



# Indian Energy Solutions

*Maximizing Partnerships Between Tribes, Government and Industry*

## Conference Report

August 7-8, 2006  
Soaring Eagle Casino & Resort  
Mt. Pleasant, Michigan

Hosted by  
Saginaw Chippewa Indian Tribe of Michigan



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## Acknowledgements

The Council of Energy Resource Tribes expresses our sincere appreciation to the Saginaw Chippewa Indian Tribe of Michigan for generously hosting the Indian Energy Solutions Conference and American Spirit Award Dinner. We also recognize the Tribe's contribution to the CERT Comprehensive Education Program to help prepare future Tribal leaders for the opportunities and challenges ahead for all Indian nations.

CERT also recognizes the following sponsors who helped make this year's fundraiser a success for young Indian students: Morongo Band of Mission Indians, Southern California Edison, Southern Ute Indian Tribe, BHP Billiton, El Paso Corporation, Peabody Energy, Lawrence Livermore National Laboratory, Pueblo of Laguna, Red Mountain Energy Partners, Ute Tribe of Uintah & Ouray Reservation, and Gardner Carton & Douglas.

*The Council of Energy Resource Tribes*

## Executive Summary



The Indian Energy Solutions Conference 2006 was hosted by the Saginaw Chippewa Tribe of Michigan at the stunning Soaring Eagle Casino and Resort during August 7-8, 2006. Bernie Sprague, Councilman of the Saginaw Chippewa Indian Tribe, offered an opening blessing for the conference and for the people who traveled from near and far to attend the event. **A. David Lester**, Executive Director, Council of Energy Resource Tribes, welcomed participants and provided background to Tribes' role in developing the Energy Policy Act of 2005 (EPAAct 05) most notably the Indian Tribal Energy Development and Self-Determination Act (Title V). In 1999 Tribes gathered at the Fort Mojave Indian Tribe and worked together within the Inter-Tribal Energy Network (ITEN) to help shape the eventual historic Act.

The IES 2006 conference focused on the implementation of Title V to develop Tribal energy projects including barriers and how to move beyond them. Barriers ranged from funding issues, the need to continuously update Tribal governments, to the 1813 Right-of-Way Study. Ideas on overcoming barriers included maintaining current relationships while building new relationships in Congress, focusing on presenting competitive energy projects that provide jobs, and partnering with industry. Discussion turned toward the 1813 ROW Study draft report that was released the same day. The draft report concludes that Tribes and industry are negotiating successful rights-of-way; the number of rights-of-way on Tribal lands is minimal; and any increased cost to consumers due to Tribal rights-of-way is negligible. However, it also provides four alarming "options" including binding arbitration and condemnation of Tribal lands that contradict the report findings. The final report is due to Congress on September 29.



**Jim Hall**, counsel for appropriations from Congressman Richard Pombo's office, recognized the contribution of others present at the conference who played pivotal roles in realizing the Indian Tribal Energy and Self-Determination Act, and other Indian provisions within EPAAct 05. According to Mr. Hall, Title V incorporates the best Indian statutes by combining opportunities for technical and financial assistance, and a land leasing system (Tribal Energy Resource Agreement or TERA) toward achieving energy development on Tribal land. Mr. Hall believes TERA is "the heart of EPAAct 05" as it incorporates essential rights to Tribes in determining resource development on Tribal lands; this provides for Tribes to be the primary and fundamental decision maker rather than the Secretary of the Interior for projects on Tribal lands. While the project approval system prior to TERA remains intact the new provision extends rights to Tribes, with the capacity, to assume decision-making roles. Within EPAAct 05 there are also additional incentives such as tax provisions for taxable Tribal partners.

Congressman Pombo (Calif.-R) relayed through Mr. Hall he was disappointed his office could not be more aggressive but there is still much more work to be done: all needs described in Title V must be better defined. Tribes should be in the driver seat and the Congressman is interested in working with Tribes when and where specific Tribal concerns arise. Representative Pombo hopes to develop legislation to address Tribal concerns for Indian provisions within EPAAct 05.

**Michelle Garcia**, Washington Representative, Southern California Edison, reminded the audience that Title V provisions are currently without appropriated funds, which create real obstacles for achieving Congressional objectives. Ms. Garcia believes the task at hand is to educate Congress on the need to support mandates and other initiatives for Title V. Additionally she encouraged Tribes to create a positive business environment to encourage partnerships;



removing barriers does not mean surrendering Tribal sovereignty but strengthening unique development and energy self-sufficiency goals. There is also room for industry to consider Tribes as real partners by considering Tribal cultural needs in nurturing long-term partnerships. Ms. Garcia believes industry must develop creative business structuring in working with Tribes.

**Paul Moorehead** discussed briefly the history behind Indian energy policy and provisions of Title V (within EAct 05 there are 18 titles). When President Richard Nixon issued his historic Indian policy message to congress in 1970 he heralded the modern federal Indian policy self-determination. This policy event set the early foundation that later resulted in forming Title V. Indian energy has a prominent role because Tribes hold a significant amount of energy resources and because Indian economies are rapidly becoming important electricity consumers.



Title V offers three major components: federal grants, loans, loan guarantees, and technical assistance to aid Tribes in the development and management of their energy resources; the new Office of Indian Energy Policy and Programs at DOE; and a new system whereby willing Tribes can develop and manage their own energy resources under reduced supervision by the Department of the Interior.

Within EAct 05 there is also a preference for Indian energy products whereby federal agencies may purchase energy produced by a Tribe or a consortium where the majority interest is owned by one or more Tribes; and agencies may pay no more than the prevailing market price for the energy product.

Mr. Moorehead reintroduced TERA, stating that the agreement calls for Tribal, not federal, decision-making. It will expedite energy projects and build on Indian self determination and Tribal self governance compacts. A Tribal TERA must include specific provisions such as terms of lease, right-of-way, or business agreement; economic return to Tribe; environmental review and processes; public notice and consultation with local communities; and remedies for breach. The Secretary of the Interior will approve a TERA (within 270 days) if the Tribe demonstrates that it has sufficient capacity to regulate the development of its energy resources and if the TERA contains elements required by the Act.

There are also tax provisions targeted at expansion of Tribal bond authority and for Tribes engaged in projects with taxable partners. *For more details on Title V and other Indian provisions within EAct 05 please contact CERT.*



After background information on Title V was provided, **Roger Fragua**, CERT Deputy Director, facilitated a discussion on the barriers to Tribal energy development. The key barrier to implementing Title V is the lack of appropriations but the obstacles also extend beyond federal funding. There is work for all entities from government, industry, to Tribes as mentioned by presenters and echoed by audience members. The gap between Tribal entities and business communities is built on misconceptions and false understanding and not necessarily the lack of knowledge.

Some barriers Tribes encounter in moving forward with its energy projects or dealing with industry and government include the need for capital, building internal Tribal capacity, lack of

common respect, an uneven playing field, and rural isolation. One idea for Tribes to cultivate its partnership with Congress and industry is for CERT to hold a policy summit in Washington, D.C.



with Tribes, House Commerce Committee and other key Congressional leaders.

