a lot of challenges. She noted putting this amount of information online is powerful and it's great to get it into public hands. She thanked the group again for their cutting edge work and emphasized the importance of really strong collaboration and consensus building.

In response to Ms. Sarri's comments, Ms. Veronica Slajer, North Star Group, suggested that it would be helpful to have high-ranking officials spread the message about the importance of data transparency and about participating in initiatives like USEITI. For example, 556 tribes attended that White House Tribal Nations Conference in early December and this message was not conveyed. Ms. Sarri thanked Ms. Slajer for her comments and promised to work on communicating with Indian Country.

B. Online Data Portal Rollout

Ms. Judy Wilson, along with Michelle Hertzfeld and Nick Bristow from the 18F Agency within the General Services Administration, presented the live version of the Online Data Portal to the MSG. The URL for the site is: useiti.doi.gov.

Ms. Wilson highlighted the different aspects of the site:

- The "About this site" page provides background information about the website and its genesis and about Bureaus and Offices that contribute data and information to the site.
- A "Documentation" page defines terms used on the site and explains concepts.

- A curated search engine directs the user to vetted, reliable sources of information on relevant topics pulled from other US Government websites.
- The site includes representation of federal government revenues by extractive commodity, by year.
- The site also includes:
    - Background information about different commodities.
    - Extractive resources and associated revenues by state / region, displayed graphically using maps.
    - Information and graphical representations of how federal revenues are disbursed.
    - The ability to filter and download data to allow for analysis by commodity and by company.
    - The ability to download data sets in CSV format.
    - A link to provide comments and feedback.

In response to Ms. Wilson's presentation, MSG members made the following comments:

- Many MSG members applauded the site and the hard work that went into creating it. They noted that its functionality and the user-friendly design are very impressive and lauded it as a demonstration of the future of EITI around the world. They also applauded 18F and the Presidential Innovations Fellows program for bringing valuable skills to the government.
- Ms. Veronika Kohler, National Mining Association, requested that a detailed description of the data auditing process be included on the Documentation page.
- Ms. Danielle Brian, Project on Government Oversight, and Ms. Veronica Slajer, North Star Group, requested that it be more clearly indicated throughout the site that all data currently shown is from federal lands.
- Mr. Patrick Field, facilitator from the Consensus Building Institute, suggested that the relevant text be revised from "federal lands" to "federal lands and waters."
- Mr. Michael LeVine, Oceana, requested that a function be added such that a user can export a particular graphical representation of data (after the data has been filtered).
- Mr. Jim Roman, ConocoPhillips, suggested that the abbreviations "b," "m," and "th," be defined in a key.
- Mr. Richard Fineberg, Research Associates, requested that greater information be provided about the universe of data that are included as well as those that are not.
    - Various MSG members and staff noted that the site provides multiple ways of clarifying the data set it draws from. These commenters suggested that all MSG members should explore the site independently to get a better feel for the site and its functionality.
- MSG members discussed the branding of the website and the relationship between the site and EITI:

- Ms. Veronica Slajer, North Star Group, requested that the site more prominently display its connection to USEITI to help with outreach and advocacy efforts to states and tribes.
- Mr. Michael Ross, UCLA, asked whether a link to the EITI Standard can be included.
- Mr. Paul Mussenden, DOI, and Ms. Danielle Brian, Project on Government Oversight, responded that the data on the site currently only includes unilaterally-disclosed data from federal agencies. Once the site incorporates reconciled data and the contextual narrative, and therefore represents a more representative contribution from all three sectors on the MSG, it will be more appropriate to brand the site as a USEITI site. The site's URL is, and will remain, useiti.doi.gov and there are currently links from the site to DOI's USEITI site and to the International EITI site.
- Mr. Paul Bugala, Calvert Investments, noted that including a link to the EIT Standard or information about it on the current site may cause greater confusion.
- Ms. Susan Ginsberg, Independent Petroleum Association of America, suggested that MSG members can and should still use the site for outreach and advocacy purposes at the site comes out of the USEITI process.

