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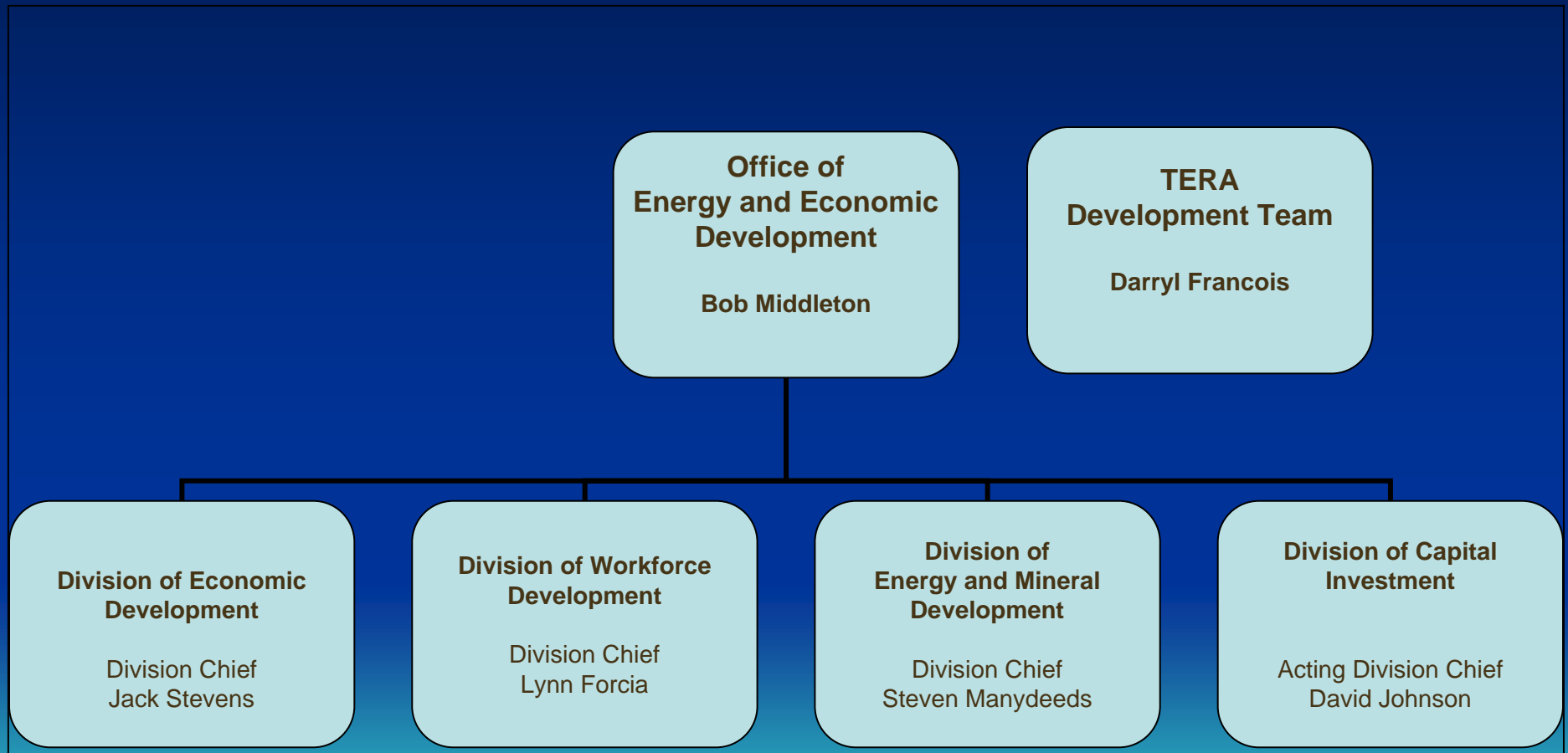
Indian Lands Energy Investment and Prospects

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Indian Energy and Economic Development



Energy Policy Act of 2005

- Title XVIII, Section 1813
 - Indian Land Rights-of-Way Study

- Title V, Section 503
 - Tribal Energy Resource Agreements
 - Providing Technical Assistance



Energy Policy Act of 2005

Title V, Section 503

Tribal Energy Resource Agreements (TERA)

- Tribes will have unprecedented decision making authority
- Will change the landscape for working with many Tribes.



Energy Policy Act of 2005

Title V, Section 503

- Mineral Leasing Act of 1920
- Indian Mineral Development Act of 1982
- Energy Policy Act of 2005



EPA Act 2005, Section 503

TERA Regulations

To establish procedures by which a tribe may assume management responsibilities for issuance of Leases, Business Agreements, and Rights-of-Way for energy resources on tribal land and activities undertaken pursuant to them.



Tribe

- *Means any Indian tribe, band, nation, or other organized group or community, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, except a Native Corporation as defined in the Alaska Native Claims Settlement Act, 43 U.S.C Agreement.*



Energy Resources

- *means both renewable and nonrenewable energy sources including but not limited to natural gas, oil, uranium, coal, nuclear, wind, solar, geothermal, biomass, and hydrologic resources.*



Tribal Land

- *Means “any land or interests in land owned by any Indian tribe, title for which is held in trust by the United States, or is subject to restriction against alienation under laws of the United States.”*



EPAAct 2005 Assistance (DOI)

- Development Grants to Build Tribal Capacity
- Grants for Specific Energy Projects
- Low Interest Loans
- Grants and TA to Develop a National Environmental Resource Center
- Funds Authorized but not Appropriated



Tribal Energy Resource Development Organizations



Tribal energy resource development organization

- Means “an organization of two or more entities, at least one of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance”



Tribal Energy Resource Development Organization

“Organization”:

“A partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.”



TERA In Simple Terms

(but generalized)

Tribes:

1. own significant undeveloped energy resources.
2. need to build technical capacity to manage energy development.
3. need financial help to develop their resources.
4. need to establish effective environmental review processes

Industry:

1. needs access to developable energy resources.
2. has technical capacity to manage and develop energy resources.
3. has established financing relationships.
4. has extensive experience in performing environmental reviews.



Business Relationships

(also generalized)

Tribes:

1. are sovereign nations that require time and resources to develop working relationships.
2. have codes and laws that are sometime unfamiliar to non-Indian businesses.
3. may have changing tribal policies due to leadership changes.
4. suffer from generalized reputation on past energy projects.

Industry:

1. is used to a “business” environment that promotes deal making in a reasonable time.
2. requires some certainty in a business environment to risk capital expenditure.
3. See item 2 above.
4. See item 2 above .



Department of the Interior

Office of Indian Energy and Economic Development

Assistance:

- Economic Development Assistance
- Energy Technical Assistance
- Guaranteed Loan Program
 - \$25 - \$40 million targeted to energy development
- Grants



EPA Act 2005 Assistance (FY2008)

- \$1.4 million for tribal grants
- \$0.6 million for staff development
 - 4 FTE dedicated to TERA Program



EPA Act 2005 has established a business environment ripe for mutually beneficial partnerships.



The devil is in the details.



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The End