Where can we go from here? Participants offered some strategies to address barriers. First of all, appropriations will require educating congress on the national importance of Indian energy by conducting a Tribal energy with Congressman Pombo's office.

**Chris Devers**, Chairman of Pauma Band of Mission Indians and Chairman of CERT, welcomed the audience back to a second day of the conference, and **Chief Cantu** offered the opening prayer. The roundtable format was designed to have all key Tribal, government and industry figures at the table. In setting the tone for the discussion Mr. Lester directed people's attention to the now well-known Harvard report by Jonathan B. Taylor and Joseph P. Kalt that reviews ten years of economic development on Indian reservations. Tribal population and their economies have experienced rapid growth across the regions when compared to the general U.S. experience. As Tribal economies expand, how does that affect the trust responsibility owed to American Indian Tribes? It is essential to consider that a zero-sum game is not the only game that industry and Tribes can play.

The most urgent issues leadership in these three arenas confronted included real commitment to Title V, necessary funding, EPA 2005 regulations; effective communication with Congress; building capacity for increasing business opportunities; tax structure reforms for non-Tribal entities working on Tribal lands; and the potential negative implications of the 1813 Right-of Way Study. How do leaders from all arenas approach these issues and where are the common grounds? These questions were posed to participants at the roundtable. **Chairman Maurice Lyons** expressed urgency in everyone working together to form action items so Indian energy can move forward.

**Dr. Ahmed Kooros** offered an important observation: land, water, and power are three essential elements of economic development; all are critical and integral to development. Tribal Economic development cannot take place when any one element is removed from Tribal control. The federal government plays a critical role in ensuring the process whether they provide funding, technical assistance or a supportive political environment. Hence, it is necessary for Tribes to work through the maze of federal agencies and know well the key offices.

Michelle Garcia provided a perspective for industry to consider, "commitment is required for long-term partnerships". Industry must work with Tribes on whichever unique path they are on and understand that Tribes are unique possessing varying capacity levels.

*For specific set of action items refer to "Executive Roundtable Discussion" section later in this report.*

## A New Vision for Tribal, Industry and Governmental Cooperation

*A. David Lester, Executive Director, Council of Energy Resource Tribes*

*Paul Moorehead, Gardner Carton & Douglas, LLP*

*Michelle Garcia, Southern California Edison*



A. David Lester, Executive Director of the Council of Energy Resource Tribes, acknowledged the economic advances made by the Saginaw Chippewa Tribe of Michigan. Mr. Lester set the stage for a “New Vision” by providing a historical background on Tribal economic development. He referenced the Indian Mineral Act from 1982 which took 10 years to draft; this Act gave Tribes authority over their lands and not the federal bureaucracy.

It wasn't too long after the adoption of the Act that the natural gas industry went through a radical restructuring. Competition began to thrive with deregulation and the end of highly regulated monopolies started. The restructuring and deregulation of the electrical industry also created new changes.

In 1996, Tribal leaders again met to begin discussing their inherent right to sovereignty and self-determination. Indian energy was no longer just natural gas, or electricity, but also a platform on how Tribes would manage the changes for economic and social benefit for the Tribal community. How does the Tribe modernize, yet hold on to Tribal traditions was a question.

Tribes began to ponder how they would complete the job because it seemed too monumental a task. Tribal leaders came to the conclusion that strategic alliances needed to be formed. It was further concluded that the effort could not be accomplished by only mineral owning Tribes. In response to this need, the Inter-Tribal Energy Network (ITEN) was formed. Twelve Energy conferences were held and Tribes were given information on how they could advance locally and regionally.

Mr. Lester also discussed the meeting that took place at Fort Mojave in 1999 in which a two-day strategic planning workshop was held and over two hundred Tribes were represented. It was at this meeting that Tribes established the vision: Tribe to Tribe cooperation; Tribes would partner with the private sector in the U.S. economy in win-win partnerships; a new era of federal relationships with Tribes and the empowerment of Indian Tribes.

These were the four pillars of the National Tribal Energy Vision. The foundation included a commitment to fulfill the Creator's plan for us to be what the Creator intended us to be. Ideas began to take shape and became legislative language. Several senators took hold of some of the ideas and drafted the Indian Energy and Self Determination Act. Like the Acts in the past, their implementation relies on us to rise to the task to see it through to fruition.

Tribes control 20% of the energy resource capability in the United States. Much of it is located in the Rocky Mountain corridor. A significant amount of hydro-power comes from Tribal resources also, but Tribes are not compensated or compensated fairly. Indian wind and geothermal are additional untapped resources.

The most widespread energy resource throughout Indian Country is bio-energy. Nearly every Indian Tribe could be self-reliant and could even provide energy surpluses to others outside their communities. There is an underlying optimism that we can craft a future that is fair and just compared to what has happened to us in the past. Congressman Richard Pombo is one advocate

that has been up to the challenge of preserving the hope and optimism for a future that Tribes have expressed in Title V.

For the first time, Tribal populations and Tribal economies outpaced the rest of the United States. The growth is 3% per year or a doubling every 30 years. Tribal economies have grown three times faster than the national average. While Tribal gaming has been a big factor, it is not the only source of growth. Potential for further progress lies in Tribal natural resources. Tribes own 20% of the conventional energy resources, but get nowhere near 20% of the revenue of the industry.



Low cost energy is the United States standard and is much lower than what others pay around the world. We are seeing Tribes developing utilities. Tribes are contemplating the development of high transmission lines as their lands are strategically located. The whole process of how to work with others has come from networking; Southern California Edison has become an important partner. Tribal communities have intersected with industry and the effort is broad and diverse.

Indian Tribes are the only segment of America that has energy resources that could supply their communities and still have energy to share with others outside their community. Tribes will certainly be an important part of America's future energy production. The energy that Tribes control includes renewable, alternative, and conventional energy resources. And that is why Tribes supported and continue to support the opportunities defined in Title V.

Paul Moorehead reviewed Title V and other Indian provisions within Energy Policy Act 2005. He acknowledged Senator Richard Pombo, California, and Tom Shippy, legal counsel for Southern Ute, for their contribution to the passage of Title V. There are a total of eighteen Titles in EAct 05. Mr. Moorehead provided some historical background on the early developments of Title V. President Richard Nixon issued his historic Indian policy message in 1970 formally pledging federal support for Indian self-determination laying the early foundation that later resulted in the forming of Title V. Indian Energy has a prominent role because Tribes hold a significant amount of energy resources. Energy production on Tribal land has resulted in several billion dollars in revenue from coal, gas, and oil. These energy resources are primarily located in the Rocky Mountain corridor. Tribal resources in addition to Title V provisions look to bring good things to Tribal communities, including federal grants, loans, loan guarantees, and technical assistance.

There is also an Office of Indian Energy mandated in EAct 05 but an individual has not been appointed to the position for the unfunded position. Grants and loans are available through the Department of Energy. These grants include funding for energy efficiency and energy conservation projects. Under current provisions, the United States will serve as guarantor for up to \$2 billion in loan guarantees and include up to 90% of any loan to an Indian Tribe. However zero funds were provided in fiscal year 2006 to implement Title V and this remains a concern for Tribes.

