



U.S. DEPARTMENT OF
ENERGY

Fossil Energy and
Carbon Management



REPORT

WESTERN TRIBAL CARBON MANAGEMENT TECHNOLOGY STRATEGIES FORUM

**SEPTEMBER 13 – 14, 2022
LAS VEGAS, NV**

WESTERN TRIBAL CARBON MANAGEMENT TECHNOLOGY STRATEGIES FORUM

The U.S. Department of Energy Office of Fossil Energy & Carbon Management, with support and consultation with the United States Energy Association, Sagebrush Hill Group LLC (SHG) and Shasta Advisors LLC, held the Western Tribal Carbon Management Technology Strategies Forum ("Forum") designed primarily for energy tribes. The Forum was held in Las Vegas, NV on September 13-14, 2022.

The purpose of the Forum was to (1) introduce leadership of the U.S. Department of Energy's Office of Fossil Energy & Carbon Management team, mainly the recent Senate confirmed Assistant Secretary Brad Crabtree, to the tribes; (2) dialogue with tribes on energy prosperity in Indian Country, particularly with uses of fossil energy, as a key to tribal development; and (3) presenting information and introducing DOE principles to further the energy development agenda for the benefit of Indian Country.

Forum participants included DOE officials (Congressional & Intergovernmental Affairs, FECM, Indian Energy, Loan Programs Office, White House Council on Environmental Quality), national laboratories (Los Alamos National Laboratory), local government officials (Apache County), NGOs (USEA), and representatives of industry (Baker Botts LLP, Enchant Energy, Glenrock Energy, Kanata America, Inc., Lancer Energy). Native American Tribes and tribal-affiliated companies and organizations included representatives of Big Navajo Energy, Chippewa Cree Tribe, Crow Tribe, Diné College (Navajo Nation), Eastern Shoshone Tribe, Grey LLC (Navajo Nation), the Hammawi Band of the Pit River Tribe of California/Shasta Advisors, Navajo Nation Oil and Gas Company, Navajo Technical University, Navajo Transitional Energy Company, LLC, Inupiat Community of the Arctic Slope, Hopi Tribal Council, Pueblo of Laguna, Sagebrush Hill Group (Navajo), SCAT (Navajo), and the Southern Ute Department of Energy.

KEY TAKEAWAYS

The purpose of the Forum was to (1) introduce leadership of the U.S. Department of Energy's Office of Fossil Energy & Carbon Management team, mainly the recent Senate confirmed Assistant Secretary Brad Crabtree, to the tribes; (2) dialogue with tribes on energy prosperity in Indian Country, particularly with uses of fossil energy, as a key to tribal development; and (3) presenting information and introducing DOE principles to further the energy development agenda for the benefit of Indian Country.

The forum was also designed to include Native American professionals as main contributors during the event. As such, Derrick Watchman (Navajo/Arizona) and Steve Grey (Navajo/New Mexico) with Sagebrush Hill Group and Daniel Cardenas (Hammawi Band of the Pit River Tribe/Wyoming) and CJ Stewart (Crow/Montana) of Shasta Advisors moderated and facilitated many of the sessions.

The forum began on the afternoon of September 13th with opening remarks and logistics from USEA's Mike Moore followed by a brief history of the event presented by DOE-FECM's Joe Giove. This was followed by a keynote from Mr. Brad Crabtree, Assistant Secretary of DOE-FECM and group introductions facilitated by Shasta Advisors' CJ Stewart, a member of the Crow Tribe. Following introductions, Session I covered considerations with fossil fuels and decarbonization moderated by Steve Grey of Sagebrush Hill Group, A/S Crabtree, and Deputy Assistant Secretary Noah Deich. The day ended with logistics and preparation for Day Two.

Day Two, September 14th, began with opening remarks, logistics, and an outline of the day's purpose and

sessions from USEA's Mike Moore and DOE's Joe Giove. Session two consisted of discussions around equitable partners and funding/markets. This was moderated by Sagebrush Hill Group's Derrick Watchman, Sarah Forbes from the White House Council on Environmental Quality and Clare Magee from DOE's Loan Programs Office. Following lunch, Session three focused on the path to zero carbon emissions, Justice40, Health, Education, Jobs, and Financial Security. This session was moderated by Shasta Advisors' Daniel Cardenas and DOE's Holly Buck. The day and forum ended with a session on insights learned, voices heard, next steps, and closing remarks from A/S Crabtree.

Below are the key considerations and potential actions discussed in the planning for and during the Forum for enhancing future programming, capacity building, and partnerships.

Capacity Building Opportunities:

1. Tribal Limitations

Tribes have limited financial resources, technical expertise, and energy professionals. Addressing these limitations can help lead to improved quality of life for many tribal members.

2. Assistance Processes:

For tribes interested in initiating engagement with FECM, how can DOE help and is there a role for DOE's Office of Indian Energy to play?

