

COPY

DOE Tribal Roundtable

Reno NV

March 16, 2011

8:30am – 12:30pm



Welcome and Introductions

Blessing done by Wanda Batchelor

U SIECR Facilitation team

We would like to introduce our team first. I am Debra Dreko, of the US Institute of Environmental Policy Organization. We have put a couple of brochures in your packages about our organization. We are an independent federal agency, very small very small there are only 30 of us in the Institute we have a Native American Act in the Native American Program. We have been asked to come and facilitate this meeting. My role here today, is to help us have a really interactive dialogue, to get as many ideas as possible. We are here to listen to you and get your input so we can address it and follow through on it. So that is our goal. We also have with us Pilar Thomas from the Office of Indian Energy Policy and Programs.

Hello, I am Pilar Thomas a member of the Pascua Yaqui Tribe of Arizona and the Deputy Director of Policy at the Office of Indian Energy Policy and Programs. I report to Tracey Lebeau who is newly appointed by Secretary Chu. Tracey is in Las Vegas at Reservation 2011 also having a roundtable with tribal leaders and tribal business leaders on this exact same discussion. We wanted to come to Nevada to kick off our roundtable discussions; we will have 9 of these roundtable meetings over the next 5 weeks. We just started 4 weeks ago. One or two of the primary reasons for having these round tables is to gather input from Indian Country and Indian Energy and Policies. We want to get your feedback on what is and are not working well in the Department of Energy and what our opportunities are to promote and move forward on energy in Indian Country.

We the Federal Government have been at this a great while, most recently with the Energy Policy Act of 1992, that is the first time the Department of Energy started providing grant to tribes for energy development, primarily focusing on renewable energy development. The Energy Policy Act of 2005 established this office, unfortunately under the previous administration the office was not staffed or funded, so it did not do what the law required of it. The current administration is committed to both the funding and staffing of the office. Both Tracey and Michael are to do what is required under the law, which is to provide grants, technical assistance, education and promotion of energy development in Indian Country in the best way we know how. We are looking forward to using these roundtables to kick start the discussion around Indian Country for not only what this office needs to do but what the

Department of Energy as a whole needs to do to try to move forward on energy development in Indian Country.

The second purpose of the roundtable is to get feedback on an upcoming Summit that the Secretary announced that will happen in Washington DC on May 4th and the 5th. We are in the process of finalizing the agenda but we would like to know from tribal leadership what that Summit should involve, what you want to get out of it and what your expectations are of the Summit. So we can continue the conversation and use the Summit as a real starting off point for the rest of the department. We will have Secretary Chu there and all the other leadership from the Department of Energy, not just the Office of Indian Energy but the Office of Fossil Energy, Office of Renewable Energy and the whole gambit of the Department will be participating in the Summit this is an opportunity for tribal leadership to interact with the policy leaders of the, of Energy. We will use the full department resources to advance economic and energy development in Indian Country the summit will be another path to getting the policy and a plan up and running, so we can actually effectuate a change. Unfortunately, when we look back on the fits and starts of on energy that the department has had since 1992 there has been lots of fits and starts. We want to see some immediate results. We want to see some actual projects up and are actually ready to come along. We want to provide resources to tribes when they are ready to use them. For the short term, medium term and long term action that we are taking in the direction that will hopefully go into actual development, opposed to just talking about it. We have so stretch goals on being able to do something on short term, but also getting stuff in place for the long term. This is the start of conversation and hopefully collaboration between Indian Country tribal leadership and the Department of Indian Policies and Programs, to actually make some of this stuff happen. This is my goal and our goal of these roundtable discussions. As I said this is the kick off. We are looking forward to getting your input, feedback, thoughts suggestions, idea, complaints and everything else that will help us have a better policy and program. Thank you for coming, we are looking forward to the conversation.

- Introductions

We would like everyone to do a quick introduction and to have you tell us what you would like to learn and get from this roundtable discussion.