Through the office of the Department of the Interior there exists an Office of Indian Energy and Economic Development under the direction of Bob Middleton. This office helps the development of energy resources on Tribal lands and helps Tribes develop model codes.

Title V also includes a provision for Tribal Energy Resource Agreements (TERA). The emphasis is Tribal, not federal decision making, expedited energy projects, and is built on Indian self-determination and Tribal self-governance statutes.

Under the statute, the Secretary of the Interior is to approve or disapprove a TERA within 270 days and if there are flaws with a TERA a Tribe is to be notified within 60 days. Tribal TERAs must include specific provisions. These include: terms of the lease, right of way issues; a review of the business agreement; proposed economic return to the Tribe; an environmental review and processes; public notice & consultation with local communities; remedies for breach, and other issues.

There are also a variety of tax provisions and are of benefit to non-Tribal partners, which can include bond financing. Bond financing can be utilized and is intended to be a tax incentive to spur energy production.

The Energy Self Sufficiency Act (TESA) was an early version of what is now Title V. The goals of Title V are to expand energy initiatives throughout Indian Country.

Michelle Garcia, Southern California Edison, believes there is a need for advocacy for funding to support the intent of Title V. She expressed dissatisfaction with the maze within Washington, which is another barrier for Tribes in that it is never clear which federal agency is the correct player to help assist a Tribe. There needs to be less burden to Tribes in defining the process. She felt that there needs to be a continued effort to educate both sides of the aisle that these programs and funding needs to be implemented. Ms Garcia emphasized that we need to continue to support this provision. TERAs are openers for Tribal economic development. There should not be any fears of what TERAs will do to a Tribe, but it should be viewed as a positive development.

Tribal governments continue to have a human resource capacity issue. Tribes are developing more Tribal professionals and the goal is for Tribes to be energy self-sufficient. Tribes need to focus on building business friendly environments, and creating a business arm for the Tribe. If there is a lack of stability, with election changes, Tribes can insulate their business from political swings. A plan needs to be established and built on for a vision to continue. She further stated that a Tribe needs to create a plan that is operational. Ultimately Tribes want to improve the lives of their members.

TERAs help Tribes remain in the driver's seat. Some of the benefits could be improved housing and energy efficiency technology. Thought needs to be put into creating a business plan and strategy for working with Tribes. Tribes are very unique and distinct and company officers need to be aware of their issues in order to develop long-term partnerships.

Ms Garcia discussed right-of-way issues that are raising concerns among Tribes. She sees this as an opportunity for positive relationship development. Utility companies should be viewed as long-term partners. There is the interconnection between utility companies and Tribes. The opportunities exist for energy efficiency and renewable energy. It is important for Tribes to find the advocates from within the companies to foster partnerships.

## Barriers to Implementation Workshop

### Indian Energy: Clouds that Block the Vision

*Roger Fragua, CERT Facilitator*

Roger Fragua, Deputy Director, CERT, provided highlights from each presenter then asked Tribal, industry and government representatives to talk about the obstacles they encounter in pursuing successful Tribal energy projects. Obstacles discussed stem from within the Tribes, between Tribes and industry, and national policy and standards. The challenges mentioned range from scarce funding to build Tribal capacity; the need to establish mutual respect for Tribal leaders; poor communication and understanding of energy technology and project; and unclear federal commitment to Tribal energy development.

The most basic barrier expressed by Tribal representatives is that federal government leaders need to respect the sovereignty of Tribes and respect Tribal leaders as equals. Tribes now have the political clout, legal expertise, financial strength, and sophistication to exercise their sovereignty. Tribes now realize that much of the nation's energy needs in the future will come from Tribes directly or as a result of Tribal participation with the energy industry. Therefore, Tribes need to be at the negotiating table and should be treated with respect.



A level and fair playing field is the desire of Tribal leaders in negotiating development of their energy resources and human resource capacity. Tribal leaders want to be treated with the respect and dignity by other government and industry representatives.

Another barrier is that Tribes lack the resources and funding to build up their internal capacity. Tribes have a strong interest to strengthen their human resource capacity in order to realize the full benefits of their energy resources. Ultimately, Tribes want to remain in control of their lands and resources within their jurisdictions.

Insufficient access to power generation and grid facilities is a challenge. Many Tribes are in rural, mountainous, and not easily accessible locations. Some Tribes are not close to or lack adequate access to major interstates or other transportation corridors. There are numerous cases where stable and reliable power is not the reality for Tribal communities.

For some Tribes change also poses a challenge, fearing the potential negative impact from venturing into power generation or extraction of Tribal energy resources. Minimal understanding of technical issues surrounding energy projects further exacerbates this fear. Tribes need a certain level of comfort for a project before they pursue initiatives. Hence a real barrier for Tribes is poor understanding of industry objectives and motives, and the technology they bring to the Tribes.

The reluctance to change from within some Tribal communities is an opportunity for Tribal leaders to listen to members who have earned college degrees in related technical studies. These college graduates may make valuable contributions to Tribal communities by offering their knowledge to Tribal leadership in reviewing technical information. While Tribes often rely heavily on outside experts and are reluctant to listen to their own internal experts, it was advised that Tribes perform internal due diligence to avoid unscrupulous individuals and proposals from outside the Tribes.

Regrettably until a Tribe fosters its own expertise from within the reservation, they will continue to rely on outside expertise.

Every project comes with inherent risks and assessing the risks is essential. It was encouraged that there be a complete review of the risk factors for each project. Understandably, a Tribe should never risk the Tribal treasury for any project.

Understanding energy options can reduce barriers to success. There are many energy types and technology including carbon-based energy sources, renewable resources, to alternative energy producing methods. While not all resources or technology are appropriate for all Tribes, studying successful Tribal models, such as the Southern Ute Tribal example, can help facilitate further Tribal energy success stories.

Tribal leaders conclude that a list of Tribal concerns needs to be prioritized under a national banner of support and advocacy by Tribes working through their counterparts in national leadership. The national leadership consists of Tribal organizations such as CERT, the National Congress of American Indians and key Congressional leaders who can advocate for the priorities defined by Tribes.

In looking at barriers related to federal policies, the process, strategies, and priorities need to be clearly defined and supported. There has to be a clear and concise set of goals, as well as precision on who in Congress is going to support Tribal priorities.

Congress needs to realize the barriers Tribes encounter in pursuing the incentives and assistance described in Title V. The \$2 billion revolving loan program needs to be funded and implemented. In this effort there is a role for CERT and Tribes to reach out to Congressional officials that do not have Tribes in their districts so that all are educated on the missed opportunity to increase energy production for the general U.S. populous if Title V does not garner appropriate funding toward in energy successes for Tribal communities.

The lack of funding has created many barriers to implementing successful Indian energy projects called for in Title V. While a minimal \$2 million has been earmarked for Title V, there is yet appropriation for the Indian Energy Office. To overcome financing barriers Tribes may want to focus on creative and alternative financing strategies for viable energy projects on Tribal lands.