3. Tribal Educational Institution Engagement

Tribal educational institutions need to be considered and included in DOE efforts moving forward and to date there has not been much mentioned in regards to this area.

4. Establishment of a Tribal Energy Consortium:

The Office of Fossil Energy and Carbon Management (FECM) should support the establishment of a Tribal Energy Consortium

Partnership & Engagement:

1. DOE Tribal Engagement Efforts:

Tribal energy development and engagement should be sensitive to the environment and tribal cultures, as every tribe has a different focus and certain areas of energy development may run counter to tribal culture/traditions. There is a concern that tribes have not been adequately consulted and while tribal resources may not always be readily identifiable, when they are identified, they should be kept confidential. When tribes are interested in energy development, these efforts should not be limited to reservation lands. This all needs to be considered in the context of the trust responsibility between the United States Government and the tribes, as well as state interactions with tribes. While Justice40 is a new concept, it has potential to help alleviate some of these concerns.

2. Roles of DOE Offices and Headquarters

There is confusion regarding the coordination of DOE tribal engagement efforts and a suggestion is to have a clear distinction between each DOE office and Headquarters. DOE-FECM should address the following: grants/funding for FE projects, critical minerals, demonstration projects, carbon capture, hydrogen, methane reduction, community engagement and transmission. DOE Headquarters could address: education programs, federal compliance issues, renewable energy projects, energy use from buildings, water resources, certain infrastructure projects, topics related to tribal sovereignty, and leading government-government discussions. ■

Issues for DOE Consideration:

1. Funding:

So far, Loan Program Office assistance has been cumbersome and expensive which has proven difficult for tribes with limited resources. Certain carbon management approaches, such as carbon capture, have proven to be expensive endeavors so tribes will require financial assistance to implement them. There is a question of how the IRA can provide tax benefits to tribes.

2. Conflicts between Net-zero Goals and Tribal Interests

Net-zero goals could have negative consequences on tribes dependent on their fossil fuel resources.

The Forum reinforced the importance of inclusive, well-planned programming and robust partnerships, highlighting opportunities for capacity building and streamlined processes to empower Tribal carbon management and energy initiatives.

The questions provided at over the course of the forum are included at the bottom of this document in Appendix A.

FORUM AGENDA

September 13 – Forum Day 1

9:30 am – 5:00 pm	Registration
1:25 pm – 1:35 pm	Opening Remarks and Logistics <ul style="list-style-type: none">• Mike Moore, United States Energy Association (USEA)
1:35 pm – 1:45 pm	DOE-FECM and Brief History of the Event <ul style="list-style-type: none">• Joe Giove, U.S. Department of Energy, Office of Fossil Energy & Carbon Management (DOE-FECM)
1:45 pm – 2:00 pm	Keynote: Brad Crabtree, Assistant Secretary, DOE-FECM
2:00 pm – 3:15 pm	Tribal Leadership, and Delegate Introductions <ul style="list-style-type: none">• Facilitator: CJ Stewart, Shasta Advisors/Crow
3:15 pm – 3:30 pm	<i>Break</i>
3:30 pm – 4:45 pm	Session 1: Considerations with Fossil Fuels and Decarbonization <ul style="list-style-type: none">• Moderators: Brad Crabtree, DOE- FECM Noah Deich, DOE-FECM Steve Grey, Sagebrush Hill Group/Navajo
4:45 pm – 5:00 pm	Day 1 Closing and Logistics for Day 2

September 14 – Forum Day 2

9:00 am – 9:10 am	Opening Remarks and Logistics – Purpose of the Day and Sessions <ul style="list-style-type: none">• Mike Moore, USEA• Joe Giove, DOE-FECM
9:10 am – 10:30 am	Session 2: Equitable Partners, Funding/Markets Moderators: <ul style="list-style-type: none">• Derrick Watchman, Sagebrush Hill Group/Navajo• Sarah Forbes, White House Council on Environmental Quality• Clare Magee, DOE-Loan Programs Office
10:30 am – 10:50 am	<i>Break</i>
10:50 am – 12:00 pm	Session 2 Cont'd
12:00 pm – 1:30 pm	Lunch
1:30 pm – 2:50 pm	Session 3: Path to Zero Carbon Emissions, J40, Health, Education, Jobs, and Financial Security Moderators: <ul style="list-style-type: none">• Daniel Cardenas, Shasta Advisors/Pitt River Tribe• Holly Buck, DOE-FECM
2:50 pm – 3:10 pm	<i>Break</i>