Victoria Gooseman, Walker River Paiute Tribe - I would like to get some information that will help support tribes in moving forward with energy development and programs.

Laverne, Walker River Paiute Tribe - I would like to get the knowledge to deal with energy companies and what the process from start to finish is that we should be following. I would also like to know what tribes are doing now and who the expert tribal people are.

Janet Williams, Walker River Paiute Tribe - I would like to get information on the new tax market credit.

Tara Hess, Washoe Tribe – I would like to get better understanding of the grant process and the reporting process, I know that both can be very lengthy processes.

Scott Nebesky, Reno/ Sparks Indian Colony – I would like to know more about leverage resources.

Wendy Helgemo, Harry Reid representative – I am here as a representative of Harry Reid. We would like to get feedback on what tribes need as far as education and we would like to hear your legislative needs.

Donna Marie Noel, Pyramid Lake Paiute Tribe – We have had some problems with some of the contractor, so I would like to get reference or names for resources. I also have some questions about law questions.

Lynelle Hartway, Washoe Tribe - I would like to get help in the drafting scope of work for grant.

Lloyd Wyatt, Washoe Tribe – I would like to know more about renewable energy.

Wanda Batchelor, Washoe Tribe – I would like to get information on employment opportunities for our tribe, I would also like information on work force development assessments.

Dore Bietz, Walker Lake Paiute – I am here to learn about the funding opportunity and to get help with implementation.

Reba Fuller – I am very happy that we finally have an office of Indian Energy. The tribe is looking at doing a megawatt solar energy project on tribal trust land, so my needs are similar, but really different. I need to know what type of technical support DOE is going to be providing, because we have to have a Tribal Clean Energy Authority. We are not going to have a third party involved in our solar energy; ours is going to tribal owned. We are going to be selling directly to the energy company, so we will have no tax benefits, that will be a great lost to us. I have a lot of technical questions

Tansy Smith, Intertribal Council of Nevada – I work with all the Nevada tribes on environmental impacts. One component that we started with is the Nevada Intertribal Energy Contortion. We have monthly meetings and are trying to get funding. I would like to learn what the funding opportunities are and how we can get all the tribes involved so that we can address their needs. I would also like more information on the energy job training programs, such as solar paneling installation. We need help on ideas and how to get there.

Daryl Crawford, Intertribal Council of Nevada – Our role at ITCN is to assist the small isolated tribes around Nevada. A lot of our tribes are small, remote and isolated tribes; a lot of them still depend on BIA contacts. My goal in working with our Intertribal Energy Consortium Group is to try to lessen the economic burden of the Elders and low income people. If you look at the demographics of our tribes, there is a high unemployment rate. There is a concern that whenever tribal sectors get involved, a lot of time the policies do not reflect the Government to Government relationship that the states should be looking at for the tribes and the government entity. In the tribal communities, the energy revenues are always thrown off, so that it is a one way diagram. Fortunately, the Pyramid Lake model has shown that that savings can be captured, so that it is keeping money in the tribal coffers. It is important to us to put a recording secretary here for our tribes that do not have travel

budgets and busy schedules. We will have the meeting minutes sent out to the tribes that couldn't attend today.

Pilar Thomas, DOE – There will also be a final summary of all 9 roundtables before the Summit on May 4th and 5th. The summary will be posted on our website and we will have it available at the Summit, so that tribal leadership and Indian and Country will be able to see a summary of how all 9 roundtables turned out and what the feedback was. That will be a good tool for us to use. To take all the feedback from around the country and to build policies and programs to address the needs and the priorities that Indian Country has. We will have a common document that we will be able to refer to and gauge our progress.

William Bigbull, Indian Nation in Alberta Canada –my major interest is to see how tribes get renewable energy contract.

Reba Fuller - Will there be funding available for tribes to travel to the Summit?

