



U.S. DEPARTMENT OF
ENERGY

Fossil Energy and
Carbon Management



REPORT

WESTERN TRIBAL CARBON MANAGEMENT STRATEGIES FORUM

**October 3 – 5, 2023
Santa Fe, New Mexico**

BACKGROUND – FOSSIL ENERGY & CARBON MANAGEMENT TRIBAL WORKING GROUP

The Federal Government has a treaty and trust responsibility to protect Tribal sovereignty and to revitalize Tribal communities, including through economic and energy development.

Following up on that commitment, the Infrastructure Investment and Jobs Act (IIJA) provides more than \$13 billion in funding to directly support Tribal communities and makes Tribes eligible to apply for or request billions in additional discretionary, formula, and other funding. The Inflation Reduction Act (IRA) directs \$720 million in climate resilience and energy funding to the Tribes, as well as provides hundreds of billions in tax credits for which clean energy and industrial projects on Tribal lands and in Tribal communities are eligible. Additional funding is also available explicitly for energy communities, and Tribes are also eligible to access \$280 billion in funding opportunities through the Creating Helpful Incentives to Produce Semiconductors (CHIPS) and Science Act.

However, sufficient outreach and coordination are needed to ensure Tribal access to these funding and incentive opportunities. A Fossil Energy and Carbon Management (FECM) Tribal Working Group is being established to provide this outreach and coordination.

The purpose of the Tribal Working Group is two-fold:

1. To empower the Tribes with fossil energy and carbon management resources to gain full access to the available funding and incentive opportunities.
2. To accelerate the Tribes' pivot towards clean energy while developing their vast energy and carbon management potential.

To achieve these goals, the Working Group will provide input, local knowledge, and expertise, and advise the Federal Government on the best ways to assist Tribes' decarbonization efforts, as well as the utilization of their natural resources.

WESTERN TRIBAL CARBON MANAGEMENT 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 Strategies Forum ("Forum") designed primarily for energy tribes that derive benefits from fossil-based resources. The Forum was held in Santa Fe, New Mexico on October 3-5, 2023.

The goal for the conference/forum was to continue U.S. Department of Energy's Office of Fossil Energy & Carbon Management's (FECM) energy future dialogue and to provide follow-up from the Moab II Energy Conference/Forum ("Western Tribal Carbon Management and Critical Minerals Strategies Forum") held in Moab, Utah on March 21-24, 2023.

Forum participants included DOE officials, national laboratories (Los Alamos National Laboratory, National Energy Technology Laboratory), local government officials (Coconino County), NGOs (Four Corners Clean Energy Alliance, Research Experience in Carbon Sequestration (RECS), USEA), representatives of industry (8Rivers, BioAccelegy, Enbridge, Enchant Energy Corporation, FIELDs, Kanata Clean Power and Kanata America, Inc., Path Three Marketing), and academic institutions (Arizona State University and New Mexico Institute of Mining and Technology). Native American Tribes and

tribal-affiliated companies and organizations included representatives of Big Navajo Energy, Black Mesa United (Navajo Nation), Cornerstone Group LLC (Navajo), Crow Tribe, Diné College (Navajo Nation), Grey LLC (Navajo Nation), the Hammawi Band of the Pit River Tribe of California/Shasta Advisors, Jicarilla Oil & Gas Administration, Navajo Nation Oil and Gas Company, Navajo Transitional Energy Company, LLC, Big Navajo Energy, Inupiat Community of the Arctic Slope, Hopi Tribal Council, Sagebrush Hill Group, Southern Ute Department of Energy, Ute Mountain Ute Tribe, and the Western States and Tribal Nations Natural Gas Initiative.

KEY TAKEAWAYS

The goal for the forum was to continue U.S. Department of Energy's Office of Fossil Energy & Carbon Management's (DOE-FECM) energy future dialogue and to provide follow-up from the Spring 2023 Western Tribal Carbon Management and Critical Minerals Strategies Forum held in Moab, Utah on March 21-24, 2023. The event kicked off on October 3rd with Tribal Day programming and discussions on the potential structure of a Tribal Working Group and key issues facing tribes.