- Ms. Johanna Nesseth Tuttle, Chevron, suggested that all MSG members publicize the site and highlight its impressive functionality and other positive elements. The Data Portal is a significant accomplishment for USEITI and should be highlighted for the public and for target constituencies.
- Mr. Paul Mussenden, DOI, noted that the Department has already issued a press release about the Data Portal and will be holding a webinar for media outlets later in the day.

C. Communications Subcommittee Update

1. Review of Completed and Planned Communications Activities

Ms. Veronika Kohler, National Mining Association and Chair of the Communications Subcommittee, and Mr. Jerry Gidner, DOI, presented an overview of both completed and planned outreach activities. Their presentation slides are available at: http://www.doi.gov/eiti/FACA/upload/EITI-Outreach-Presentation-for-December-MSG_revised-12-11-14.pdf).

Ms. Veronika Kohler began by reviewing completed outreach activities:

- A package of communications materials is available on the USEITI website. The MSG has approved these materials. MSG members can use them for outreach. The Communications Subcommittee can rewrite materials to target specific stakeholder groups as needed.

- The updated Communications Plan is available on the USEITI website. The MSG should be continuously looking at the Communications Plan to ensure that it reflects the USEITI Communications Strategy that the MSG approved.
- On October 3, 2014, the USEITI Program Office sent out a "Dear Governor" letter under Secretary Jewell's signature to 18 targeted state governors as suggested by the State and Tribal Opt-In Subcommittee and approved by the MSG.
    - Ms. Danielle Brian, Project on Government Oversight, clarified later in the meeting that the Secretariat sent out Dear Governor letters to more than 30 state governors.
- On November 24, 2014, the USEITI Program Office sent out a letter under Secretary Jewell's signature to the CEOs of 44 companies that meet the materiality threshold for reconciliation.
    - A round of letters from the relevant industry associations (National Mining Association, American Petroleum Institute, and Independent Petroleum Association of America) was sent to these same 44 companies around the time of Secretary Jewell's letter encouraging them to take part in reconciliation.
    - Mr. John Harrington, ExxonMobil, noted that the letter from Secretary Jewell is actually the second letter to these companies from the government, as ONRR sent letters to these same companies one month previously. He also noted that his company reviewed the unilateral disclosure data for ExxonMobil that ONRR has for accuracy and that conducting this review was significantly less onerous than expected.
    - Ms. Johanna Nesseth Tuttle, Chevron, concurred that performing this review was also very productive for her company.
    - Ms. Susan Ginsberg, Independent Petroleum Association of America, cautioned that, for many of the smaller oil and gas companies that she represents, the data review that ExxonMobil and Chevron performed may be very challenging due to their smaller firms' limited accounting resources, particularly in light of falling oil prices.
- MSG members provided briefings about USEITI at the meetings of the following organizations:
    - Interstate Oil and Gas Compact Commission
    - Interstate Mining Commission
    - State and Tribal Royalty Audit Committee (STRAC).
- In addition, the Communications Subcommittee has been in contact with the US Energy Information Administration (EIA) about participating in their 2015 conference.

Mr. Jerry Gidner reviewed completed outreach to Native American tribes:

- The Communications Subcommittee developed a list of tribally-connected individuals in D.C. with the thought that these experienced individuals could serve as a conduit for USEITI. The Subcommittee held phone calls with two of these individuals.

- Subcommittee members attended the Ute Energy Conference, which yielded 11 names of people who expressed interest in USEITI. Of these, two have responded to a follow-up email.
- The Subcommittee briefed the General Counsel of the National Congress of American Indians on USEITI to follow-up to previous efforts to attend Congress conferences.

Ms. Veronika Kohler also surveyed upcoming outreach activities. She noted the following future activities.