Pilar Thomas, DOE – We have not decided yet if there will be travel funding as we are still finalizing our budget on the Summit. We are looking at live-streaming the Summit over the internet, so for tribes that cannot make it to the Summit to get the information and participate. Live-streaming it over the internet not only gets the information out, but it also provides a way for people to ask questions over the internet. We are looking at how to make sure the Summit is accessible to Indian Country and tribal leadership.

Reba Fuller - In the desert of California, there were 100 renewable energy contracts approved by BLM and the got approved by a pragmatic agreement, which means that the project has already been approved and they are going to deal with the lost after the fact. The Indian people got together, because there are 17000 sacred sites in the desert. I think the Indian people need to be aware that they need to make sure that tribes understand to protect their sacred land. There a no laws to protect sacred sites on federal land. The Indian people need to start thinking in the 21st century. How are Indian people going to have input on Federal agencies that are making deals on these contracts?

Tara Hess, Washoe tribe – I found a way to see a draft PEIS, it has been extended, comments no due until April 16th. I highly suggest comments from tribal communities, because what I have seen in the draft is that there is only one tribal comment in it.

Pilar Thomas, DOE - Yes the PEIS comment period has been extended. The DOE is a co – lead agencies on that PEIS, there are provisions in there for the DOE to evaluate projects that we fund. For example, there were 9 projects that were approved last year all of which have gone to lawsuit. A tribe in Southern California got an injunction on theirs, for failing to consult properly under the National Preservation Act. We have been encouraging tribes to review that solar PEIS and make comments on it. It is critical that we hear from Indian Country. We are also interested in hearing your views on the 106 Consultation Process. If there is no DOE funding on a project then we will not be involved.

Tansy Smith, ITCN – I would like to make a comment on the PEIS, there are some tribes that don't know how to comment, they don't have the experts or the money in their budget to be able to comment. I think that needs to be address, because that is the reason why you are not hearing from the tribes. The tribes may not know that ground water discharge is going to affect something on the reservation. They need to know how to comment and what comments are going to be considered, for example an emotional comment will be thrown out.

Tara Hess – One more comment on the PEIS, the document doesn't treat Indian Country as a sovereign nation state. The tribes that have energy programs need to have an energy portfolio and technical writing.

Wanda Batchelor, Washoe Tribe - If tribes are getting good results with their technical writing it would be helpful if they were to share the template.

Reba Fuller – Is there a template that is out there?

Wanda Batchelor, Washoe Tribe – There need to be government to government consultations and education, as it has been said, there are a lot of small tribes don't have the monies or resources to get educated. Some of the tribes don't have laptops or access to the internet or travel money to come to these meeting to get the information that the need.

Donna Marie Noel, Pyramid Lake Tribe – the biggest thing to keep in mind when making comments to PEIS or any other agency, is that although you want to tell you story, the best thing to do is ask a question, because they then have to answer your comment rather than mark it with "comment noted."

William Bigbull – Can you please go back over the BLM projects, you said there is no DOE funding?

Pilar Thomas DOE – In the "fast track projects" the BLM is required by the Energy Policy Act of 2005 to put 10,000 megawatts of generation on BLM land, the Doe, DOI and several other agencies have entered in a MOU to make it happen. The DOI is the land managing agencies of the BLM land, the park service lands and under the BIA they have Indian Lands, so DOI has the final approval of the right of way that the solar farm systems will use. The National Environmental Act says that all majorly funded projects must go through an approval process. The DOE only gets involved in the process if we are provided funding to the project. Most private developers do not come to the DOE for grants, because most do not qualify for them, but they do come to the DOE for loan guarantees. We have a \$16 Billion loan guarantee program, so when we provide funding we get involved in the NEA process. BLM will do the EIS with DOE and then we will both use the assessment to make our decision on approval, but if DOE has no funding involved then they will not be involved in the approval process.

William Bigbull - Massive solar farms are very critical on the land it dominates the entire area with a 10,000 megawatts mandate. My concern is with consultations and traditional rights

Pilar Thomas, DOE - There are opportunities for tribes to have input with projects even if DOE is not involved, whether it is going through the BLM or the Secretary of Indian Affairs. The DOI is clearly where a lot of this stuff is happening. Private developers are not going to DOE for funding, but they still have to go to DOI for approval.

