

Inter-Tribal Council of Nevada, EPA/ Region IX EPA World Café Meeting

07/20/11

Hyatt Hotel

Reno NV.

Prayer and Opening comments By Daryl Crawford, Executive Director, ITCN

This meeting was initiated by Jared Blumenfeld, the purpose of the meeting is to bring in Federal Agencies to try to avoid duplications of efforts in areas of the Federal Partners, such as USDA, BIA, and IHS. This is an opportunity to meet with the Federal agencies and voice your concerns and share your thoughts.

Jared Blumenfeld, EPA Regional Administrator

Many of your staff who is involved in the environment comes to the Regional Tribal Operational Council (RTOC) to conduct Tribal business. We realized that the Federal Government needed to organize the individual departments and get together in one location, so that we are not duplicating efforts and to make sure that Tribes are provided with a comprehensive list of what funds are available. We realize that your time is valuable and that the funding for services is not increasing, but when you look at the overlapping of programs there is opportunities. With the greatest degree of efficiency possible, we would like to have a series of discussions in small round table formats to assure that everyone's voice is heard. We would like a list of key issues and we would like to know what you as Tribal leaders believe that the Federal Government should know to help you. The second question is; If the President were in the room, what one recommendation would you make about how the Federal Government and Tribal Government can better address environmental and health issues?

We are hoping to come out of this meeting two or three priorities that we can achieve by the next time that we meet. We need to be able to measure, understand and be able to work towards the priority.

We are very excited to kick off our series of meeting here in Nevada. We chose Nevada because of your remarkable organization of the Tribes. I will be going to several of the Tribal Reservations, so please let me know if there is anything specific on your Reservations that you think I should see.

Introductions (please see attendance)

Laura Mayo, Special Assistant, Office of the Regional Administrator EPA

I am here to help us move through this meeting today. I think we have an ambitious agenda and we have quite a few people today so I ask for your patience. We are going to be using the World Café model so that we can hear from everyone and get feed - back from the Federal Agencies. Ideally, we would like

to end up with a top three priority list that the Federal Agencies should be able to address and work on. We have organized you into small groups and there is a Federal Agency representative within your group. The representative will act as the recorder for the group; it will be their responsibility to capture your input on each of the questions that we are asking.

Introduction of Pilar Thomas by Tansey Smith, ITCN Tribal – State Liaison

Pilar Thomas (Pascua Yaqu) is the Deputy Director for the Office of Indian Energy Policy and Programs at the U.S. Department of Energy (DOE). She has developed national energy policies and programs related to Indian energy development. Ms. Thomas is also responsible for developing and implementing policy efforts within her department and across Federal Agencies to achieve the optimal Indian energy policies adventures. Prior to joining the DOE, Ms. Thomas served as the Deputy Solicitor for Indian Affairs in the US DOI. Ms. Thomas previously served as counsel at Lewis and Roca LLT, in the firms Tribal Affairs and Tribal Gaming practice group where she concentrated her practice in Indian gaming, tribal economical development and renewable energy. Ms. Thomas served as Interim Attorney General, then as Chief of Staff of the Pascua Yaqui Tribe. In 2002, Ms. Thomas was appointed to position of Tribal Attorney in the US DOJ, Environmental and Nature Resources Division, Indian Resources Section where she worked on treaty rights, water rights and land into trust issues. Prior to her law practice, Ms. Thomas worked for 15 years in the financial service industry for a Fortune 250 company. She has over 10 years on management experience in all aspects of corporate operations and marketing.

Pilar Thomas, Deputy Director, Office of Indian Energy Policy Program

Phone conference

Good afternoon, I apologize for not being able to meet with you in person. As I explained to Tansey, we had some last minute budget emergencies come up that I needed to be here for, to try to save our money. I thank everybody for the opportunity to make this presentation. We were in the State of Nevada back in March where we kicked off our 8 Roundtables Discussions that were conducted throughout the country, to meet with Tribal Leaders and Representatives and other people that are taking part in energy development. We had an opportunity to get out to Reno and Las Vegas and we have been in touch with quite a few Tribes that have project underway that we are trying to stay on top of and we are well aware of what folks are working on and provide assistance in any way that we can, whether it is encouragement or picking up the phone and calling a Federal Agency.

The DOE has asked the National Renewable Energy Lab (NREL) to provide us updated information on the type of energy resources that are available in Indian Country.