Delays in appropriations have negatively impacted Tribes. Although some Tribes have made repeat visits with leadership in Washington, to express the urgency of appropriation, they have not been successful. Oftentimes when money is appropriated, it tends to come in the last three months of the fiscal year and the money does not get spent in that same year. Congress then questions why Tribe asks for more money when last year's funding has not been spent.

Oil and gas provisions dating back to 1938 authorized the Secretary of the Interior to establish value for royalties that were to be paid to the Tribe. In the 1990's when regulations first came out, it demonstrated that Tribes and industry could work together. While TERA is one major step forward for some Tribes the 1813 ROW Study is detrimental to all Tribes.

The voice against Tribal self-determination raised by the 1813 Study to do away with Tribal consent is frightening and is offensive to all Tribes.

Some feel the biggest barrier to successful energy project development on Tribal land comes from the 1813 ROW Study. Tribes are intimately familiar with treaty rights and their status as sovereign nations. If Tribes do nothing to respond to the potential threats that are evolving in the Study the result will be an erosion of Tribal sovereignty.

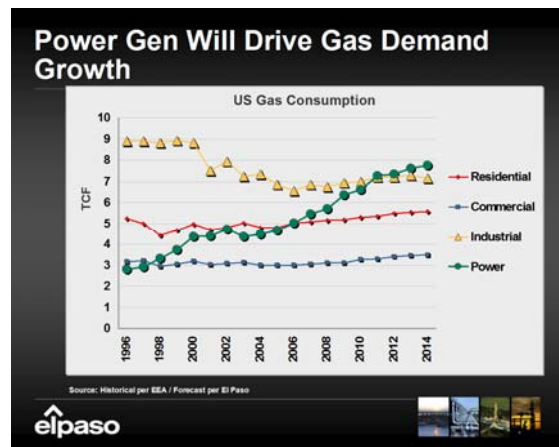
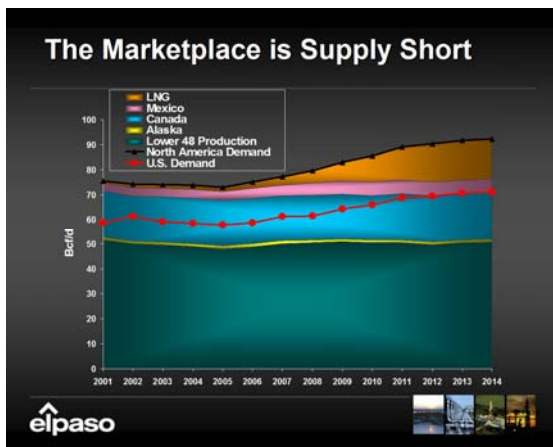
North America and Rockies Macro Forecast

George Wayne, Strategy & Market Analysis, El Paso Western Pipelines



George Wayne of El Paso Western Pipelines discussed the supply and demand dynamics for North America and U.S. Rockies through the year 2015 during his keynote address at the Indian Energy Solutions conference. According to Mr. Wayne the top three leading events driving this market are: demand growth fueled by electric generation; domestic decline and shifting source of supply; and Liquefied Natural Gas (LNG) imports. Gas demand by power generation is estimated to increase by 62% from 2004-2014 as coal and nuclear utilization rates reach diminishing returns, and old oil and gas streams accelerate toward retirement. At the same time supply has declined and the gap is growing between western supply and eastern demand in the U.S. Meanwhile, the full-cycle cost of delivering LNG is dropping, and with HH prices above \$4, the U.S. is becoming an attractive destination.

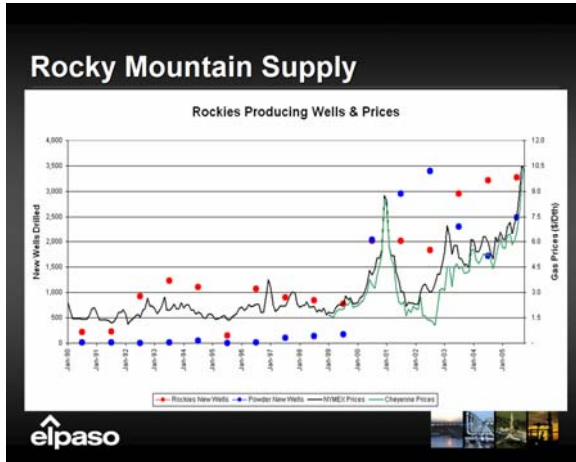
As the slides in Mr. Wayne’s presentation indicate, U.S demand is outstripping domestic supply and the gap is estimated to widen in time. Additional supply will come from LNG, Canada and Mexico. According to El Paso forecast, power generation will drive U.S. gas consumption, currently in its sharp drive upward.



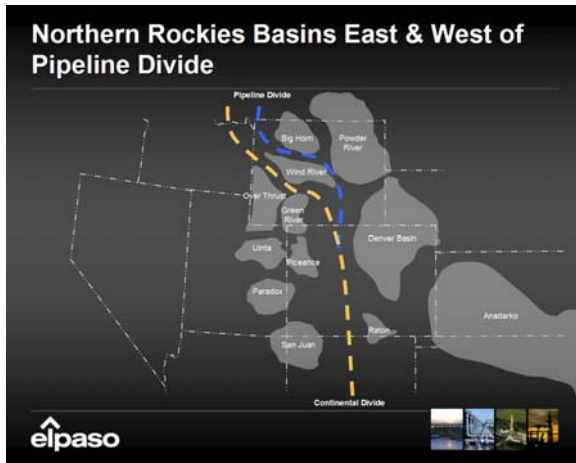
In breaking down the demand for gas in North America (including Canada), the eastern regions require greater energy supply than their western counterparts. In 2004, total use was 72.8 Bcf/d and by 2014 the demand will increase by 25% to 91.0 Bcf/d with the eastern half consuming more than the western half. Meanwhile the supply growth shifts to new sources such as sites in the Rockies where production is expected to increase from 6.3 Bcf/day in 2004 to 9.9 Bcf/d in 2014. Most notably, North America LNG imports increased from 1.7 Bcf/d to 16.0 Bcf/d for the same period.

El Paso sees supplies pushing gas flows. Additionally more gas is needed north of the U.S. border as power generation there from conventional sources (coal/oil) give way to increasing production from unconventional resources; volume change in net exports is expected to be -1.3 Bcf/d. In contrast, south of the U.S. border, supply is outpacing demand. While net imports from the U.S. were 1.0 Bcf/d in 2004, it is expected to be .7 Bcf/d net exports to the U.S. in 2014.

In examining the Rocky Mountain region, El Paso forecasts incremental wellhead supply growing from 2005 to 2011, providing an additional 2.5Bcf/d. The primary growth basins include Piceance, Green River, Uinta and Power River where record numbers of wells are being drilled in the first two basins. According to El Paso’s Potential Gas Committee, there is in excess of 200 Tcf of resources that still remains in the Rockies. The company sees an aggressive future development with the high price of gas.