- The co-chairs with the IA will hold a webinar for the 44 companies targeted for payment reconciliation. The purpose of the webinar would be to educate companies about USEITI and the reconciliation process and would be held after the reporting template is finalized. The target timeframe for this webinar was January 2015 but will need to be adjusted given the delay in finalizing the template.
    - In response to a request from Mr. Michael LeVine, Oceana, to listen in on the webinar to more directly understand companies' concerns about tax reporting and reconciliation, Mr. Kohler noted the request and said the co-chairs would discuss a means for MSG members, if not to listen in, to have a summary of the range of questions and answers posed in the session.
    - Ms. Debbie Tschudy, DOI, added that the Template & Project Level Workgroup would work to develop and finalize reporting template and webinar materials.
- As discussed in the "Tax Recommendation: Discussion and MSG Decision" section of the meeting summary, above, the Independent Administrator will contact companies to survey their receptiveness to tax reporting and reconciliation.
- The MSG needs to continue to carry out an outreach strategy for Capitol Hill, noting that a new Congress will be sworn in in early January 2015. As part of this strategy, the Subcommittee will disseminate an informational folder about USEITI to a wide variety of Congressmen. In-person meeting with members of Congress and their staff will follow the same protocol as that of the past two years, with the 3 Co-Chairs representing the three USEITI sectors.
- The MSG should pursue additional conference appearances, including the US Energy Information Administration conference and the Council of Petroleum Accountants Societies (COPAS) conference.
    - Mr. Greg Gould, DOI, added that he is already on the agenda to speak at the Petroleum Accountants Society of Oklahoma meeting in February.

Mr. Jerry Gidner, DOI, noted the following activities for tribal outreach:

- Continue briefing tribal lawyers;
- Developing plans to communicate with interested tribes; and,
- Potential for field meeting to meet with States, Tribes, and Counties.

2. Updated Communications Plan

Ms. Veronika Kohler, National Mining Association, presented an updated version of the USEITI Communications Plan. The Plan is available at: http://www.doi.gov/eiti/FACA/upload/Communications-Plan-Ver-11-Dec-8-vk_revised-12-11-14.pdf.

Ms. Kohler noted that the Communications Actions (starting on page 4 of the Plan) are now organized by stakeholder group. Communications Actions in green have been completed while Communications Actions in grey are pending or ongoing. She noted that many of the Communications Actions, particularly those directly related to the 2015 USEITI Report, have an associated follow-up action. The Plan's current focus is on outreach to industry, with an eye to encouraging companies to participate in reporting, but the Plan also includes outreach to other stakeholder groups and the general public.

Ms. Kohler requested that the Co-Chairs solicit feedback and input from their respective sectors about the Communications Plan by January 16. Desired input includes additional outreach strategies and activities; target conferences and other speaking opportunities, including contact information for those events; and members of Congress to target.

Ms. Johanna Nesseth Tuttle, Chevron, summarizing a conversation with some colleagues from the industry sector, suggested that all communication efforts should link to a strategic goal of USEITI, such as publication of a USEITI Report, acceptance of a Report, state and tribal opt-in efforts, etc. She volunteered the names of some organizations that the MSG could target for outreach, while noting that these may not be linked to a USEITI strategic goal, as she had suggested:

- The IMF Fiscal Transparency Initiative
- The World Bank's Open Government Partnership
- Governor's Associations (such as the Western Governors Association)
- Associations with which MSG members are affiliated; for industry, this would include business social responsibility roundtables and the like
- The Southern States Energy Board (which is holding a meeting in February)

MSG members made the following comments about the Communications Plan:

- Ms. Veronica Slajer, North Star Group, suggested that an Action be added for internal communication and promotion of USEITI within the Government. Mr. Greg Gould suggested expanding on this concept such that all MSG members promote the effort within their organizations and sectors. An "Internal Communication" Action will be added to the Communications Plan.
- Ms. Veronica Slajer suggested that a column to track the status of conference speaking requests be added.
- Mr. Jerry Gidner, DOI, offered to add tribal outreach activities to the Communications Plan.