Indian Country has about 32% of the amount of electricity generated in the country today from wind can be met on Indian Land. Two times the amount of the total US electric generation is available to solar resource in Indian Country. NREL is able to identify by Tribe and/or Reservation the amount and type of resources that are available. With our current mapping technology and analysis, we can tell how much wind, solar, geo-thermal and bio-mass resources are available. Bio – mass energy can be woody solid bio-mass, gaseous bio-mass or bio-mass from that comes from a landfill or domestic waste water

treatment plants. There is a sizable amount of resources available in Nevada for geo-thermal, especially when using an enhanced geo-thermal system. Hydro – power is dependent on running rivers and Nevada does not have many running rivers, but we are developing a system for micro – hydro – power which can be ran off of an irrigation system.

As an Administration we have a clean energy focus. The president has announced some pretty ambitious goals, of getting at least 80% of our electricity generation from clean sources by 2035 and reducing 30% of foreign oil by 2025. These goals will not be accomplished without Indian Country participating in energy generation from clean source, since we have a substantial amount of clean source in the Country.

As a Department, the Secretary at the Tribal Summit reaffirmed the department’s commitment to our current Indian Tribal Policies, consultation and Government to Government relationships and really working within the Department, Tribal Government, Tribal enterprises, Tribal organization, Tribal corporations and other agencies to promote economic development in Indian Country, by helping Tribes take advantage of their clean energy resources.

In addition to our office at the DOE there are many other offices that can help the development of energy resources

- Office of Indian Energy Policy and Programs
- Office of Energy Efficiency & Renewable Energy
has substantial grant programs
- Tribal Energy Program
Ran out of ERE office, several Nevada Tribes have received grants from this office.
- EECBG and WAP
Also ran out of the ERE office
- National Renewable Energy Lab (NREL)
Research and development
- Office of Environmental Management
Manages DOE waste site throughout the Country
- Office of Electricity Delivery and Energy Reliability
is the transmission office – getting power from here to there
- Office of Fossil Energy

Is responsible for clean coal technology and carbon program

- National Energy Technology Lab (NETL)

Works with the Office of Fossil Energy

- Bonneville Power Authority (BPA)

Power marketing authorities. Responsible for getting power from Federal dams to the market. Has a responsibility to help Tribes with technical assistance of transmission.

- Western Area Power Authority (WAPA)

- Loan Programs Office

Administers the Department loan guarantee

The Office of Indian Energy was started in 2005, but was unstaffed and unfunded until January of 2011 when Tracy LeBeau and Pilar Thomas started. In 2009 the Obama Administration included in the budget \$1.5 million which Congress appropriated. In 2010 Congress appropriated \$5.5 million and another \$1.5 million in 2011. We have carried over money that we will be putting to good use to kick start our programs.

The goals of the Office of Indian Energy include:

- Promote Indian tribal energy development, efficiency and use
- Reduce or stabilize energy costs
- Enhance and strengthen Indian tribal energy and economic infrastructure relating to natural resource development and electrification
- Bring electrical power and service to Indian lands and the homes of tribal members

We are trying to align our goal with what we have heard from Indian Country. Our programs under the Energy Policy Act include a Tribal Energy Loan Program, but that program has never been implemented because Congress has never appropriated the funds. The only loan guarantee programs that are available to Tribes are from the Department General Loan Program.

There is a provision of giving preference for Indian Energy for when the Federal Government buys electricity or energy products.

The PMAs (BPA and WAPA) should have a statutory request to buy power from Tribes and to provide technical assistance to tribes.

There is a program called the Renewable Energy Production and Incentive Program that is a program that the Federal Government pays Governments, Non-profit and Tribal Governments for renewable energy production, but since 2005 no Tribes have applied for these production incentive payments. We are encouraging Tribes to take a look at this program for incentive payment, since it would off-set your cost of developing energy.

The Weatherization Assistance Program for Tribal Members that are of low-income is a program that generally goes to the state directly, but Tribes are eligible for direct funding and we are working with the program to make it easier for Tribes to get that direct funding. This program was funded for the first and only time under the Recovery Act, it is not in the budget and for fiscal years 2012 the House has not appropriated any money for this program. Under the Recovery Act Tribes got a set aside of 2% which equals about \$53 million that went to Tribes but it does not look like it is a program that will continue.

Technical Assistance Program – produces brochures, hand - outs and conducts webinars that Tribal Leaders are encouraged to participate in. Please go to ERE website to sign up for notifications of when these webinars will take place. This is a free technical assistance service.

During the 8 Roundtables that were conducted throughout the Country the Tribal Leaders listed major goals that they had for energy development and the priorities that they have for the OIE.