We need to start talking about what the needs are for technical assistance and education. Would you rate technical assistance as a top priority? What are we doing well so far in educating Indian country? How many of you are familiar with the Tribal Energy Program within the DOE and the educational resources that they have available, workshops, online webinars? Where are you in the resources that have already been developed and what things do we need to provide technical assistance on?

Reba Fuller – I have spent many hours researching on energy options and I was not able to get assistance when I called the DOE, because no one seemed to know the answer. I think as you start to get your department out more and let people know what you have to offer; as far as classes I think you should have online class and classes that you host to let people know what to expect over the few years.

Victoria Gooseman, Walker River Paiute Tribe, –Our tribe need education on the Governmental process of what to do when we are approached by big private developers the contracts are big complicated agreements and we don't have the funds for lawyers.

Pilar Thomas, DOE - Does Nevada have an Indian legal assistance services?

Daryl Crawford, ITCN –Yes, there is an office out of Carson City and there is an office in Las Vegas, as well.

Victoria Gooseman, Walker River Paiute Tribe, – We need a legal person that is experienced in Geo Thermal contracts and exploration development contracts. We are just coming into energy development and we do not have the experts in energy development, but we are being approached by private developers. We don't feel comfortable about signing contracts when we don't have the education.

Pilar Thomas - We are hearing more about the needed for legal assistance, which honestly we never thought about when we started developing our technical support. There is true technical support out there, such as having a lab helps a tribe with soil samples, but nothing legal. How many tribes have access to in-house council or the funds to get Council outside the tribe? If we were able to find energy expert that could be employed by Nevada Indian Legal Services, that all the tribes would have access to, would you rely on them?

Wanda Batchelor, Washoe Tribe– It would be hard for one person to be able to handle the demands of all the tribes.

Reba Fuller – I know that the DOI grant funds available, but I don't know if funding is available to pay for lawyers.

Pilar Thomas, DOE – we actual have two grant now that might work, one of them covers pre-development cost and there is not limit on the type of work you do on the pre=development cost, so you could use our grant money to hire lawyers. You need to get the lawyers involved right away.

Lynelle Hartway, Washoe Tribe – The problem of having private developers come in and develop our land and do most of the work is that the tribe has no ownership of the energy project. We need assistance on getting the education to our own people that can then come in and develop the energy project themselves, so that the tribe can have ownership of the project.

Laverne, Walker River Paiute Tribe – That is also what we are looking for. We want to have more control inhouse. We want to have jobs for our tribal members also.

Developing Tribe Expertise.

Pilar Thomas, DOE – Do you feel that you have a good understanding of what expertise you needed to do energy development to complete all the steps, such as; qualified people to build the solar farm or construct the wind mill, the technical engineer and to the lawyer, to the accountant. Do you know who the people are that we need to construct, own and operate a renewable energy?

Donna Marie Noel - Pyramid Lake has been working on our project for the last 10 year. We were approached by a private developer that just wanted develop the land and give us no ownership. We decided that we would take it slower and get the education and find out what our resource was. The problem was that we did not have the money to drill, but we were able to get a DOE grant. It has been a very lengthy process, but we are now at the point that within the next year and a half we will have a marketable reservoir, that we will know how to run. We would like to know if we can get a demo grant that we could use for only 1 megawatt plant and then slowly develop into the 10 megawatt plant. It has taken a lot of years to build up the expertise within the tribe.

Lynelle Hartway, Washoe Tribe – We were told that we don't need to know the technical side of a project, that we should just let a private developer handle everything.