The chart to the left indicates growth in the number of new wells in the Rockies and Powder basins has generally paralleled increasing gas prices from January 1990 to January 2005. However, the period from January 2002 to January 2005 has witnessed dramatic shifts in both new wells and gas prices.



The majority of the gas west of the pipeline divide flows to the western markets and virtually all the Rockies eastern gas goes to eastern markets. Currently there is limited capacity for Western Basin gas to access Eastern Export Pipelines. KMI Rockies will help to bridge the divide. With recent pipeline expansions the Northern Rockies export capacity is approximately 6.2 Bcf/d. with 3,445 miles extending to the West and 2,755 miles extending to the East.

What are the implications for the future? According to El Paso as relayed by Mr. Wayne, both North America and Rockies forecast of supply, reserves, and demand dynamics indicate a strong positive trend in the future for natural gas industry; justifying public, private, and government committing unprecedented resources in the natural gas sector. As further evidence of future growth Mr. Wayne stated that the Rockies export capacity could be very tight for 2006 and 2007. In addition the Rockies Express will help prevent further potential erosion in intra and inter Rockies basis and the base case supply scenario suggests additional export capacity need by 2011 -2012 timeframe.

Western region export pipeline projects slated for 2008 by El Paso are Uinta Lateral and Opal to Cheyenne Expansion, for a total capacity of 525 MMcf/d. Kinder Morgan has also scheduled for 2008 the Rockies Express and TransColorado North Expansion for a total capacity of 2200 MMcf/d. Trans Western for the same year scheduled the Phoenix expansion for 500 MMcf/d.

transporting capacity. Other possible pipeline expansion projects may add an additional 2250 MMcf/d.

TUESDAY - AUGUST 8, 2006

OPENING



Chairman Chris Devers welcomed participants back to the second day of the conference and Chief Fred Cantu of Saginaw Chippewa provided the opening prayer.

Chairman Devers thanked everyone for participating in the sessions as it is important to share ideas, events and developments throughout Indian Country. He encouraged Tribes to speak and learn about events taking place outside Indian Country and how they may impact Tribes.

### The State Of Indian Energy: The Promise and the Reality

*A. David Lester, Executive Director, CERT*

Indian Tribes are different from one another as the Italians from the Irish. The same is also true for industry. The political system of the United States is a winner-takes-all system. If this is the system that we pursue in our Tribal communities then it could become very destructive. Indian Tribes have come light years forward over the last 20 years to building their local economies and exercising their sovereignty.

More and more businesses are being run by Tribes or its members. We are rapidly gaining ground. Data from the 1990 to 2000 census confirm that there is a population explosion going on in Indian Country along with rapid economic growth. Indian gaming is three times as big as the Las Vegas gaming industry. The Navajo Nation has the largest natural resources but ironically is the least served with regular electricity service. Another Tribe near Albuquerque has had twelve electric power interruptions in one year. The same utility that serves the Tribe also serves Intel, but it is unlikely Intel also experienced twelve interruptions in one year. Many rural communities in the West do not have sustainable and reliable energy to power computer technology. This was discovered during efforts to bridge the digital divide in Indian Country.

There are not enough managers, engineers, and capacity in Indian Country. Many say that the remoteness of Tribal locations explains Indian poverty but Tribes still are located within the largest thriving economy in the world. Historically in the 1950-60's, the most prosperous Tribes were forced to undergo termination. This fact has created fear for other Tribes to not become too prosperous or compete with non-Indians.

At the height of the energy crisis in 1975, when the federal government had complete control over Tribal energy resources, CERT was created. Tribes at that time had limited to no expertise and CERT became the vehicle to change public policy. American Indians were once called the vanishing American but Tribes are no longer disappearing. No matter how small in number, every Tribe that the Council of Energy Resource Tribes has worked with (over 150) is committed to preserving their culture and creating a brighter future.

Mr. Lester gave an analogy relating to how grass continues to grow even though it gets cut regularly. Grass is determined to grow and resiliency is something that we can learn from nature. Tribal resources have more promise than the resources being focused on in Alaska and would cost less. The Indian Self-determination Act of 2005 is a giant step. The Act opens doors, but has some contradictions as all Acts do. For example: Section of the Act requires a Study of possible harm to consumers or of energy security by the requirement of Tribal Consent for energy rights-

of-way which insults the Tribes; While the Indian Title provides greater Tribal control over energy resource development which empowers the Tribes. The challenges that we have are both man made (laws/policy) and physical (infrastructure and capital expenses). The Promise is that Indian Progress can move ahead in tandem with the prosperity and security of all Americans.

## Executive Roundtable Discussion

### *Events, activities and initiatives needed to build momentum for implementation of the Indian Tribal Energy Development and Self-Determination Act of 2005*

The Executive Roundtable discussion brought Tribal, government and industry leaders to the table to strategize on how to build momentum into Title V and other Indian provisions. Participants contributed ideas to strategies, regulations, communication, and building capacity.



#### Funding Options for Tribal Energy Projects

Strategies included directions to push funding for Title V, improving communication with Congress, building capacity for Inter-Tribal dialogues, addressing 1813 concerns, and ways to implement regulations.

As funding for Indian energy and specifically for Title V is essential and urgent, many individuals addressed and offered insights on strategies to encourage appropriations. Bob Middleton from the Department of Interior stated that Congress provided the Department \$2 million in Fiscal Year 2005: \$600 thousand was provided to hire staff and \$1.4 million was provided for capacity building. However, as allocation made its way through Congress, ultimately the money was cut. The Senate has put in a new version, and it is hoped that the House will see the wisdom of the Senate.

The Department of Energy currently has \$17 million for energy initiatives. This may grow as high as \$20 to \$25 million. Low interest loans are also available through DOE. Approximately \$200 million a year was earmarked for loan guarantees. There was no money budgeted in 2006 or 2007 in the President's budget for Title V and it is not certain if there will be any money in 2008.

According to Jim Hall from Congressman Pombo's office, USDA is also another source of grants and loan guarantees. There is a matching requirement that Tribes need to be aware of and the money is provided on a competitive basis. USDA has other programs that offer funding to utility projects. There is also a Farm Bill coming up and Tribes should the process of reviewing the opportunities and also begin to look at other government agency programs to support Tribal development.

Loan guarantees can offer some leverage. Up to 90% loan guarantees can be provided to a Tribal project and direct funding through various federal agencies can also pay for up to 50% of the project cost.

*At this point other government officials emphasized the importance of seeking funding from multiple federal agencies but Tribal leaders expressed unclear government communication of specific agencies and legislation that actually offered funding to Tribes. An absence of a response indicated more research into this question was needed.*

Since a diversity of funding sources exists, Tribes need to look at the funding landscape and determine which funding sources would best fit the Tribe. There is a challenge in funding projects because each funding source is vastly different in process and eligibility. Also each federal funding agency process operates differently.