On October 4th, the forum began with welcoming remarks from DOE-FECM's Joe Giove and USEA's Mike Moore followed by a keynote from Mr. Brad Crabtree, Assistant Secretary of DOE-FECM. This was followed by group introductions facilitated by Sagebrush Hill Group's Derrick Watchman and reviews of key takeaways from previous meetings. DOE representatives then provided updates on policies, federal programs, and community engagement initiatives, with the day ending with discussion of the Tribal Working Group.

The final day, October 5th, focused on the Mine of the Future and Critical Minerals with Daniel Cardenas of Shasta Advisors and NETL's Jessica Mullen, an Overview of DOE's Office of Manufacturing and Energy Supply Chains from Virginia Castro followed by open discussions and reflections from tribal representatives. The day concluded with Planning for FECM Tribal Liaison Fellows and Government Funded Tribal Energy Jobs from DOE's Caleb Woodall and Gabe Hernandez. The forum ended with a discussion of goals and deliverables for future meetings led by AS Crabtree, Derrick Watchman, and Steve Grey of Sagebrush Hill Group.

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.

Key Considerations for Future Programming

1. **Timing & Notification:**

Adequate advance notice is crucial for Tribes to prepare, gather information, and plan contributions. Sufficient notification fosters better engagement and more meaningful discussions.

2. **Agenda & Procedures:**

A well-organized agenda, shared in advance, allows participants to suggest additional topics and secure necessary approvals. Stakeholders, including Tribes, should be actively involved in shaping the agenda to ensure it reflects their priorities and needs.

Capacity Building Opportunities:

1. **Tribal Limitations**

Tribes have limited tribal capacity and limited or no resources to dedicate to building this capacity. Furthermore there is limited coordination of energy tribes exacerbated by different tribal goals, lengthy and differing tribal approval processes, prioritization of other tribal areas of concern, and turnover of tribal stakeholders.

2. **Workshops on Application Processes:**

Tribes would benefit from workshops on proposal writing and navigating grant applications, with guidance from the Department of Energy (DOE) and success stories from other Tribes.

3. **Energy Policy Development:**

Specific workshops on energy policy development can support Tribes in creating their own policies. These sessions should include templates and grant-writing support to assist in energy-related initiatives.

4. **National Laboratories**

The National Laboratories could serve as a resource to assist capacity building but their indirect charge rates have been stumbling blocks to opportunities for cooperation.

5. **Formation of Tribal Energy Offices**

Tribes should be encouraged to create energy offices to manage projects which could be supplemented with DOE funding and capacity-building support for these initiatives.

6. **Tribal Educational Institutions**

Tribal Educational Institutions could serve as a resource to assist capacity building efforts but to date their utilization has been limited.

Organizational Structure:

1. **DOE and Tribal Leadership:**

The Office of Fossil Energy and Carbon Management (FECM) will continue to support the working group, but Tribal leaders will play a key role in shaping the leadership structure. Co-Chairs could represent both the DOE and Tribal leadership. This would allow for primary contacts from the DOE and Tribal sides to ensure consistency of progress.

2. **Future Meetings & Site Visits:**

Future meetings could be held in Washington, D.C., with a potential appearance by the President, demonstrating federal commitment to Tribal energy. Tribes with energy projects could also host site visits to showcase their successes, offering valuable cross-learning opportunities.

3. **Rotating Locations:**

Planning for future meetings in or near a variety of tribal locations reflects the commitment to involve diverse Tribes and regions, highlighting different energy challenges and opportunities across Tribal lands.

Partnership & Engagement:

1. **DOE's Office of Indian Energy:**

The DOE's Indian Energy Office will continue fostering partnerships and supporting Tribal energy projects, having previously facilitated key Memorandums of Understanding with several Tribes. There is a concern that while plenty of opportunities exist for renewable energy projects, there is limited support provided for fossil energy and carbon management approaches.