D. State and Tribal Opt-In Subcommittee Update

1. State and Tribal Opt-In

Ms. Danielle Brian, Project on Government Oversight and Chair of the State and Tribal Opt-In Subcommittee, provided a brief update on the Subcommittee's work. She noted that, after the Subcommittee had identified 18 priority states (see final slide of the following presentation: http://www.doi.gov/eiti/FACA/upload/State-Opt-In-Presentation-2.pdf), the USEITI Program Office sent out "Dear Governor" letters to more than 30 state governors under Secretary Jewell's signature. She also showed this map (http://www.doi.gov/eiti/FACA/upload/USEITI-States-1.pdf) to help explain USEITI's engagement with states and tribes, to date. She noted the following.

- Wyoming and California representatives are now members of the USEITI MSG.
- Colorado, Kentucky, Montana, and Pennsylvania formally responded to the Dear Governor letter.
- Alaska and North Dakota have made some contact with at least one MSG member.
- Claire Ware, Shoshone & Arapaho Tribes, is in process of becoming an MSG member.
- The Southern Ute Tribe, the Three Affiliated Tribes, and the Ute Tribe have made contact with MSG members.

Mr. Greg Conrad, Interstate Mining Compact Commission, articulated a series of possible next steps to move the conversation and process forward with the states and tribes that Ms. Brian mentioned:

- The MSG needs to identify an MSG point-of-contact for the states and tribes in question.
- The Subcommittee could hold conference calls with interested states and tribes (likely separate calls) in early or mid-January to brief them on USEITI, the expectations for participation, the MSG's desire to engage with them regarding the collection of publicly-available data, and to answer their questions.
- The subcommittee could hold regional meetings with these states and tribes (likely separate meetings) to work more intensively on questions and issues around publicly-available data.
- The subcommittee could hold another conference call to discuss the opt-in process and gauge states' and tribes' levels of interest, understand their concerns, and to answer questions. At this time, also learn more about existing state auditing functions for the states in question and how these functions might relate to the opt-in process.

Mr. Conrad offered his organization, the Interstate Mining Compact Commission, to help schedule conference calls with the states and tribes in question, but only after the MSG clarified the proper Point of Contact.

The MSG discussed how it would communicate with sub-national entities (states and tribes) in a more formal fashion than has been the case thus far:

- Ms. Danielle Brian noted that the MSG does not have a letterhead (pursuant to Federal Advisory Committee Act restrictions) with which it can communicate. She added that she is not comfortable with all communication flowing through the Secretary of the Interior's office given the MSG's intent as a multi-sectoral body.
- Ms. Betsy Taylor, Virginia Polytechnic Institute and State University, noted that the work of the Contextual Narrative Data Workgroup would likely involve identifying credible sources of data at the state level, for which communication with the states and between Workgroups would be required.
- Mr. Mike Matthews, State of Wyoming, explained that he has been in touch with a representative from Montana and that he has explained the basics of USEITI but that at this point the State is looking for more concrete information about who an official point-of-contact on the MSG would be and what the next steps are for the State.
- Mr. Greg Gould, DOI, articulated some options for the MSG to communicate formally with external entities that are short of a letter from the MSG on its own letterhead:
    - A generic cover letter from the Secretary of the Interior could endorse any attached correspondence drafted by the MSG.
    - The Designated Federal Officer (DFO) for the USEITI Federal Advisory Committee (the MSG) could send the letter.
    - The Secretary of the Interior could send the letter with accompanying signatures from the MSG Co-Chairs.
    - Mr. Gould also noted that, recognizing that the State and Tribal Opt-In Subcommittee is increasingly moving thus the Chair of the State and Tribal Opt-In Subcommittee could serve as the official point of contact to sub-national entities.
- In response to a concern expressed by Ms. Danielle Brian about communicating with external parties from her organizational email address, Mr. Greg Gould noted that there is an official EITI email address that is available for the MSG's use. MSG members can get in touch with the USEITI Program Office about using that email address.