Tribal Leader Goals

- Protect tribal sovereignty and environmental, natural, and cultural resources
- Support energy project and economic development
- Provide affordable energy access in rural tribal communities
- Access, coordinate and secure a broad range of funding resources for large and small scale tribal energy projects
- Develop renewable energy projects, including wind, solar, hydro and biomass energy production
- Work with federal agencies and Congress to streamline various energy policies and regulation, particularly where multiple federal agencies are involved in tribal energy projects

Tribal Leader Priorities for OIE

- Expand programs that encourage and fund energy efficiency projects within tribal lands
- Provide DOE guidance and recommendations for tribal inclusion in transmission development projects

- Design programs with a training focus for tribal technical capacity building on energy development—particularly include financing and best practices in project development
- Increase regulatory interaction of and with local energy co-ops to help build better relationships for energy development collaboration
- Establish a clearinghouse for federal agencies and tribal governments on energy policies, programs, funding, notices and projects

With that information we received from the Tribal Leaders at the Roundtables we were able to formulate what we are going to do next from both a short term and from a more strategic perspective. We have some key challenges to energy development in Indian Country: funding, incentives, cost to build, getting access to the grid and getting technical assistance and education for the Tribes.

We would also like to get Tribes to not only focus on major commercial project but to also look at community projects that could provide renewable energy for their own Reservations.

Cheryl Couch, USDA – Rural Development

Within Nevada the USDA –Rural Development has been working with a group called the Nevada Tribal Assistance Provider Working Group. Some of the members of the group include USDA – Rural Development, IHS, Nevada Rural Water Association, Native American Water Association. This group is tailored for infrastructure and has funding and resources available for Tribes. The work group can also research what grants are available and has contact information.

Round One

What are the key environmental, energy and health issues that Tribes are facing now and in the future? What do you think that we need to know to understand the issues fully?

1. Air quality and implementations
2. Solid waste and implementations
3. Water quality
4. IHS - limitations on health services
5. Guidelines for grants are too restrictive...unable to make deadline, needs change.
6. Agencies are not following through...says yes, but doesn't do anything
7. Field Liaisons – not getting quarterly reports.
8. Cultural issues – tribes feel that they are an afterthought. Ex.....BLM has projects, but they do not bring the Tribes in on the discussion process.

9. Agencies are too segregated, Ex.. Tribes are unable to do one newsletter to cover all the news, due to funding each issue must be written about separately.
10. Rural areas are not considered as much as urban areas.
11. Interconnection of the local level agencies. Ex...renewable energy, there is no local liaison to help with the local utility company for geo-thermal energy.
12. Aging infrastructures – old pipes, buildings to be up-dated
13. Environmental injustice - project next to reservations(not on reservation land) tribes are not being informed of environmental issues that could affect their land and health.
14. BLM – much of Nevada is BLM, but there is no one here from BLM to answer questions or concerns that Tribes have.
15. Contract health services, everyone is on priority 1. Unable to get referrals to specialist and not getting prompt pay.
16. Unfunded mandates – mandates are required, but there are no funds to follow the mandates.
17. Land issues – BLM access and acquisition
18. EPA process – a done deal mentality.
19. Energy - tech assistance, resources and advice.
20. Noxious Weed control - funding
21. Water treatment cost – especially arsenic
22. Lack of culture understanding by Federal Agencies
23. Tribes being left out of legislative benefits and/ or credits - energy credit
24. More grants and loan programs
25. Renewable energy – can not meet the requirement to be able to sell
26. No money available to do follow – upmay get funding to build treatment plant but not to run it.
27. Legal assistance. Tech assistance
28. Funding for education
29. Control factor/resource management - Tribes are never included in the decisions that make a significant impact to the Tribes or the environment. The Government makes the decisions and gives Tribes no choice

30. Young families want to live on the Reservation, but there is not enough housing.
31. Solid waste – no funding to keep program sustainable.
32. Housing assistance to college students
33. Unable to access “policies and regulations” for Federal Agencies – When Tribes try to do something, they are told that it is against the regulation, but Tribes are not able to access those regulations on the agencies website.
34. Relax “buy America” rules
35. Credible companies – Tribes are approach by companies, such as water or utility companies to purchase natural resources. Tribes need to have a resource guide on these companies to make sure they are fair and credible.
36. Increased funding
37. Vegas buying up the water rights - other tribes find out about it too late.
38. Tribes funding discretionary programs
39. Service agencies, ran by the State, should re-examine their roles

Round 2

If the President were in the room, what one recommendation would you make about how the federal government and tribes could better address tribal environmental, energy, housing and health issues?

1. Lack of funding – need to have multi agencies get together for funding opportunities
2. Educate young people in tech fields so they can bring the knowledge back home
3. Dealt with on a nation to nation level.
4. Federal Agencies need to recognize the trust responsibility they have and work directly with the Tribes
5. More comprehensive grant opportunity – coordinated grants from different agencies.
6. Smaller tribes do not have access to big grants.
7. Need to plan for the future - investments
8. “Great nations like great men should keep their word, as you stated during your campaign. Can you follow through on your word by educating your Executive Branch and members of your Cabinet, each Federal Agencies so they can fulfill your directive to work with each Tribe on true

Government to Government relations. We invite your team to visit our Reservation and some of the most remote and geographically challenged areas of Indian land.”