2. **Virtual Status Meetings:**

Virtual meetings will help maintain ongoing communication and transparency, providing regular status updates.

3. **Tribal Council Approval:**

Future initiatives must seek approval from Tribal Councils early on to ensure alignment with broader Tribal goals and secure buy-in.

Issues for DOE Consideration:

1. **DOE Legacy Cooperative Agreement:**

Expanding agreements with DOE Legacy Management could involve Tribes in shaping policies and decision-making processes from the outset.

2. **Inclusion of Tribal Veterans:**

Programs should include Tribal veterans, recognizing their potential contribution to energy initiatives, with tailored support for their involvement.

3. **Unified DOE Communication:**

Ensuring consistent messaging across all DOE offices will build trust and clarity for Tribes navigating federal programs.

4. **Simplifying Application Processes:**

Streamlining application procedures and providing legal or technical negotiation assistance will make participation easier and more equitable for Tribes.

5. **Funding Extensions and Studies:**

Extending funding timelines and allocating resources for feasibility studies and policy research will support Tribal energy projects and long-term planning.

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 Q&A document to answer questions provided at the previous forum in Spring 2023 is included at the bottom of this document in Appendix A.

FORUM AGENDA

October 30 – Tribal Day

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|---------------------|--|
| 8:30 am – 10:00 am | Registration |
| 10:00 am – 12:00 pm | Tribal Day Programming |
| 12:00 pm – 1:00 pm | <i>Working Lunch</i> <ul style="list-style-type: none">• 8 Rivers Collaborations with Jicarilla Apache, Southern Ute, and Ute Tribes• Andrew Browning, Western States Tribal Nations Natural Gas Initiative |
| 1:00 pm – 5:00 pm | Tribal Day cont. |

October 4 – Tribal Leadership Dialogue with the U. S. Department of Energy

- | | |
|---------------------|---|
| 8:00 am – 9:00 am | Registration |
| 9:00 am – 9:20 am | Welcome from USEA and DOE & History of the Event <ul style="list-style-type: none">• Mike Moore, United States Energy Association (USEA)• Joe Giove, U.S. Department of Energy, Office of Fossil Energy & Carbon Management (DOE-FECM) |
| 9:20 am – 9:40 am | Keynote: Brad Crabtree, Assistant Secretary, DOE-FECM |
| 9:40 am – 10:45 am | Introductions <ul style="list-style-type: none">• Facilitator: Derrick Watchman, Sagebrush Hill |
| 10:45 am – 11:00 am | <i>Break</i> |
| 11:00 am – 12:00 pm | Key Takeaways from Spring Moab Meeting and Review of the Tribal Questions Asked and Answers from DOE <ul style="list-style-type: none">• Discussion Lead: Brad Crabtree, DOE- FECM |
| 12:00 pm – 1:00 pm | <i>Lunch</i> |
| 1:00 pm – 3:00 pm | Update on DOE Funding Opportunities, Council on Environmental Quality, and Interagency Working Group on Coal and Power Plant Communities <ul style="list-style-type: none">• Matt Dannenberg, DOE – Office of Congressional and Intergovernmental Affairs• Sarah Forbes, DOE• Brian Anderson, DOE IWG• Andrew Browning, WSTN |
| 3:00 pm – 3:15 pm | <i>Break</i> |
| 3:15 pm – 4:45 pm | Discussion of Working Group
Discussion Lead: Brad Crabtree, DOE-FECM |
| 4:45 pm – 5:00 pm | Adjourn |

October 5 – Tribal Leadership Dialogue with the U. S. Department of Energy (cont.)