Pilar Thomas, DOE –There are models for energy projects and there are clearly different models in each tribe and each tribe is going to have to decide for itself which model works for them. Each type of technology is going to result in a different type of model for a tribe, for example you could lease land for a geo thermal project, because it is so expensive and also so risky vs. a solar project, that is relatively cheap. Our goal is understand what you need to know to help you make those decisions. The DOE website has a lot of information and they have had workshops on varies subject matters, such as; business structure, legal matters and accounting. This is the website <http://www.em.doe.gov/tribalpages/initiatives.aspx>. We do need to update the website and the material. Please take a look at it and let us know what is missing, provide feedback for us. Getting tribal leadership and business leadership educated, so you can make decisions for your tribes, is a high priority for us and it sounds like it is a high priority for you as well.

With respect to the tax credit, unfortunately that is legislatively driven; the code needs to be amended. There is only so much we can do with the IRS. We are looking for people to provide us with creative ideas of how to deal with the tax incentive structure that we have today, because the reason why it is easier for private developer, instead of the Government to handle projects is the tax credits that they get. At least 30% of the economical value of a renewable energy project is the tax credit. The only way they can make money is the tax credit, so if a tribe owns the project they will not make any money at it, because there is no tax credit to the tribes. Until we can figure out a way to reward tribal ownership through tax codes or other mechanism, then it does not pay off in the long run. We are talking to people that are trying to come up with other incentives to make tribal ownership work

William Bigbull -much of what you have said about getting ideas and not getting results is the tribes history across the country. We need to have people with experience in the business at the critical steps. Regardless of how great your model is, if you can't plug in, all of the time and money that the tribes have spent is worthless. Having the proper advice is essential. What we did was find a model that worked for us and then had a private investor come in and help with the project so that the tax credit could be taken advantage of. We have resources, but no money.

Daryl Crawford, ITCN – With our energy collation we did some initial training for anyone that wanted to attend on Tribal Renewable Energy. We had the head of the Tribal Energy National Renewable Energy Laboratory meet with us at Sierra Nevada College on August 17th – 19th. I have provided a summary of the topics that the workshop covered, such as the different types of technology. What I would like to bring to your attention on the handout is on the evaluation form, the tribal leaders listed many of the topics that we have discussed today. They are listed in the area of needs, area of education and the areas of priorities. One of the needs for Nevada was the need for focal community assessment to nuclear energy; what did the tribes want to do and what was the impact on the infrastructure at the local tribal lever. Another point was getting a short term/long term plan, so that limited tribal dollars are used in a more effected way. Some of our tribes are sandwiched within city lands with the colonies so you are not going to have access to BLM land and that is why we are focusing on the cost of energy to our low income members. I would like to ask that Pilar and Debra to look at some of the issues that are documented in this handout and take these comments back to the DOE.

Pilar Thomas DOE – I would like to touch on some areas that we would like to cover;

Future DOE tribal policies – we want to build our policies and programs around what Indian Country says are their priorities and needs. The Energy Policy Act of 2005 charges the DOE with a very broad requirement to do things such as promote, coordinate, implement, direct and support energy development, electrification, energy infrastructure and reducing or stabilizing the cost of electricity in Indian Country. We need to know what the high priority issues are.

Federal government wide energy issues and coordination; For tribes that are very successful in Indian Country development are the tribes that use all the available resource for renewable energy development, not just energy grants from the Tribal Energy program or DOE programs, but also DOI grant programs, USDA Grant programs, EPA grants programs, Commerce grant and AOA grant programs; all of these different departments have grant programs that may fit in with renewable energy. There are many different grants that can be brought together to work on a project, tribes are expected to apply to each grant individually.

We are also looking for feedback on DOE Tribal Policies programs that you have dealt with.

break

Debra – Before the break, we asked you to write down some of the main focus point and or concern that you have for the DOE. I will read the topic and then ask for feedback on each topic.

1. For the tribe feasibility grant; technical assistance with the development of scope of work and the policy development; mechanism for tribes helping themselves.

Lynelle Hartway, Washoe Tribe – We have a feasibility grant for the DOI and we are trying to balance between the scope of work, verses how much knowledge we have to do the actual work ourselves.