Though funding is available from the federal government through various funding streams, some Tribes feel that their own Tribal revenue from their own economic success should be used to support Tribal projects. A sentiment expressed by one Tribe is that Tribes need to start looking at

themselves as energy rich and stay in the driver's seat. It was recommended that Tribes form a multi-Tribal corporation for energy development projects.

Competition is another issue in funding. An industry representative advised that projects have to be competitive to attract capital. If an energy producing project is competitive, then industry partners would take notice and listen. Tribes should consult with analysts to determine if they could be competitive and move their energy to the market on a competitive basis. The question that will come up is, "Are you competitive and are you going to be able to deliver?". If a Tribe is competitive then it will attract the private sector dollar. It was suggested that Congress will not step in and solve all the problems of moving Tribal energy to the open market, but a solid partnership with the private sector may be where the money is.

The federal government is not going to provide the answer. Rather, the answers may be found with Tribes working closely with industry partners, building long-term partnerships. Tribes define what needs to be pursued in a partnership. Tribes can do more to help industry understand the cultural climate and how industry can interface with the institutions of the Tribes.

Tribes need to understand the difference between funding a project with grants and financing a project with investor support. Both types of funding require successful planning and implementation, but financed projects need to yield a rate of return to the investors. Tribes need to realize that if private money is sought, investors are going to want a generous rate of return and want to be sure that the Tribal project is competitive. Tribes can assess how they can attract corporate money and look at their Tribal infrastructure to see if it can support business. Infrastructure is important and most Tribes lack dams, interstate highways, and transmissions lines. Tribes have to look at power generation, as well as power distribution.

A suggestion for funding energy projects included that the formation of a Tribal investment group should be created to support Tribal development and Tribes that have financial success can begin to finance projects with Tribes that lack capital.

One conference participant suggested that Tribes could ramp up to success by building on local agenda with local political support from within the Tribe, as well as cooperation established locally with state and federal leadership in the local area. In addition, projects that are introduced in a community need to be supported by the community as a whole so there is no polarization from within the community. The developments that are pursued have to create a benefit to the Tribe.

Some Tribal governments have had difficulty developing an investment structure since their Tribal members want per capita payments to help them pay for their basic needs. The long hard struggle has been that the investments give the appearance that their government is just focused on money and nothing of benefit to individual Tribal members directly. It is a process that Tribal governments face and are under continual pressure to educate their members about the benefits of investing in the Tribe's education and other social infrastructure. Therefore, Tribes don't always have the capital to invest in projects after addressing Tribal citizens' needs and demands.

The importance of having stable governments is also crucial to attract business. Providing limited waivers in Tribal agreements reflects to outsiders who may want to work with a Tribe that the Tribe will stand by their business agreements. A limited waiver may be specific to a project. A Tribe should carefully analyze and consider if and when this option surfaces.

Tribal leaders are often criticized for hiring non-Indian staff when local expertise does not exist. The solution is to try and educate as many of the Tribal members as possible and create an

environment that supports local education. Too often Tribal experts work outside the Tribe because Tribes are not competitive with non-Tribal entities in offering stability or financial benefits.

Chairman Maurice Lyons of Morongo felt it was important that a plan come out of the conference. He suggested that a group of Tribes go to Washington with a specific plan of action. The Chairman also recommended that as many Tribes as possible need get involved to address Congressional leaders. Though Tribes each have their own Tribal priorities, Tribes need to pull together and come up with a plan as a group to move Indian energy forward. Arvin Trujillo of the Navajo Nation agreed that Tribes would be more effective if they arrived in D.C. en masse, rather than one Tribe at a time.

Chairman Chris Devers suggested that CERT put together a series of meetings in Washington and added that Tribes need to discuss with Congressional leaders what is needed so that Tribes can move forward on projects. David Lester reminded everyone that one of the challenges is that when Tribes approach Congress for funding increase Congress wants to know from Tribes where do they cut from other Indian programs to off-set the increase.

Key decision makers are located in the respective states and not necessarily in Washington DC. One Tribe shared the experience of trying to get decisions and support in Washington, but eventually the Tribe was referred to decision makers in the state. Therefore, fostering a solid relationship with federal agencies at the local level can be one of the keys to success.

*It was suggested that CERT identify the key people that Tribes need to meet with so that the meetings result in success.*

Dr. Ahmed Kooros provided additional insight into Tribal development. The three pieces or ingredients necessary for ensuring success for a Tribal energy project are land, power, and water. If one is missing, then you don't have a project. The federal government does play a role to some extent in Tribal projects, even if they are not providing funding. It is important to make sure to find out where the points of contact and decision makers are before spending too much time or money going places where the money or decisions are not going to be found.

The federal budget and prioritization for the planned use of federal funds is ongoing. Tribes need to get involved with the federal funding process and begin to analyze and participate in formulating the three federal budgets that will be under development which includes fiscal year 2006 (carry over), 2007, and 2008.

Interior appropriation bills need to be reviewed by Tribes. All together there are thirteen appropriations that come out each year. Tribes need to look at all the appropriations and seek out funding opportunities. Tribes need to establish ongoing and formal relationships with chairmen of different committees of the federal government. Money needs to be earmarked for planning & development, as well as capacity building. Tribes need to be sure that they have the necessary capacity for engaging in projects.

#### Tribal Input and Response to Regulations

Tribal Energy Resource Agreements (TERA) was also a priority issue for the audience and it was suggested that Tribal preparedness is key if Tribes are to successfully implement a TERA. It was suggested that CERT review TERA draft regulations, identify TERA-ready Tribes, and provide technical assistance to Tribes in need.

Since TERAs are reviewed by the Bureau of Indian Affairs, Tribal preparedness for implementing TERA is important. Tribes need to understand the process and definitions that are contained within TERA.

Tribes need to be proactive in providing input on the types of regulations that are being drafted. Tribes cannot remain successful if they remain out of the process. Tribes need to help author the regulations.

Since one size does not fit all, Tribes also need to identify regulatory gaps in the Indian Energy Act and work with federal agencies to define the issues that are not applicable to their Tribe. A continuous effort by Tribes needs to be pursued to educate all federal agencies on the federal government trust responsibility.

Defining the local goals for the community is essential for Tribes to be successful. If the goals of the community are not defined and supported by the Tribe as a whole, this will result in failure for the community.

Tribes need to assess and develop their own policies so that Tribes have their own regulatory standards in place in addition to federal standards. One such regulatory parameter that needs to be defined by a Tribe is its limited waivers of sovereign immunity, which have to be in place in Tribal/industry agreements in order to attract money from the private sector. However, this is a regulation that Tribes control in defining how their Tribe will honor their agreements with outside investors and developers. Other regulatory issues that Tribes control include their sacred sites and internal investment strategies.

Tribes should seek technical assistance in defining their government's energy infrastructure so that Tribes fully understand their resource and are able to maximize their benefits from moving their energy resources to the market.

Tribes expressed interest in seeing that an Inter-Tribal Policy Meeting/Summit take place soon through joint effort between CERT, NCAI, and other Tribal groups, to organize a series of meetings with Tribes and Congressional leaders as soon as possible. This would be an effort to develop an action plan for regulatory changes and funding for Tribal energy projects with Congressional leaders who will be defining the federal appropriations for fiscal years 2007, 2008, and beyond.

