

Increasing Tribal Self-Determination Over Energy Resources

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Indian Energy Overview

- Indian tribes are governments, energy producers, utilities and consumers.
- Indian lands make up 5 percent of the land area of the US, and contain 10 percent of US traditional energy resources.
- Abundant solar, wind, biomass and geothermal resources.



Indian Energy Overview

- Numerous laws and policies for production of energy resources on Indian lands.
- Some laws and programs support tribal management of energy resources.
- Few laws recognizing and supporting tribal governments as utilities or energy providers.



New Laws and Policies Needed for Tribal Self-Determination Over Energy Resources

- Indian energy laws and policy were originally based on extraction, passive tribal involvement.
- More recent laws and policy modeled on self-determination improved the situation, but:
 - Tribal taxing and bonding authority is limited,
 - Tribal jurisdiction is limited, and
 - Tribal budget and financing subject to political swings in Congress.
- Seeking laws and policies that promote tribal governmental authority and true self-determination.



Indian Self-Determination and Education Assistance Act of 1975 (Public Law No. 93-638)

- Congress hereby assures maximum Indian participation in the direction of educational as well as other services to Indians so as to render such services more responsive to the needs and desires of those communities.
- Congress declares its commitment to the maintenance of the government's unique and ongoing relationship and responsibility to Indian tribes through a meaningful self-determination policy to permit effective and meaningful participation by Indian tribes in the planning, conduct, and administration of programs and services.



Self-Determination Laws Related to Energy Resources

- Tribal Government Tax Status Act of 1982 (P.L. 97-473, Title II)
- Indian Mineral Development Act of 1982 (P.L. 97-382)
- Indian Tribal Energy Development and Self-Determination Act of 2005 (P.L. 109–58, Title V)
- Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (P.L. 112-151)



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Filling in Missing Pieces and New Authorities

- Indian Energy Efficiency Block Grant Program
- Weatherization Program
- Indian Energy Loan Guarantee Program
- Access to Transmission Lines
- Distributed Generation and Community Transmission
- Support for Tribal Utilities



Tribal Utility Formation

Lack of service, power outages, support for renewables or distributed generation, relationship with existing utility, involvement in planning process, investment in infrastructure, control over rates, desire for self-governance, economic opportunity, health and welfare of tribal members, employment of tribal members, and participation in regional energy policy.



Increasing Tribal Self-Determination Over Energy Resources

- Recognize the governing, infrastructure and economic responsibilities of tribal governments.
- Provide parity and untying the hands of tribes.
- Fill in gaps in federal self-determination.
- Increase tribal authority and affirming tribal self-determination from within.
- Acknowledge treaty and trust responsibilities.