Pilar Thomas, DOE – You have the grant money, so you need to contact an expert, such as, NREL to do some of the work for you. We have looked at how we can make DOE resource more available to tribes. Currently, the Tribal Energy Program will contact resource and have them work on a general project for Indian Country, but we would like to get to the point that we can contact the with specific project that the tribes have and have the do the work for the tribes and be paid out of the grant monies or DOE may even be able to pick up some of the cost.

Debra – increase webinars, teleconferences and regional workshops; increase tribal ownership of energy projects knowledge and understanding; enhance Tribal Energy website to include success and pitfall stories of other tribes.

Tara Hess, McGeown – We need to have more knowledge on the type of models that we can looking into, before we decide what grant to apply for. The teleconferences and webinars are very important for tribes that have limited travel funds.

Pilar Thomas, DOE - The TEP website has case studies and a list of resources; they also have presentations of the workshops and a handbook. How do we get more information to you when it becomes available?

Reba Fuller– There needs to be a direct link on the DOE web page to the TEP web page.

Pilar Thomas, DOE - We are working on with the webmaster to get that direct link on the front page of energy.gov. In the meantime there is a search box in the upper right hand corner, type in Tribal Energy Program.

Daryl Crawford, ITCN – I liked the fact that we you contacted me it was by personal phone call to invite me to this DOE meeting. I think tribal leaders would appreciate phone calls.

Reba Fuller - Please do an acomion page on the website.

Pilar Thomas, DOE - I did find a handbook that covers a lot of areas on the renewable energy development, such as funding and financing. It was on a PDF file, I will email a direct link for it.

Debra – The staff change overs at the EPT programs make it difficult to get grants approved.

Dore Bietz – Yes we did have a difficult time to get our grant approved, due to staff change over. There needs to be an experienced person working in the program that can help us when we have questions regarding grant preparation/approval.

Pilar Thomas, DOE - We got a lot of feedback about the problem with the EPT program, it was a brand new office and it was the first time that the staff had ever dealt with Indian Tribes. The EVCG grants are no longer available.

Debra - the TEP is good for studies and initial steps in energy development, but it lacks funding in technical support.

Donna Marie Noel, Pyramid Lake Tribe – It took a long time for us to get our project going, after the feasibility grant was done, there were no funding for the construction and drilling. We are now pass the drilling and know what our reservoir is, we would like to some type of demo grant to finish the project and provide us with education and assistance of what we can now do with our project.

Pilar Thomas, DOE – On past projects tribes have partnered with universities to get more technical education and to help the tribe understand what their resources are.

Donna Marie Noel, Washoe Tribe – We are partnered with UNR.

Debra – The DOE should assist the tribes on how to deal with FERK contracts, they have a very bad attitude on working with tribes on a Government/Government bases.

Donna Marie Noel, Washoe Tribe – FERK does not feel that they have the obligation to consult with tribes.

Pilar Thomas, DOE – FERK is an independent agency that is not subject to the executive order of consultation. We do hear that they are changing their view on consultation.

Debra – need more education on explicable project on relation to each Government programs. How to better coordinate with other Government programs. Would like local training here in Nevada

Tansy Smith, ITCN – I am interested in the type of funding that is available for consortium.

Pilar Thomas, DOE - Consortium can apply for grants under the Energy Policy Act, at least for our programs now. Under the Act we are authorized to provide grants to tribes and Tribal Energy

Resources Development Organizations; which is defined as an organization that is at least 51% owned by a tribe. So if consortiums are properly formed according to the Energy Policy Act then they can apply.

Debra –DOE needs to continue expansion of their coordination and partnership with tribes and DOT with promotion and funds.

Donna Marie Noel, Washoe Tribe– A lot of the HUD housing are tract housing that are not energy efficient. It doesn't make sense to update house to be energy efficient with grant money, when it should be required that they are with the funding from HUD.