9:00 am – 9:30 am	Mine of the Future and Critical Minerals and their Importance to EVs and other Energy Technologies <ul style="list-style-type: none">• Daniel Cardenas, Shasta Advisors• Jessica Mullen, National Energy Technology Laboratory
9:30 am – 9:45 am	MESC Overview <ul style="list-style-type: none">• Virginia Castro, DOE – MESC
9:45 am – 10:15 am	Open Discussion
10:15 am – 10:30 am	Break
10:30 am – 11:15 am	Planning for FECM Tribal Liaison Fellows and Government Funded Tribal Energy Jobs <ul style="list-style-type: none">• Caleb Woodall, DOE-FECM• Gabe Hernandez, DOE-FECM
11:15 am – 11:45 am	Determine Goals and Deliverables <ul style="list-style-type: none">• Brad Crabtree, DOE-FECM• Derrick Watchman, Sagebrush Hill Group• Steve Grey, Sagebrush Hill Group
11:45 am – 12:00 pm	Wrap up

FORUM REGISTRATION LIST

First Name	Last Name	Organization
Ajoke	Agboola	USDOE
William	Ampomah	New Mexico Tech
Doyle	Anderson	FIELDS
Brian	Anderson	NETL
Dino	Barajas	Baker Botts LLP
Lindsay	Box	National Tribal Energy Association
Andrew	Browning	Western States and Tribal Nations Natural Gas Initiative
Daniel	Cardenas	SHASTA Advisors, LLC.
Brad	Crabtree	DOE-FECM
Cliffton	Cross	Frog Lake First Nations
Matthew	Dannenberg	Department of Energy
Terry	Dayish	Arizona Public Service
Lawrence	DeCrane	Crow Tribe Executive Branch
Jennifer	Diggins	8 Rivers
Natenna	Dobson	U.S. Dept of Energy
Walter	Drangmeister	Path Three Marketing
Khadir (George)	El-kaseeh	New Mexico Tech - Petroleum Recovery Research Center
Catherine	Everett	MHA Nation
Charlie	Ferrell	Jicarilla Apache Nation Power Authority
Sarah	Forbes	DOE-FECM
Lena	Fowler	Coconino County
Mark	Fox	MHA Nation
Jeremy	Friesen	Kanata America
Joe	Giove	US DOE
Matthew	Gonzales	Four Corners Clean Energy Alliance
Sallie	Greenberg	Sallie Greenberg Consulting LLC
Rose	Grey	Grey LLC
Steve	Grey	Grey LLC
Mike	Halona	Navajo Nation - DRN
Gabriel	Hernandez	DOE-FECM
Rosa	Honani	The Hopi Tribe
Michael	Howe	Enbridge
Holly	James	Navajo Nation
Kevin	John	Los Alamos National Laboratory
Alex	Krowka	US Energy Association
Monique	LaChappa	LPO

Bo	Lewis	Dine College
Michelle	Littlefield	USEA
Myron	Lizer	Navajo Nation
Carol	Loman	US Department of Energy
Andrea	Maestas	Los Alamos National Laboratory
William	McCabe	Navajo Nation Oil and Gas Company
Michael	Moore	USEA
Demi	Morishige	Red Cedar Gathering Company- Southern Ute Indian Tribe
Jessica	Mullen	National Energy Technology Laboratory, U.S. Dept of Energy
Tim	Nolan	Navajo Transitional Energy Company
Brian	O'Donnchadha	USDOE-OCED
Todd	Osmera	Jicarilla Oil & Gas Administration
Dory	Peters	Big Navajo Energy
Tamarah	Pfeiffer	Southwestern Indian Polytechnic Institute
Jennifer	Raney	New Mexico Tech
James	Rivera	Cornerstone Group, LLC
Dale	Sinquah	The Hopi Tribe
Tony	Skrelunas	Navajo Nation
Graham	Stahnke	Southern Ute Department of Energy
CJ	Stewart	Crow Tribe
Zachary	Stoll	New Mexico State University
Pamela	Tomski	Research Experience in Carbon Sequestration (RECS)
Robert	Van Engelenhoven	Enchant Energy Corp
Sai	Wang	PRRC-NMT
Derrick	Watchman	SageBrush Hill Group, LLC.
Andrew	Wetherell	Southern Ute Department of Energy
Selwyn	Whiteskunk	Ute Mountain Ute Tribe
Gina	Wolff	Consultant
Caleb	Woodall	DOE-FECM

