

State and Tribal Opt-In Subcommittee Conference Call
Thursday, January 21, 2016, 11 am EST
Meeting Summary

New MSG Tribal Representatives

- Welcome wagon to email (Danielle to send email on behalf of Subcomm, next week) new reps to set up casual call. (Members: Danielle, Rebecca, Claire, Mike, Veronica, Chris, Isabelle, Sarah)
- New reps: Julie Lenoir, Blackfeet Nation, and Bruce Barnett, Choctaw Nation.

Methodology for selecting priority tribes

- Jerry has recirculated list of 35 tribes that ONRR pay royalties
- Jerry has matched up 35 tribes with 18 priority states to see geographic overlap – 34 tribes overlap with the 18 states
- Given overlap, we will prioritize tribes that have reached out to us (eg new MSG reps) and members of STRAC. Mike and Claire to talk to STRAC tribes.
- Approach tribes on the MSG – perhaps the possibility of availability of data is enough to consider a tribe a priority, given the lack of public data

Threshold for tribal reporting

- What data will we ask tribes to report? Tribes can decide what is material

General tribal information to include in report

- Jerry has compiled possible list of information to include in 2016 USEITI report. (Attached to end of this summary.)
- Jerry to contact Division of Energy and Mineral Development (BIA) to see what information they have. Maybe join a future subcommittee call. (<http://www.bia.gov/WhoWeAre/AS-IA/IEED/DEMD/index.htm>)
- IA to look into US Census for tribal data
- IA to investigate whether there are specific counties with information about tribes (including Fremont County, WY) -- What are counties collecting from tribal lands and what do they use the money for? What is the legal framework that allows this?
- We will be sensitive to tribes' possible desire to not make new information public, while trying to compile already public information for report

IA mandate

- Contract allows IA to collect data on up to 5 states and tribes total
- Possibility of renegotiating if necessary

Attendees

Civil Society:

Danielle Brian (chair), Project On Government Oversight
Mia Steinle, Project On Government Oversight
Veronica Slajer, North Star Group

Government:

Mike Matthews, State of Wyoming

Chris Mentasti, Interior Department
Jerry Gidner, Interior Department
Claire Ware, Shoshone and Arapaho Tribes

Industry:
Johanna Nesseth-Tuttle, Chevron

Independent Administrator:
Sarah Platts, Deloitte
Isabelle Brantley, Deloitte

Jerry's proposal for information to include in 2016 USEITI report:

- Map of Indian Country, showing Reservations
- List of 35 (?) tribes receiving revenue from ONRR
- More detailed history of Indian extractives policy - how it used to be, how the different laws were responses to different events and how they changed based on different eras of American policy vis a vis Indians, i.e., did a lease need Secretarial approval? That changed over time, somewhat in step with views of sovereignty. Could include more info on land ownership, how allotment began and how the extractive process on allotments differs from on Tribal land.
- Diving diagrams for leasing in Indian country. Process is different and often more complicated than on BLM land. There are more Bureaus involved, for example. And the revenue flow is different, involving Office of the Special Trustee for American Indians, BIA, and ONRR.
- Energy potential in Indian country. The portal has a sentence or two on this, citing a Revenue Watch paper, but the Indian Energy and Economic Development Office (IEED), part of DOI, has detailed maps of this
- List of renewable energy projects on Tribal lands. At least one major solar project (Moapa)(info already on BLM web site), and others exist
- Grants made available to Tribes to develop projects. Some from DOI, some from DOE
- Tribal employment in the extractives industry, if we can find the data. BIA publishes American Indian Labor Force Report every 2 years, but would not have that level of detail.
- Case studies of various tribes. Would want to have tribal input/cooperation on these.
 - For example - Crow Tribe has huge coal holdings. A fair share of the Tribal economy is supported by coal. Tribe would like to increase coal mining and export it to foreign markets. This requires a shipping terminal in the Northwest. The Northwest Tribes oppose the terminal because of fears it will harm their fisheries, which support their economies. None of this information is particularly private. It has been written about pretty extensively in newspaper accounts over the last couple of years, including, I think, some revenue numbers or projections.
 - For example - Osage - has a different system than the rest of Indian country, with inheritable headrights. Unlike at most reservations, BIA collects the revenue, not ONRR. The DOI OIG issued a report finding many flaws in the process and

management. BIA revised its regulations and ONRR is planning to take a larger role. Both the Tribal mineral council and the oil producers have sued BIA to stop the revised regulations from taking place. Might be sensitive, but an interesting case study. And again, lots of public information already, including in the court filings, and the link to the OIG report is already on the portal under the “Reforms” section.

- For example - A number of tribes (Southern Ute? Navajo?) Not only lease their land for oil and gas, but have their own tribally owned oil and gas development companies. For some tribes, these companies work on and off the reservation. Data may be less public and more proprietary, but the existence of the tribally owned oil and gas companies is not.
- A few tribes leased land for large scale renewable projects, i.e. Moapa Paiute. And in 2014 DOI gave out grants to tribes to help develop renewable projects: <http://thinkprogress.org/climate/2014/03/19/3416006/native-american-tribe-renewable-energy/>

There are pros and cons to each of these and possibly legal issues as well. It’s not meant to be complete, or a definite proposal.