Wendy Helgemo, Senator Reid Rep – This is a concern that legislators have been hearing and are working on; combine programs to make communities more energy efficient. Tribes should pay attention to the legislation to make sure that there needs are being met.

Pilar Thomas, DOE – One of the issues that the Energy Policy Act is required to look at is a way to provide stable or reduced cost of energy in Indian Country. It is required to provide electrification to not only Indian lands, but also to Indian homes. We have a specific charge to make sure that there is residential/community component in our networks. There is also the requirement to the Secretary of HUD to provide renewable energy programs for Indian housing. There are energy efficient codes that tribes could adopt that would require their housing to be built up to certain energy efficiency standards, but that is a tribe by tribe decision to make. The DOE has talked about; how we can promote not just sustainable communities but community scale efforts. Most of the talk about renewable energy is on the economical scale, but clearly there is an opportunity to do community projects, where your only goal is to provide electricity to yourself. The benefits for community scale projects are that you are paying yourself, not an outside agency for you energy and you have a stable cost of energy. We need to know if you looking at community projects? It is a policy initiative, but we need to know how much of it a priority to Indian Country it is.

Dore Bietz – Our new HUD homes have solar energy, we are looking to the future and know that there will be a huge savings, especially for our Elders.

Pilar Thomas, DOE – In the DOE the main focus is only on commercial and no community project. We need to know is what are the barriers to overcome, when it comes to community projects.

Debra – The BLE grant that we received to geothermal was insufficient to complete the project, so we coupled it with a BIA grant, but DOE wasn't able to handle the change.

Donna Marie Noel, Washoe Tribe – We used a contractor for our review of our project, BIA was able to handle it but the DOE did not have the staff that understood how the two projects worked together.

Pilar Thomas, DOE – If there is no problem with the project and BIA signed off on it then DOE would sign off on it also. Most of the work of the BIA is done in the field, unless there is a problem with it then it generally does not get to Washington.

Donna Marie Walker River Paiute Tribe Noel, Pyramid Lake Tribe – Another problem I have had is with Department of Labor with the wages of the contractors. There needs to be a list of contractors that are reputable and able to work with.

Pilar Thomas, DOE - The DOE has talked about checking out contractors and developers. We are unsure if we are able to give a stamp of approvable or rating system on contractors and developers. If you are having a problem with a contractor, you might want to ask ITCN to put them on a “red flag list that can be shared with the tribes.

Tansy Smith, ITCN - We are looking at doing a list.

Pilar Thomas, DOE – There is a group of tribes that were all being approached separately by developers, so they got together and formed a group that meets quarterly to discuss what is happening with the developers and to share information, so they are not being played against each other.

Tansy Smith, ITCN– We do have a contractor is going to different tribes to sign them up for different project, I am a leery of the contractor but the tribes each have the decision of whether to go with this contract or not..

Donna Marie Noel, Pyramid Lake Tribe – Don’t contractor have to be within compliance of Federal regulations? Is there some sort of Federal Government watch list?

Pilar Thomas, DOE – if there is a gross problem with a contractor then there is a disbarment process that will make sure that the contractor does not get funded for projects. If one Department in the Federal Government disbars a contractor, then no Department may use that contractor.

Pilar Thomas, DOE – The BIA is proposing amendments in their leasing regulations; to include business leasing regulations, residential leasing regulations and renewable energy, wind and solar leasing regulations. They are trying to be as flexible as possible for tribes that wish to lease their lands for purposes of wind and solar. There are provisions for a tribe to negotiate a different compensation structure, so if they wanted to have a lease that did not include fair market value then they could, for example; if tribe wanted to lease their land for a dollar, because they are getting other benefits from the developer. I have seen very interesting negotiations, such as a developer paying a dollar and the tribe getting the tax credit or a scholarship fund.

The draft regulations are on the BIA website, so I suggest you read through them and get in any comments you might have on the proposed regulations.

Dore Bietz – Often time it takes too long for a lease or land purchase to get approved and developers will leave a project because of that.