APPENDIX A

Q&A FROM SPRING 2023 FORUM

The U.S. Department of Energy - Fossil Energy and Carbon Management Western Tribal Carbon Management and Critical Minerals Strategies Forum – Follow Up

On March 21-24, 2023, the U.S. Department of Energy (DOE), Office of Fossil Energy and Carbon Management (FECM) held an in-person meeting at the Red Cliffs Lodge in Moab, Utah. The meeting provided an opportunity for FECM to discuss 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, and FECM has answered each question based on its current understanding of the relevant facts.

Note: These questions and answers are not meant to bind DOE in any way, do not create legally enforceable rights or impose new obligations on DOE. These questions and answers do not supersede any law, statute, or DOE order, directive, or standard. As noted during the meeting, FECM provides these answers in good faith and in the spirit of engagement. For additional information regarding FECM Tribal Outreach and future programming, please contact Joseph Giove, joseph.giove@hq.doe.gov, (301) 903-4130.

QUESTIONS AND ANSWERS

OUTREACH AND ENGAGEMENT

1. Is there a listserv specifically for the Tribal community to keep them updated on DOE tribal energy related updates?

DOE is discussing housing a website for all tribal energy education and updates for the public. For now, USEA has a mailing list for the Tribal energy community, available [here](#).

The Office of Indian Energy Policy and Programs also has a newsletter where many of DOE's funding and deployment opportunities are listed, as well as funding opportunities available at other agencies. You can find the link to register for their newsletter [here](#).

[Additionally, all project funding through the Office of Indian Energy can be found here.](#)

2. How can we work with Tribal colleges and universities?

Stephanie Bostwick is the Tribal College and University Coordinator within DOE's Office of Indian Energy. Her contact info is Stephanie.Bostwick@hq.doe.gov. There is also a Tribal College and University newsletter that you can register for [here](#).

For opportunities to partner on economic development opportunities contact Christy Jackiewicz at christy.jackiewicz@hq.doe.gov or 301-785-1505.

3. How do we know who our county officials are?

You can find your elected officials [here](#).

To find out who your Tribal Leader is, the US Department of the Interior, Indian Affairs has a Tribal Leader Directory available [here](#).

4. How do we ensure that Tribal engagement is going to continue?

USEA and DOE are committed to the Tribal energy missions. Bi-annual meetings are being planned to

continue assisting the Tribal energy community.

5. What benefits can the Tribal community use from the Tribal Energy office?

DOE's Office of Indian Energy Policy and Programs (IE) provides non-competitive, non-financial, direct technical assistance. Tribes just need to request it [here](#):

IE also has regular Tribal energy competitive funding opportunities (FOAs). Your Tribe can apply for these during open application periods. FY23 FOAs have closed. Keep an eye out for FY24 in the new year by following IE's newsletter [here](#).

6. What is the turnaround time for technical assistance?

It depends on the scope and complexity of the technical assistance request. DOE staff does our best to respond as quickly as possible (within a few days) to acknowledge your request. If you are not getting a response, please contact Matt Dannenberg, Tribal Liaison matthew.dannenberg@hq.doe.gov.

7. How can the Tribes coordinate with DOE Labs?

Tribes can reach out to DOE's Tribal Liaison, Matt Dannenberg with their project or questions for the labs and he can connect you with the appropriate DOE program staff and lab contacts. Tribes can also request technical assistance via the Office of Indian Energy to be routed.

<https://www.energy.gov/indianenergy/request-technical-assistance>.

8. Is there a dedicated tribal liaison in FECM?

FECM has several federal and contract employees that work on tribal issues. However, there is no one person in FECM whose full-time position is focused on handling tribal issues.

9. Can NETL establish a tribal liaison to visit tribes?

This request was presented to NETL and is under consideration.