As part of this effort, it was also suggested that Tribes may start with state officials and get political support from state governors and local state representatives to support their energy goals.

#### Improving Communication with Congress and the Administration

Communication with Congressional leaders and the Administration is reiterated as being essential for Tribes to nurture. The Senate Appropriations Committee could be helpful. Members of Congress in the home states of the Tribes should be contacted, especially if those Congress members are on the Appropriations Committee. Creating jobs can be the goal for the funding. The importance of job creation is how it should be couched to Congress. Overall, Tribes need to reach out to both the House and Senate in a long-term and ongoing process of establishing dialogue. Congress will need to be approached every year and throughout the year so that they don't forget Tribal priorities or Tribal funding needs.

Tribes should also talk to the leadership within President Bush's Administration to see what could be done in order for the President to add more support for Tribes in the President's budget to Congress. Other meetings with the Office of Management and Budget need to be scheduled as well as other tactical meetings that will also have long-term results and success for Tribes.

Some examples include meetings with Ruben Barrelas at the White House and members of the Appropriations Committee/Budget Committee. The message to key decision makers is that Title V is not just another program; it is job creation for rural America and should be viewed as an investment and not just another meaningless expenditure or entitlement.

Tribes need to question the level of commitment, starting with themselves as a community; then seeking the commitment of others in governmental leadership in their local area, and the national arena. The commitment needs to also define the funding levels that Congress is willing to provide to implement Title V.

It was recommended that Tribes through CERT work with the National Congress of American Indians in defining the agenda for Tribes to get involved in the issues relating to Title V and Indian Energy. Jointly the two organizations can ensure that the Tribal position in these matters is heard.

## Keynote Address

*Pandor Hadjy, Assistant Deputy Secretary of Agriculture/Rural Business*



Mr. Pandor Hadjy presented a comprehensive presentation defining Section 9006 Program, a program under the 2002 Farm Bill. His presentation provided several examples of renewable energy and energy efficiency projects funded in various states that resulted in successful completion. He defined the keys of success and lessons learned. *Mr. Hadjy will provide specific examples of Tribal projects if requested.*

The 2002 Farm Bill created **Section 9006**, “Renewable Energy Systems and Energy Efficiency Improvements Program” to provide financial assistance to agricultural producers and rural small businesses that purchase renewable energy systems or make energy efficiency improvements. The USDA-Rural Development administers this program. Renewable energy and energy efficiency systems provide a significant opportunity for rural economic development and growth. These opportunities include reducing operating costs, increasing local revenue, bolstering the local job market, and increasing the economic yield of land.

**Agricultural producers** are eligible if they directly engage in the production of agricultural products. At least **50%** of their gross income must come from agricultural products which include crops, livestock, forestry products, hydroponics, nursery stock or aquaculture.

**Rural small businesses** are eligible if they meet SBA small business size standards for their type of business. Applicants must be a private entity, a sole proprietor, partnership, corporation, cooperative, or electric utility. A limited number of public utility districts are also eligible. Non-profits are not eligible applicants.

**Grants** and **Guarantee loans** are the types of financing available under this program. The amount of the grant cannot exceed **25%** of the cost of the project and applicants must show financial need for the grant. USDA anticipates having \$11.4 million available for grants in FY 2006. Grants will be awarded competitively twice each year. Grants for renewable energy systems range from \$2,500 to \$500,000. Grants for energy efficiency projects range from \$1,500 to \$250,000.

The program can assist projects through a guaranteed loan or through a combined grant and guaranteed loan. In these cases, assistance cannot exceed **50%** of the costs of the project. For FY 2006 up to \$173.2 million in loans are available. Decisions on guaranteed loans or combined financing packages will be made continuously throughout the year. The minimum guaranteed loan or combined funding request is \$5,000 and the maximum is \$10 million. The guarantee fee is 1% and the annual renewal fee is .125%. This program does not provide direct loans.

This program funds **renewable energy and energy efficiency projects**. To be eligible, a project must be located in a rural area, be technically feasible, and be a proven technology.

An eligible renewable energy system is one that uses one of the following renewable energy sources below to produce energy, such as electricity, heat, or fuel. There are 5 broad types of renewable energy projects that can be financed through this program. They include:

- Wind – any technology that converts wind power to energy is eligible. Examples are locally-owned wind turbines selling power to the local utility, small-scale wind projects for irrigation or on-farm power, or even utility-scale wind farms.

- Solar – a range of technologies capture the sun’s energy for the production of energy. These include systems which convert sunlight to electricity or ones that capture the sun’s heat for heating or cooling. Example projects are a solar electric water pumping system, a solar thermal system to heat a warehouse, or a solar water heating project.
- Biomass – biomass is a broad category that includes any project producing energy from an organic material that is available on a renewable or recurring basis. Examples of materials that are considered biomass are plants, crops, wood waste, animal waste, other waste materials, and fats, oils and greases. Examples of biomass projects are corn- or pellet-burning furnace, a bio-diesel plant, or a digester that produces biogas from animal waste.
- Geothermal – some technologies harness the heat from the earth to produce energy. Example projects are a geothermal heat pump to heat and cool a building, using an underground heat source for greenhouses, or even a plant that uses underground steam to produce electricity.
- Hydrogen – a project that produces hydrogen from any of the above renewable sources is eligible. Examples are a fuel cell that uses solar-produced hydrogen or a system that using power from a wind turbine to produce hydrogen.

An energy efficiency project consists of improvements to a facility, building, or process that reduces energy consumption. The Section 9006 program only funds energy efficiency projects that replace existing equipment or an existing process.

Types of energy efficiency projects are as varied as the ways we use energy. In buildings, projects could include adding insulation, installing more efficient lighting, replacing heating or air conditioning systems, or even replacing a building with a similar one if an audit shows that is the cheapest option. For processes, projects may involve using more efficient motors, steam systems, or compressed air systems, or improving process control systems.

Examples projects are replacing a refrigeration unit in a grocery store, the use of more efficient ventilation in a barn, or replacing a grain dryer with a more efficient system.

Types of projects that are **not eligible** are residential improvements, energy efficiency improvements related to new construction, agricultural tillage equipment, and vehicles. Also excluded are biomass projects that use un-segregated solid waste or commonly recycled paper.

*If you are interested in the Section 9006 program, contact the nearest USDA Rural Development Office to find out more details about the program. Contacts for each state can be found at <http://www.rurdev.usda.gov/rbs/farmbill/contacts.html>.*

*Full details on this program are available in 7 CFR Part 4280. That document and other information is available at our website at [www.rurdev.usda.gov/rbs/farmbill/](http://www.rurdev.usda.gov/rbs/farmbill/)*

*Bob Middleton, Director, Office of Indian Energy & Economic Development (DOI)*



The mission of IEED is to foster strong Indian communities with sustainable economic development by promoting and supporting the creation of Indian owned businesses and the development of Indian energy and mineral resources. Four Divisions under Mr. Middleton's office are: Economic Development, Workforce Development, Capital Investment, Energy and Mineral Development.