9. Need a local perspective
10. Need consistency in grant and application processes – not all Reservations have an extensive computer center.
11. Tribes need to be able to redirect program funds to address specific needs of the Reservation.
12. Critical need for housing
13. Assisted living centers for the elderly
14. Security – funding for emergency funds and security in the health clinics
15. Restate and make sure that all federal Agencies see and work with Tribes as Sovereign Nations
16. Make sure tribes are not left behind – tech assistance
17. National Tribal plan
18. Block grant more flexible.
19. Recognize the needs of the Tribe and the agencies get together to find the grant money within the individual programs.
20. Fairness in wages – Federal employees receive higher wages and then get increase, yes Tribal positions do not get increases for wages
21. Agencies not spending all the money and returned it, yet there is still a great need for it on the Reservations – why is this happening?

Prioritizing the issues

Jared Blumenfeld, EPA Regional Administrator

We must prioritize these issues to find what we should work on first. We have the big picture of what the president would be told if he were here. We will give everyone three votes to prioritize these lists

Mervin Wright Jr., Pyramid Lake Paiute Tribe, Vice-Chairman

Vice- Chairman Wright objected to prioritizing the list, stating that the Government is always doing a process of elimination that indicates that some issues are not important. The speaker stated that all of the issues are important, if not for all the Tribes then for individual Tribes.

Jared Blumenfeld, EPA Regional Administrator

We are not looking at eliminating any issues, but rather prioritizing issues that can be worked on now. The purpose of this meeting is to find issues that can be worked on and dealt with by all of the Federal Agencies. We are looking to identify projects that can be accomplished in 6 months and issues that affect all of the Tribes. The projects should be tangible and cross-cutting to the other agencies.

We have 5 perimeters that need to be met to prioritize the list.

1. Cross- cutting
2. Achievable within 6 months
3. Apply to as many tribes in Nevada as possible
4. Should not be a requirement to get new money to achieve
5. Need to be replicable

There are 3 ways of looking at the issues.

1. Focus on a location
2. Focus on an issue
3. Focus on a process

Prioritizing the List

1. Customize funding to fit the needs of Tribes
2. Identify the collaborating agencies are for specific geographic locations
3. Have Quarterly meeting with different agencies to collaborate
4. Linking grants - unsustainable communities link economic development to housing to transportation.
5. Partnership with non-Government agencies / non-profit agencies
6. When an issue is identified – a meeting of ALL key people (ie.. Department Directors) need to be there so that decision can be made quickly.
7. Government to Government relations
8. Take a more process look at waste and water – to call a meeting
9. Tribes need to know where opportunities are at. What agencies?

10. Key issues to be focused on Water / solid waste/ renewable energy.

11. Grants and resource information to be provided in one place.

Jared Blumenfeld, EPA Regional Administrator

One of the thoughts that I have found about the Federal Government is that it is much harder to get things done in the government than it needs to be, because of the complex ways that are constructed to solve simple problems. One of the goals that I had for this meeting is to think of about how to cut through some of the process to get to fiscal sustainability. Another statement that I hear often at these types of meetings is “the Government over promise and under deliver”. We need to understand what we can get done. The only sure thing is that there will be less money; therefore we can't have inefficiency, overlap or poor coordination. Is the group useful, should we meet again? To me there is a real purpose for us to meet, but I am not sure with even our best intentions that we can get done what needs to be done. It will take time, discipline and trust. My goal is to have to have more effective meetings with the government. Better, smarter meetings so that your calendar is more free. If this is effective of getting rid of some of the meeting that is not effective, then that is a reason to move forward.

In terms of Video conference we need to look into the different agencies in what funding may be available to get the equipment available to you. As a Government we should make sure that you have what you need or at least have access to it. I like the idea of having the next meeting by video conference, not only will it save money but save time.

We need to work on getting funding from other sources than the government. Even small things such as light bulb give aways will add up during these hard fiscal times.

If there is any time that you heard of someone being disrespectful of the Government to Government relationship, you should call or email one of us. We want to know who those people are and certainly the President and White House want to know of anyone being disrespectful of Tribal relationships. We also want to know if people are not returning your phone calls, I will gladly forward the information to the appropriate Washington people.

I would like to thank Daryl and ITCN for making this meeting possible and to thank you all for coming. Hopefully we will be able to show incremental and steady progress towards our goals and save time and money.