

Tribal Energy Subcommittee
Wednesday, November 21st, 2018
10:00 AM – 11:00 AM EST
Meeting Summary

DOI Update:

- Nominations are received and pending review. The goal is to have new members in place by the January public meeting.
- Recommendations must be submitted by January 3rd to be considered at the next RPC meeting. For presentations, let RPC staff know prior to the meeting.

TERA Working Group Update

- The TERA Working Group had two calls:
 - The first was with Jack Stevens, who is working on a TERA Primer. Jack shared information about the origin of the primer (prepared in response to a GAO request to develop a primer). Jack indicated that the primer will be posted on the website, along with other DOI primers.
 - The second call was with John Tahsuda and Kyle Scherer, from the Office of the Solicitor, to learn more about the effort to provide clarity on inherently federal functions. The Office of the Solicitor's approach to this issue is similar to that reflected in the RPC recommendation: compiling a list of activities that are not encompassed under inherently federal functions.
 - The list is currently being developed and reviewed by the Office of the Solicitor. The aim is to publish the list before the end of the year.
 - The list will be open to further discussion after it is published. It does not seem that the TERA Working Group/Tribal Energy Subcommittee will have a chance to review and/or comment upon the draft prior to publication.
 - The list is focused on oil and gas. The list does not address renewables.
 - The TERA Working Group is weighing how best to inform the development of the list without delaying publication by the end of the year.
 - The TERA Working Group will schedule a call to discuss how to proceed and to ensure, at least, that it will be ready to provide substantive input to the list once it is published by the Office of the Solicitor.
 - The TERA Working Group will also forward a copy of the RPC Recommendation to the Office of the Solicitor, to ensure that it has this information as it is compiling its list.

Model Statute Working Group

- The Working Group is preparing information that will be available prior to the RPC recommendation due date of January 3rd. The document may not be in the form of a recommendation, but it will be substantive starting point for discussion by the Tribal Energy Subcommittee and the RPC.

1938 Act Working Group

- No update at this time, though there is interest in some upcoming court cases related to permitting.

Taxation Working Group

- No update at this time.

Other Items and Next Steps

- Next call will be on December 5th, 2018 from 10:00-11:00am Eastern.

Attendees:

Matthew Adams, CloudPeak

Monte Mills, University of Montana

Dr. Steve Payson, DOI/IEED

Tom Shipps, TERA Working Group

Yvette Smith, DOI/ONRR

Councilman Everett Waller, Osage

Deirdre McCarthy Gallagher, Facilitator