

Dear Chairman Westerman,

I would like to thank you again for the opportunity for NAFOA to participate in the “Tribal Autonomy and Energy Development: Implementation of the Indian Tribal Energy Development & Self Determination Act” hearing that was held on September 28th. My office received your follow-up questions and would like to submit the following answers.

Question: *Your testimony mentioned that having a level playing field and allowing tribes to pursue whatever energy projects will best benefit their individual tribal communities and people. In your experience, which energy sources or other energy resources are tribes seeking to develop the most, and what are reasons for the preference that tribes have provided to you?*

Fortunately, there is an interest in Indian Country for a diverse array of energy project, both renewable and traditional. On the renewable front, it would appear that more tribes are interested in solar than anything else, this is partly due to geography and that there are more contractors and experts available in the solar field at the moment. For traditional energy there is a stronger interest in oil and gas production.

Again, I would add much of the interest is shaped by a tribe’s geography, local resources, individual needs, size (this includes factors such as land area, economy, and membership numbers), and location (more urban vs more rural). Each tribe faces a unique set of circumstances, and what is attractive or economical to tribes in one area might be a poor investment for a similar tribe in a different part of the country.

Question: *Do you think tribes would be interested in more expansive sources if some projects were easier to develop or had less federal bureaucracy to wade through?*

From what I have heard from tribes and contractors, there would be an increased interest in energy projects of all types if there was less federal bureaucracy, especially if questions related to federal projects, tax credits, regulations, and more were answered in a timely manner that considers both the needs of tribes and the intent of Congress. Unfortunately, in the current environment we don’t know how interested various tribes will be in many different areas of energy development because one look at the difficulty managing all the federal rules, regulations, and programs kills projects before they even get off the ground.

Another factor that would increase tribal interest in energy projects is increased tribal control over rules and regulations for projects on tribal lands. Allowing tribes to set their own regulatory standards will enable them to decide what is right for their unique situation and be more in line with the government-to-government relationship that the United States has with tribes. Additionally, it would help with the gridlock for permitting and approvals, which take almost twice as long at the Bureau of Indian Affairs (BIA) than at the Bureau of Land Management (BLM).

In general, on tribal issues there is not enough federal assistance to tribes to help navigate these complex rules and regulations, and this is especially true when it comes to tribal energy projects. The complexity makes it nearly impossible for tribes to find a safe place to start and again highlights the need for more experts that understand both Indian Country's unique challenges and the energy industry.

Again, thank you for your interest and work on this important topic. I look forward to continuing to work with you and your staff on this topic, as well as any other topic that NAFOA might be helpful with. If there is any additional information or help that we can provide, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read 'SM' followed by a stylized flourish.

Susan Masten
Interim Executive Director
NAFOA