



# Council of Energy Resource Tribes

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October 29, 2002

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**Executive Director:**

Virginia Stephens, Director  
White House Task Force on  
Energy Project Streamlining  
1000 Independence Avenue SW, WH-1  
Washington, DC 20585

Dear Ms. Stephens:

On behalf of the member Tribes of the Council of Energy Resource Tribes (CERT), I express our gratitude for your diligent work in helping to develop responsible policies to address our national energy security. We are sorry that you were unable to attend the meeting on October 29, 2002; however, we have an opportunity to meet with Mr. Ronald Montagna of your office. We discussed a number of current events and opportunities for CERT and over two hundred fifty Tribes that comprise the Intertribal Energy Network (ITEN) to work with the White House Task Force on Energy Project Streamlining. We have concluded that the Task Force could become "the entity" to facilitate an Inter-Agency Task Force on Indian Energy Project Development.

We are formally requesting that the White House Task Force on Energy Project Streamlining facilitate the development of a formal agreement between pertinent federal departments and agencies, Indian Tribes and ITEN. The basis of the agreement is complimentary to the Administration Energy Policy to increase the Nation's domestic energy resources and the White House Task Force goal of better coordination and communication for the expediting of energy project development.

CERT and the ITEN have been actively involved in aggregating political influence and natural resources to address energy security for Tribes and America. ITEN has been instrumental in crafting the National Tribal Energy Vision, Indian Energy Provision included in the Energy Policy Act of 2002, and has played a key role in the successful project development on Tribal lands. We feel that through the ITEN that this proposed agreement could be implemented in a timely manner. CERT is hosting a national Tribal energy conference in Denver, Colorado, on March 19 and 20, 2003. We proposed that a formal announcement of signing take place at the conference.

The agreement that CERT seeks is similar to the Memoranda of Understanding your office facilitated between the Federal Energy Regulatory Commission and the Western Governors' Association on siting protocols. Our envisioned agreement would include United States Department of Agriculture, Department of the Interior, Department of Energy, Department of Commerce, Housing and Urban Development, Economic Development Administration, Environmental Protection Agency, Homeland Security Office and any other Department that you may recommend as a pertinent signatory.

Ms. Virginia Stephens, Washington, DC  
October 29, 2002  
Page 2 of 2

Attached is a concept paper on the Inter-Agency Task Force on Indian Energy Project Development for discussion. Please contact Mr. Roger Fragua of CERT at voice 303-282-7576, email [rogerfragua@qwest.net](mailto:rogerfragua@qwest.net) or Ms. Jessica Alcorn of the Bureau of Indian Affairs at voice 202-208-6410, email [CERT1975@aol.com](mailto:CERT1975@aol.com) for further discussion.

Sincerely,



A. David Lester  
Executive Director

## **Inter-Agency Task Force on Indian Energy Project Development**

### **CONCEPT PAPER**

President Bush has made a national goal to develop a new national energy policy that focuses on increased domestic energy production, energy conservation and development of renewable energy sources. American Indian Tribal governments control over ten percent of the Nation's nonrenewable energy resources and possess world-class renewable resources. The Secretary of the Department of the Interior recognizes the great potential for Tribal governments to be active partners with the President to decrease America's dependence on foreign countries for a stable supply of nonrenewable mineral resources.

In December 2001 the Department of the Interior held an energy summit with Tribal leaders in Denver, Colorado. The Secretary of the Interior issued the Draft Energy Policy Implementation Plan (Plan), which cites the need for additional energy resources being developed on Indian lands. The Plan is in line with President Bush's focus on promoting energy conservation, repairing and modernizing the energy infrastructure, and increasing energy supplies in ways that protect and improve the environment. The Plan acknowledges the need for increased assistance by the federal government to assist Indian Mineral Owners (IMO's) in the development and exploitation of their mineral and renewable resources.

The Department of the Interior is conducting scoping meetings with Tribal leaders around the country to gather information for the development of a comprehensive Indian Energy Policy with appropriate implementing initiatives. The Department will be finished with the scoping meetings by the end of the year and will move onto the consultation process with each Tribal government. The Department of the Interior expects to have a policy in place by the end of 2003.

Although the DOI Indian energy policy activities will continue throughout the next year, there are several recommendations made by Tribal leaders that can, and should be, acted upon immediately. A recommendation made unanimously by Tribal leaders is for federal agencies to develop an interagency task force to assist Tribal leaders in the development of a wide range of energy projects on Tribal lands.

Tribal leaders have recommended that the Department of the Interior and the Department of Energy take a lead role in an inter-agency effort to provide, direct, foster, coordinate and implement energy planning education, management conservation and delivery programs that:

- promote Tribal energy efficiency and utilization;
- modernize and develop, for the benefit of Indian Tribes, Tribal energy and economic infrastructure related to natural resource development (conventional and renewable energy resources) and electrification;
- preserve and protect Tribal sovereignty and self determination related to energy policy, particularly with deregulation and transmission systems management,;
- lower or stabilize energy costs; and
- electrify Tribal members' homes and Tribal lands.

## **Tribal Utility Formation**

Tribal governments are now able to access federal hydropower allocations. Although Tribes can receive up to fifty percent of their electricity load from federal power allocations, they cannot use the allocations to the fullest potential without development of a utility. For example, the Bonneville Power Administration (BPA) will only sell federal power to utilities. Without an electrical utility, Tribes cannot take advantage of federal allocations within the BPA power grid.

Western Area Power Administration has negotiated with Tribes for power allocations; however without a Tribal utility the Tribes can only receive "bill crediting" or a small discount on their electricity bill. Although WAPA has recently created a permanent Indian liaison position, the agency has not instituted a tracking system to ensure that Tribes are receiving their full allocations.

~~Tribes have identified the development of Tribal utilities as key to successful power projects~~ development on Tribal lands. Not only will Tribes be able to provide a higher level of service to their own constituents, but they will also be able to enter into electricity markets on equal grounds with other entities.

The upcoming months and years are pinnacle for Tribal governments. Through deregulation of the electricity markets, new federal policy and guidelines, such as FERC transmission regulations, are being developed. Tribes are unable to successfully weigh in on decisions without the establishment of a Tribal utility. Also, many WAPA and BPA transmission infrastructure is being either expanded or upgraded. Tribal lands are host to federal transmission infrastructure and have interest in weighing in on decisions affecting the capacity of transmission on or new their lands to assist in development of Tribal energy projects.

There is a significant vacuum of information available to Tribes to address the development of electricity utilities on Indian lands. It has been recommended that one of the first items that the Inter-agency task force address is development of a "How To" manual for establishment of Tribal utilities. To assist in technology transfer, Tribal leaders have asked that the federal government fund technical training workshops on Tribal utility formation on a regional basis in cooperation with regional Tribal organizations.

A necessary planning component for establishing a utility is a comprehensive integrated Tribal resource plan (IRP). An IRP is also a requirement to access federal power allocations. The federal government has not made funds available to Tribal governments for strategic energy planning or for the development of an IRP.