MSG members discussed how the opt-in process for states and tribes could work:

- Ms. Danielle Brian recounted that the MSG has heard that it must approach sub-national entities with an open mind around opt-in and ask them how they want to provide their information. She also suggested that, since USEITI now has some sort of contact with eight states, the MSG focus on working with these states for the time being as opposed to continuing to conduct outreach to additional states given everyone's work load.

- Mr. Greg Gould noted that, since the federal government's relationship with tribes is a government-to-government relationship, DOI will need to engage in a consultation process with tribes around opt-in.
- Mr. Mike Smith, Interstate Oil and Gas Compact Commission, added that the federal government also has a government-to-government relationship with the sovereign states. He predicted that each state would require its own opt-in process and that any state opting-into USEITI would likely need to enact enabling legislation allowing it to do so.
- In response to a question from Ms. Johanna Nessith Tuttle, Chevron, about allowing states to opt-in by providing publicly-available data to USEITI, Mr. Greg Gould noted that reconciliation of sub-national data is out of scope for USEITI due to its adapted implementation status; provision of publicly-available data from sub-national entities is in scope for the 2015 Report.
- Ms. Betsy Taylor, Virginia Polytechnic Institute and State University, noted that there are two steps of sourcing publicly-available data: first, identifying what data are available, which the Contextual Narrative Workgroup has already made significant progress with; and second, understanding what data are useful for stakeholder, for which USEITI may want to develop some metrics.
- Ms. Veronica Slajer, North Star Group, suggested that the MSG could pilot state and tribal opt-in by picking one location and discussing USEITI participation and opt-in with states and tribes in that location (e.g. states and tribes in Wyoming).
- Mr. Paul Mussenden, DOI, noted that the MSG had previously discussed piloting state opt-in with one or two states and then replicating that process with other states. This would make the process much more manageable.
- Mr. Mike Matthews, State of Wyoming, Mr. Matthews noted that a multi-step strategy of conference calls and regional meetings with states and tribes could serve as the basis for an opt-in process and outlined a hierarchy of possible state participation in USEITI:
    - Level 1 of State Participation: Establishing a point-of-contact in a state.
    - Level 2 of State Participation: State becomes an MSG primary or alternate member.
    - Level 3 of State Participation: State opts-in to participate in USEITI. Two levels of opt-in:
        - Level 1 of State Opt-in: Providing publicly-available data. Mr. Matthews noted that the MSG has already seen what data are available for some states; for example, the Wyoming Department of Revenue is already recording and publishing much of the data that USEITI is seeking, albeit at the company level.
        - Level 2 of State Opt-in: Participating in data reconciliation, which could require the enabling legislation cited by Mr. Mike Smith.

Ms. Claire Ware, Shoshone & Arapaho Tribes, a pending MSG member, provided an update on tribal outreach and opt-in activities with additional comments from others.

- ONRR held meetings at the Ute Energy Conference in September and four MSG members attended a STRAC meeting.
- Ms. Danielle Brian noted that, in addition to the four tribes previously mentioned as having some contact with the MSG (Shoshone & Arapaho Tribes, Southern Ute Tribe, the Three Affiliated Tribes, and the Ute Tribe), tribal corporations affiliated with the Navajo and Osage tribes have also expressed interest.
- ONRR met with the Three Affiliated Tribes.
- A goal is to conduct outreach at the White House Tribal Nations Conference.
- The Subcommittee has lists of tribal officials to contact and tribal meetings to attend. These meeting include the National Congress of American Indians (NCAI) Executive Council Winter Session in February in Washington DC as well as additional meetings in March and June.
- The Subcommittee is considering holding a tribal outreach meeting in Denver around March 20 for Western tribes as many of them will be gathering there then for another meeting.

