

# Energy Policy Development

*Promoting Strong Economies in Indian Communities*

The Division of Indian Energy Policy Development manages implementation of P.L. 109-58 which requires the Secretary of the Interior to provide assistance to Indian tribes that want to develop their own energy resources and to oversee the review and evaluation of Tribal Energy Resource Agreements (TERA).



- Consultation
- Planning
- Coordination
- Capacity-building
- Development

## The Office of Indian Energy and Economic Development

The Office of Indian Energy and Economic Development (IEED) was created by the Secretary of the Interior to address the overarching issue of economic development in Indian Country so that tribes would have a solid economic foundation to achieve self-governance. The mission of IEED is to enhance the quality of life and promote economic opportunity for American Indians and Alaska Natives in balance with meeting the responsibility to protect and improve their trust resources. IEED believes that vigorous economic development and creation of new jobs are the best antidotes to combat the economic and social malaise in Indian Country through consultation and outreach to Native American leaders, Indian Affairs policy-makers and decision-makers, and Indian people. ●



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INTERIOR



A TERA provides a tribe with the option of entering into energy-related business agreements and leases and for granting rights-of-way for pipelines, electric transmission, and distribution lines without the review and approval of the Secretary of the Interior for each proposed project.



The Division of Indian Energy Policy Development was formed to implement Title V, Section 503 of the Energy Policy Act of 2005 (Public Law 109-58) which amends Title XXVI of the Energy Policy Act of 1992. Under the law, the division is responsible for developing regulations for Tribal Energy Resource Agreements (TERAs). The intent of a TERA is to promote tribal oversight and management of energy and mineral resource development on tribal lands thus furthering the goal of Indian self-determination.

The Energy Policy Act of 2005 also requires that the Secretary, before approving a TERA with a tribe, make a determination as to the tribe's capacity to manage the full scope of administrative, regulatory, and energy resource development that the tribe proposes to assume under an approved TERA. Recognizing that a tribe wanting to enter into a TERA with the Department may need technical assistance in building its management capacity, the division will provide technical and financial resources to Indian tribes to foster or obtain the needed managerial and technical expertise; to properly account for resulting energy production and revenues; to promulgate and enforce tribal laws (including regulations) for energy resource development; and to develop the expertise and technical infrastructure to protect the environment under applicable laws.

### Tribal Energy Resource Agreements

The division is responsible for:

- Processing, reviewing, and producing a record of decision for applications from tribes for TERAs.
- Conducting outreach activities that explain the regulatory requirements and the respective roles of the Department and tribes with respect to the development of energy resources under 25 CFR Part 224. Outreach activities would include any pre- and post-application consultation with tribes to facilitate the review and decision-making process.
- Developing and updating model TERAs and guidelines for implementation of the TERA regulations, including procedures for the creation and maintenance of records for use in monitoring tribal compliance with its associated TERA.
- Developing procedures and processes for all aspects of the TERA regulatory requirements including decision-making for applications, interested party petitions, TERA compliance reviews, TERA reassumptions, and TERA rescissions.
- Reviewing and updating regulations after three years.

### Capacity Building and Policy Development

There are two advisory committees that assist in the development of policies and guidelines for energy and mineral development on Indian lands. The Indian Energy and

Minerals Steering Committee (IEMSC) consists of representatives from the DOI bureaus that have responsibility for managing the development of American Indian and Alaska Native energy and mineral resources. Members of the IEMSC oversee and review departmental policy and regulations for energy and mineral development, identify and document best practices, and monitor the status of energy and mineral development projects. The Tribal Energy Policy Advisory Committee (TEPAC) is a forum for tribes and Department officials to share in-the-field experiences in energy and mineral development with the purpose of developing processes and procedures that alleviate obstacles and protect the interests of tribes. TEPAC will also help monitor the implementation of TERA regulations, provide insight into tribal development practices under TERAs, and aid in future review and updating of the regulations.

**Left Photo:** A wind turbine in South Dakota. **Right Photo:** Solar panels in Montana.

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