3:10 pm – 4:00 pm

Session 3 Cont'd

4:00 pm – 4:30 pm

Closing Remarks: Insights Learned, Voices Heard, and Next Steps

- A/S Brad Crabtree

FORUM REGISTRATION LIST

Name	Organization
Joe Shirley	Apache County, AZ
Dino Barajas	Baker Botts LLP
Dory Peters	Big Navajo Energy
Harlan Baker	Chippewa Cree Tribe
Matt Dannenberg	Congressional Intergovernmental Organization
CJ Stewart	Crow Tribe
Harold Male Bear Stone	Crow Tribe
Jason Kills Pretty Enemy	Crow Tribe Legislation (Arrow Creek)
Darwin Spotted	Crow Tribe Legislative
Sampson DeCrane	Crow Tribe Legislative
Lloyd Hogan III	Crow Tribe Legislative
Clement Other Medicine	Crow Tribe Legislative
Charla Takes Enemy	Crow Tribe Legislative
Holly Buck	DOE Fossil Energy & Carbon Management
Jessica Gruse	DOE Fossil Energy & Carbon Management
Joseph Giove	DOE Fossil Energy & Carbon Management
Brad Crabtree	DOE Fossil Energy & Carbon Management
Noah Deich	DOE Fossil Energy & Carbon Management
Clare Magee	DOE Loan Programs Office
David Conrad	DOE Office of Indian Energy
John St. Clair	Eastern Shoshone (Wind River) Tribe
Robert Van Engelenhoven	Enchant Energy Corp.
Matt Coeny	Glenrock Energy
Rose Grey	Grey LLC.
Dale Siquah	Hopi Tribe
Jeremy Friesen	Kanata America
Free Reyes	Lancer Energy
Kevin John	Los Alamos National Laboratory
Myron Lizer	Navajo Nation
Leo Hoskie	Navajo Nation Office of President and Vice President
Adam J. Begaye	Navajo Nation Office of President and Vice President
William McCabe	Navajo Nation Oil & Gas Company
Colleen W. Bowman	Navajo Technical University
Harry B Tiptan	Navajo Transitional Energy Company
Tim Nolan	Navajo Transitional Energy Company
Joaquin G. Yates	Office of the Speaker Navajo Nation
Kenneth Tiller	Pueblo of Laguna
Richard Smith Sr.	Pueblo of Laguna
David Deutsawe	Pueblo of Laguna

Derrick Watchman	SageBrush Hill Group, LLC.
Christabelle Mull	SCAT
Daniel Cardenas	SHASTA Advisors
Andy Wetherell	Southern Ute Department of Energy
Adrian Abeyta	Southern Ute Department of Energy
Mike Moore	USEA
Michelle Littlefield	USEA
Alex Krowka	USEA
Sarah Forbes	White House Council on Environmental Quality

APPENDIX A QUESTIONS FROM FORUM

The U.S. Department of Energy Fossil Energy and Carbon Management Western Fossil Tribe Meeting – Follow Up

On September 13-14, 2022, the Office of Fossil Energy and Carbon Management (FECM) held an in-person meeting at the Golden Nugget Hotel in Las Vegas, Nevada. The meeting provided an opportunity for FECM to discuss U.S. Department of Energy (DOE) initiatives and to informally answer several questions related to the development of energy resources and carbon management on tribal lands. The following list of questions were posed during the meeting. For additional information regarding FECM Tribal Outreach and future programming, please contact Joseph Giove, joseph.giove@hq.doe.gov, (301) 903-4130.

QUESTIONS

- 1. What does the “40” in Justice40 represent?**
- 2. With respect to the Justice40 Initiative, what defines a disadvantaged community?**
- 3. What is the “loans-in-process” goal for the Loan Program Office (LPO) in a year?**
- 4. Will we have other meetings like this within the year, or a year from now?**
- 5. What happens from the fees generated from the loan guarantee?**
- 6. Which DOE program has funding for institutions seeking to retrofit and/or upgrade old energy infrastructure?**
- 7. Can Tribal Colleges and Universities (TCUs) apply directly for LPO loans?**
- 8. How much money did Congress authorize the LPO to distribute through the Tribal Energy Finance Program?**
- 9. LPO guarantees the loan, but does a bank need to host that loan?**
- 10. Is there an upsell for a financial institution’s rate?**
- 11. Is the direct loan program financed by the U.S. Treasury?**
- 12. The Navajo Nation has significant helium resources. Whose purview does that fall under in the federal government?**
- 13. The amendment for the 45Q tax credit changed from \$50/metric ton to \$17, which is specific to the prevailing wage requirements or apprenticeship requirements. What is the prevailing wage and what are the apprenticeship requirements?**
- 14. Does the 45Q tax credit apply to metric ton or short ton?**
- 15. Can Tribes get together and form commercial projects to export our energy?**
- 16. Will Justice40 cover 45Q?**

17. How does FECM determine which applicants are satisfying funding requirements?

18. Would the Tribes hold on to the tax credit earned?

19. With the 20% equity requirement, how do Tribes stack funding to build up to that with other sources of funding? Can we create a grant to cover that?