

Tribal Energy Subcommittee
Wednesday, December 19th, 2018
10:00 AM – 11:00 AM EST
Meeting Summary

DOI Update:

- Secretary Zinke submitted his resignation. For the RPC it is business as usual and the work of the RPC remains a priority.
- The next RPC meeting will take place on January 31st in Phoenix. Sector meetings will take place on January 30th.
- The meeting format has been tweaked slightly, in response to feedback from the last meeting. There will be time to welcome new members to the committee. There will be a big block of time allotted for the TES – specifically, the TERA Working Group – to discuss the status of the TERA Recommendation. There will also be time allotted for someone from the Department (perhaps from the Office of the Secretary) to provide an update on the effort to develop the list of not inherently federal functions.
- Preliminary recommendations must be submitted by January 3rd to be considered at the RPC meeting.

TERA Working Group Update

- The TERA Working Group:
 - Will present at the meeting on the 31st.
 - Is awaiting the Office of the Solicitor list of not inherently federal functions.
 - Held calls related to the Amendments to the Indian Tribal Energy Development and Self Determination Act of 2005 and how those will impact the work of the RPC. S245 was signed by the President on December 18th.
 - Will pull together language from S245 and propose a recommendation for review by the TES and, potentially, to submit to the RPC for consideration at the meeting on January 31st. It is likely that the recommendation will request that the Secretary take a closer look at inherently federal functions – and do so in a way that calls for adequate and meaningful Tribal Consultation.

Model Statute Working Group

- The Working Group is preparing something to distribute and discuss at the RPC meeting on the 31st. This will be an initial draft. Thirty minutes should be sufficient for the initial discussion.

1938 Act Working Group

- No update at this time.

Taxation Working Group

- No update at this time.

Other Items and Next Steps

- The next call will be on Wednesday, January 2, 2019 from 10:00-11:00am Eastern. The focus of the call will be twofold: determining whether the TES will propose a recommendation for the January 31st meeting and discussing, if available, the Office of

the Solicitor's list of not inherently federal functions, expected to be published by the end of the year.

- Between now and then:
 - Look for an email from Monte Mills with a proposed recommendation related to the Amendments to the Indian Tribal Energy Development and Self Determination Act of 2005.
 - If you have feedback on the recommendation before the January 2nd call, please provide it to the group. Thank you in advance!

Attendees:

Matthew Adams, CloudPeak

Bidtah Becker, Navajo Nation

Natasha John, Navajo Nation

Tim LaPointe, BIA

Michael Marchette, ONRR

Chris Mentasti, ONRR

Monte Mills, University of Montana

Dr. Steve Payson, DOI/IEED

James Schindler, James Schindler, DOI/BOEM, RPC Executive Director

Kathleen Sgamma, Western Energy Alliance

Tom Shipps, TERA Working Group

Yvette Smith, ONRR

Pilar Thomas, TERA Working Group

Deirdre McCarthy Gallagher, Facilitator