Debra – Future DOE tribal policies; clarification of government to government definitions, Government mandates.

Lloyd Wyatt, Washoe Tribe – There needs to be a one person voice for all of the tribes in Nevada to get information back to agencies, such as DOE. As far as, DOE 101 when we asked for a show of hands many of us indicated that we are not comfortable with having enough experience to deal with agencies. We need to have a template for government/government. Basically the Government needs to realize that they need to deal with Indian Tribes, because they took possession of our lands recklessly and they signed treaties and agreement that are a trust responsibility that they deal with us on a Government/Government bases.

Pilar Thomas, DOE – The DOE in 1994 developed an Indian Government Policy that included our consultation policy, we are now in the process of revisiting policy, primarily because of the President signing a memoranda requiring all the Federal Agencies to provide an action plan of how to deal with consultation. We have for the first time in the DOE a Director of Tribal Intergovernmental Affairs, David Conrad; he is the point person at the DOE of all matters related to DOE. We have projects at the DOE that are not related to the energy development but also projects such as the nuclear waste cleanup or uranium cleanup, so we at the DOE have other interaction with the tribes on different matters and that is help all the department learns how to deal with them. At the Summit, it is part of our policy is help all the department learn how to deal with them. At the Summit, it is part of our policy requirements that the Secretary meet on a regular bases with tribes. The DOE consultation policy is based on a Government/Government relationship.

The regional workshops need to be made more regularly and more relevant to the area. What works well here in Nevada may not work well in New Mexico, so we are working on the workshops to make them more relevant.

As far as having one voice for the tribes for DOE comments, we will leave that up to the tribes, if they wish to have ITCN direct the comments for the tribes, then that is up to them, but we are happy to take separate comments for all the different tribes. We will leave it to Tribal Leadership to decide how they want to communicate with us, we are not looking for one voice.

Reba Fuller – I have found that it is very frustrating when dealing with agencies is that at each level (ie, government, regional, state, Local) they have a consultation policy, but they don't always match the same policy or the policies are interrupted differently. The DOE doesn't have different levels, so we won't have that problem with you, right?

Pilar Thomas, DOE – We are not structured like the big agencies like BLM, that have different state directors and then rural directors, but we do have local sites manage. We have a different structure at DOE so we know what is going on elsewhere.

Debra – Tax incentives and energy contracts.

William Bigbull – The tribes need to be able to use the tax incentives, so they are able to have tribal owned renewable energy contracts.

Debra –We are now at the point in our meeting that we are about to call a close to it. I would like to read to you the list of what the DOE priorities should be 1. Funding, tax incentives and education. 2. Infrastructure development on or near Indian Country. 3. More grant opportunities for technical assistance and how to find money for projects. 4. Examples of partnership and systems for developing them.

CONCLUSION

Pilar Thomas, DOE – I would like to thank everyone for coming. I know it is busy at the tribes and I appreciate the time it took to get here and the time that you have spent here. Hopefully you found this as invaluable as I did in gathering information on the concerns and issues that you have. One we finish with all of the roundtables we will have a summary report that will be made available to Indian Country, it will be posted on our website or we will be happy to mail it out to people. We will use the summary report to help form the Summit. The first day of the Summit will be with Tribal Leadership only meeting with the department's policy leadership, on four different issues. Hopefully we will have our agenda finalized by the end of this month and we will get it out to you. We intend to use the information that we got from you to give to the Assistant Secretaries, who run the various departments of DOE. All of the Assistance Secretaries will be at the Summit; we are hoping that this is a start of conversation for the whole DOE on the needs of Indian Country. The second day of the Summit the Secretary of Energy will be there. Over the next few weeks you have a chance to think about how our conversation went and to add any comments or questions that you wish to have added. It is mine and Tracey's goal to actually see concrete results and put in place some policy and programs that will result in "steel in the ground".

CLOSING

Closing prayer and blessing done by Wanda Batchelor