Five strategic goals of IEED include an effort to increase economic infrastructure on reservations; increase business knowledge of Tribes and individual Indians; increase reservation jobs and Indian-owned businesses; increase capital investment; and to help develop Indian energy and mineral resources.

The four primary objectives of his office that he would like success with on an annual basis are aiding Tribes in facilitating access to federal government resources, private resources, technology transfer, and accelerate information transfers that benefit Tribes.

Mr. Middleton shared with Tribes the benefits available from the Work Development Program—also known as the “477 Program”. According to Mr. Middleton, the program has been successful in 36 Tribes in the lower 48 states, 14 Native Alaskan Corporations/Villages. An additional 10 Tribes have expressed interest in joining the program. His office has established strong partnerships with the Department of Labor, Health & Human Services and the Bureau of Indian Affairs. There is \$93 million in block grants available of which 25% can be targeted specifically toward Tribal economic development initiatives.

IEED also oversees the loan guarantee program of which FY06 has a \$112 million ceiling. The total capital ceiling is now at \$1.5 billion. The target for this funding is small energy projects. Energy and mineral development is also a focus with the technical assistance from the Mineral Assessment Program (MAP). Total MAP grants equal \$4.1 million in FY06. Work has involved the Native American Energy and Minerals Institute with focus on the Energy Policy Act of 2005.

His office has focused on economic development by working closely with the Native American Business Development Institute, partnership with Dartmouth College, other federal agency partnerships, and the White House Indian Affairs Committee. Business planning support has come from working with Dartmouth (Tuck Business School), University of Arizona, University of Washington, University of Northern Arizona, University of Michigan, Individual Reservation Initiative, and through Economic Development Conferences.

Another project is the Commercial Code Project. IEED has implemented this program in the following Tribes: Chippewa Cree, Crow Nation, Shoshone, Arapahoe of Wind River, Sac and Fox of Oklahoma, Tulalip, Seminole Nation, Warm Springs Tribes, Confederated Tribes of Umatilla Reservation, Oglala Sioux, Blackfeet. Two other components of the program includes a pilot program for commercial law administrative training and cultivating entrepreneurship initiatives within Tribes.

Mr. Middleton shared some thoughts regarding the Energy Policy Act of 2005. With the Tribal Energy Resource Agreements (TERAs) Tribes will have unprecedented decision making authority. When all proposed regulations are in place by August 7, 2006, his office will have more opportunities to work with Indian Tribes and organizations.

In reviewing Section 1813 Right-of-Way Study, Mr. Middleton pointed to its four components: analysis of historical rates of compensation; recommendations for fair and appropriate

compensation; assessment of Tribal self-determination and sovereignty interests; and analysis of relevant national energy transportation policies.

The draft report was to be completed on June 16, 2006 but was actually completed August 8, 2006. Public meetings and government-to-government consultations are scheduled for the last two weeks of August to gather comments on the draft report. All comments are due to the departments on September 4 and the final 1813 ROW report is due to Congress on September 29.

In closing Mr. Middleton expressed that the Department of Interior believes that a diverse economy for Tribes is the foundation for Self-Determination and Self-Governance. The war and other national priorities keep the federal budgets tight, but innovative approaches can lead to financial resources. His advice to Tribes is they need to position themselves to help maximize their success and his office is ready to provide Tribes with technical assistance and financial support for economic development opportunities.

## Indian Energy Solutions Conference Agenda

### MONDAY – August 7, 2006

#### Swan Creek section of the Ballroom

**8:30 a.m. Welcome**

*The Honorable Chris Devers  
Chairman – Pauma Band of Mission Indians; and  
Chairman – Council of Energy Resource Tribes*

**Invocation**

**8:45 a.m. A New Vision for Tribal, Industry and Governmental Cooperation**

Panel will discuss how the initial Tribal Vision became an Act of Congress and how Indian energy potential is received by federal agencies and private industry.

*Council of Energy Resource Tribes Board of Director's Spokesperson  
Southern California Edison  
Gardner Carton & Douglas LLP  
Office of Indian Energy & Economic Development (Department of the Interior)*

**9:30 a.m. Barriers to Indian energy: Clouds that block the vision**

In this session participants will share their perspectives on the barriers to Tribal energy development. From cultural issues to inadequate transmission infrastructure and capacity to inequitable federal tax policy, participants will help define and clarify the challenges facing Indian Tribes, private industry and governmental partners as we work together to strengthen Tribal economies and help America solve her energy needs for all Americans.

**10:15 a.m. BREAK**

**10:30 a.m. Barriers to Implementation Workshop (continues)**

**11:30 a.m. Where can we go from here?**

The workshop concludes with a participatory discussion of effective strategies for overcoming the challenges and accomplishing the goal.

**12:00 p.m. Luncheon**

**Keynote Address**  
Real Partnerships that Continue to Work Today

**Black River section of Ballroom**

**1:30 p.m. Alternative Activities (Golf & Cultural Tour)**

**American Spirit Award Golf Tournament**

4 Man Best Ball Scramble  
Winding Brook Golf Club  
8240 S. Genuine Road  
Shepherd, Michigan  
**1:30pm Shotgun Start**

*All proceeds benefit the CERT Scholarship Program*

**Cultural Tour**

Zibiwing Center  
of Anishinabe Culture & Lifeways  
6650 E. Broadway • Mt. Pleasant, Michigan  
Monday to Saturday • 10am - 6pm

*The Zibiwing Center was created to enlighten and educate all communities in the rich culture, heritage, and history of the Anishinabe People of the Great Lakes.*

### TUESDAY – August 8, 2006

#### Swan Creek & Saginaw sections of the Ballroom

**8:30 a.m. Welcome**

*The Honorable Chris Devers  
Chairman – Pauma Band of Mission Indians; and  
Chairman – Council of Energy Resource Tribes*

**Invocation**

**8:45 a.m. The State of Indian Energy: The Promise and the Reality**

*A. David Lester (Muscogee Creek), Executive Director  
Council of Energy Resource Tribes*

**9:15 a.m. Executive Roundtable Discussion**

What are the events, activities and initiatives that are needed to build momentum for implementation of the *Indian Tribal Energy Development and Self-Determination Act of 2005*?

**12:00 p.m. Luncheon**

**Keynote Address**  
*Invited Congressional Representatives*

**Black River section of Ballroom**

**1:30 p.m. Executive Roundtable Discussion**

Life Beyond the Energy Policy Act of 2005:  
Where Cooperation is Leading the Way

**3:30 p.m. Roundtable Concludes**

**Registration is located at convention center registration desk.  
Continental breakfast Monday and Tuesday at 7:30 a.m.**

**Artist Reception**

6:00 p.m.

*Saginaw section of the Ballroom*

\*

**American Spirit Award Dinner**

7:00 p.m.

*Swan Creek & Black River sections of the Ballroom*

*All proceeds benefit CERT and its Comprehensive Education Program*

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