MSG members also added the following points about tribal outreach:

- Ms. Veronica Slajer, North Star Group, volunteered to submit a list of events pertaining to indigenous people in the United States to the Communications Subcommittee.
- Mr. Jerry Gidner, DOI, suggested that USEITI submit personalized letters to the 35 tribes that host extractives industries on their lands in addition to the "Dear Tribal Leader" letter that went out to all registered tribes in the US similar to the "Dear Governor" letter. This could help to secure more formal interest from tribal governments of more tribes.

Mr. Patrick Field, facilitator from the Consensus Building Institute, identified the following action items for the State and Tribal Opt-In Subcommittee:

- Coordinate with the Contextual Narrative Data Workgroup around the collection and sorting of state-level, publicly-available data.
- Develop a plan for outreach to states and tribes and for these sub-national entities to opt into USEITI.
- Send personalized letters, signed by the Secretary of the Interior, to the 35 tribes that host extractives industries on their lands.

In addition, the MSG approved the Chair of the State and Tribal Opt-in Subcommittee to serve as the official point of contact to sub-national entities.

- **Approval: The MSG approved the Chair of the State and Tribal Opt-in Subcommittee to serve as the official point of contact to sub-national entities.**

Based on this approach, Mr. Patrick Field, facilitator, also suggested a generalized approach of the Communications Subcommittee take the lead on initial communications externally and then pass responsibility over to another body (for example, another Subcommittee or the USEITI Program Office) when the work progresses to an implementation phase.

2. County-level Reporting

Mr. Ryan Ellis, Interstate Mining Compact Commission, presented a proposal for identifying a selection of counties with extractive activity to profile in the contextual narrative portion of the USEITI Reports. More information on his proposal is available at: http://www.doi.gov/eiti/FACA/upload/Considerations-from-County-Research.pdf.

Mr. Ellis began by noting that the MSG had previously identified the purpose of including county profiles in its report as demonstrating the experiences of local communities with the extractives industries. He suggested that simply choosing the top producing/revenue collecting county for each commodity would not necessarily yield the most useful set of counties for the purposes of the EITI report. Instead, a flexible methodology that takes into account geographical diversity, quality of available data, and willingness of the county to engage with USEITI, among other factors, would be better. Mr. Ellis suggested that the MSG take the following considerations into account when selecting counties:

- Trends in production
- Variance in county size and population
- Combining counties where political boundaries don't map well onto extractives resources and activities
- Geographical diversity
- Type and quality of data
- Authoritativeness and credibility of data
- Willingness to engage with EITI

The Contextual Narrative Data Workgroup will work with the data compiled by Mr. Ellis and bring any new recommendations to the full MSG, likely in February.

VI. Day 2 Public Comment

No public comments were given.

VII. Wrap Up / Closing

Mr. Patrick Field, facilitator from the Consensus Building Institute, reviewed the action items and the decisions coming out of the MSG meeting.

Mr. Greg Gould, Ms. Veronika Kohler, Ms. Danielle Brian, and Mr. Paul Mussenden, in their roles as Co-Chairs and the Designated Federal Officer, made closing comments to the MSG, congratulating the MSG, associated staff, and the USEITI Program Office on their hard work and many accomplishments in 2014.

Mr. Paul Mussenden, Acting DFO, adjourned the meeting at 3:05 pm.

VIII. Meeting Participants

The following is a list of attendees from the September 9-10, 2014 EITI meeting.

Chaired by Paul Mussenden, Acting Designated Federal Officer for the USEITI Advisory Committee, U.S. Department of the Interior.

A. Participating Committee Members

Civil Society

Danielle Brian, Project on Government Oversight, USEITI MSG Advisory Committee Co-Chair
Paul Bugala, Calvert Investments
Michael LeVine, Oceana
Keith Romig. Jr, United Steelworkers
Michael Ross, University of California Los Angeles
Laura Sherman, Transparency International, USA
Veronica Slajer, North Star Group

Government

Curtis Carlson, Department of the Treasury
Greg Gould, Department of the Interior, USEITI MSG Advisory Committee Co-Chair
Mike Matthews, State of Wyoming - Department of Audit/Mineral Audit Division
Mike Smith, Interstate Oil and Gas Compact Commission

Industry

Phillip Denning, Shell
Michael Flannigan, Peabody Energy
Susan Ginsberg, Independent Petroleum Association of America
Veronika Kohler, National Mining Association, USEITI MSG Advisory Committee Co-Chair
Robert Reynolds, BP America
James Roman, ConocoPhillips
Brent Roper, Rio Tinto
Johanna Nesseth Tuttle, Chevron

B. Committee Alternates in Attendance

Civil Society

Richard Fineberg, Research Associates

David Goldwyn, Goldwyn Global Strategies LLC
Betsy Taylor, Virginia Tech

Government
Greg Conrad, Interstate Mining Compact Commission
Debbie Gibbs Tschudy, Department of the Interior

Industry
Chris Chambers, Freeport-McMoRan Copper & Gold Inc.
Nick Cotts, Newmont Mining
John Harrington, Exxon Mobil Corporation
Amanda Lawson, Walter Energy Inc.
Aaron Padilla, American Petroleum Institute
David Romig, Freeport-McMoRan Oil & Gas

C. Members of the Independent Administrator Team in Attendance

Greg Arend, Deloitte & Touche, LLP
Jane Kapral, Deloitte & Touche, LLP
Alex Klepacz, Deloitte & Touche, LLP
AJ Maxwell, Deloitte & Touche, LLP
David Rogers, Deloitte & Touche, LLP
Rhonda Willert, Deloitte & Touche, LLP

D. Government and Members of the Public in Attendance

Nick Bristow, GSA 18f
Ryan Ellis, Interstate Mining Compact Commission
Cory Gill, Goldwyn Global Strategies
Michelle Hertzfeld, GSA 18f
Rebecca Holliday, Chevron
George Kalantzakis, Hess
Emily Kennedy, American Petroleum Institute
Bob Kronebusch, Office of Natural Resources Revenue
Barbara Loving, Department of the Interior
Zorka Milin, Global Witness
Charles Norfleet, Bureau of Ocean Energy Management
Mitchell Parker, Office of Natural Resources Revenue
Mia Steinle, Project on Government Oversight
Katie Sweeney, National Mining Association
Jon Swedin, Office of Natural Resources Revenue
Lance Wenger, Department of the Interior's Office of the Solicitor
Judith Wilson, Department of the Interior
Rhonda Zygocki, Chevron

E. Facilitation Team

Patrick Field, Consensus Building Institute
Tushar Kansal, Consensus Building Institute

F. DOI MSG Support Team

Rosita Christian, Office of Natural Resources Revenue
Jerry Gidner, Office of Natural Resources Revenue
Jennifer Goldblatt, Office of Natural Resources Revenue
Chris Mentasti, Office of Natural Resources Revenue
Kim Oliver, Office of Natural Resources Revenue
Judith Wilson, Office of Natural Resources Revenue

IX. Documents Distributed

- Meeting Agenda (PDF)
- September 9-10 MSG Meeting Summary (PDF)
- Reporting Decision Matrix (PDF)
- Workplan:
    - 2014 Narrative (PDF)
    - 2015 Narrative (PDF)
    - Workplan Spreadsheet (PDF)
- Company and Project Level Recommendations (PDF)
- Communications Plan (PDF)
- 2015 Subcommittee and Work Group Assignments (PDF)
- Considerations From Top County Research (PDF)
- USEITI State and Tribal Outreach Map (PDF)
- USEITI Implementation Timeline (PDF)

X. Certification

Interested parties are asked to contact USEITI at useiti@ios.doi.gov or 202-208-0272 with any questions, comments, or concerns regarding the content of this meeting summary.