FUNDING OPPORTUNITIES (TECHNICAL ASSISTANCE, GRANTS, ETC.)

10. How can we make the funding opportunities available for inexperienced Tribal communities with limited start-up funds?

DOE is continuously adapting to address barriers to Tribal involvement in energy projects. In FY23, sixty-seven percent (67%) of the Office of Indian Energy's funding awards went to Tribes who were first time recipients. In addition, our programs are finding creative ways to reduce cost share requirements when possible.

The Inflation Reduction Act's creation of direct pay from the U.S. Department of the Treasury (US Treasury) allows Tribes to access tax credits via a check from US Treasury. This paired with the new tax credits creates an environment where risk is reduced and there is new capital for projects.

Finally, DOE is increasing opportunities for technical assistance and use of prizes (instead of grants) to reduce administrative burden and provide more assistance in pursuing goals.

Tribes can request technical assistance through Office of Indian Energy [here](#).

Tribes can also apply for support via the [DOE's Clean Energy to Communities Program](#).

11. How does FECM determine which applicants satisfy funding requirements?

Each DOE/FECM Funding Opportunity Announcement will state what the requirements are for that particular funding opportunity. The requirements will include engineering, financial, societal, and other

forms of data. The applicant (i.e., the Tribe) must be able to demonstrate that the various criteria (including “financial” criteria) requested by DOE are met. Some of the financial criteria may require bank statements, letters of credit worthiness, or other certified documentation to prove that the financial projections and balances necessary to accomplish the project are ready and available.

12. Where can we stay up to date on grants and other funding opportunities?

The Department of Energy’s Office of Indian Energy maintains a Current Funding Opportunities webpage with Office of Indian Energy funding opportunities as well as funding opportunities from other DOE offices and other Federal agencies. Please access the list [here](#).

The Interagency Working Group on Coal and Power Plant Communities through NETL also has a funding clearinghouse that can be searched by: Federal agency, status of opportunity (open, closed, planned), type of funding (loan, grant, etc.), and eligible entities (Tribes). See the website [here](#).

13. Is there a non-profit for technical assistance for Tribal communities to access DOE funding, grants, and applications?

Currently, a few DOE programs are partnering with the Environmental Protection Agency’s (EPA) National Indian Health Board’s (NIHB) Environmental Justice (EJ) Thriving Communities Technical Assistance Center (TCTAC). NIHB’s EJ TCTAC will provide technical assistance on funding opportunities, including applications involving a cohort or partnership with Tribes, municipal partners, and state governments.

NIHB will develop a clearinghouse of state-based grants for which Tribes are eligible and provide technical assistance in the application process. With EPA’s and DOE’s coordination, the NIHB TCTAC will also work with regional TCTACs to ensure consistency, cultural competency, and the highest level of service possible to Tribal Nations.

DOE continues to explore additional opportunities to partner with national non-profits to provide technical assistance to Tribal governments on DOE funding opportunities for energy projects.

14. How can Tribes pay for an organization with expertise in grant funding to help them apply for grants?

Typically, consultants or vendors will engage directly with Tribes on this. For Office of Indian Energy grants, these costs can be factored into the project budget which can either be offset by cost share or federal grant funding.

HYDROGEN

15. What steps can the Tribal community take to create a pilot tribal hydrogen hub?

While the application process is closed for the Regional Clean Hydrogen Hubs, there are still ways to explore the potential for Tribes to develop pilot projects similar to the hubs by incorporating clean hydrogen production and use in close proximity. The Hydrogen and Fuel Cell Technologies Office is always open to meeting with Tribes who are interested in using or producing hydrogen technology. Through conversation, our office could get a better sense for what stage of planning and development the Tribe was at and could better offer insight into potential ways of incorporating hydrogen into your energy system.

Outside of our office, the Clean Air Task Force just put on an informative webinar about Tribal Hydrogen Hubs that includes information about other DOE funding opportunities such as loans through the Loan Program Office. You can access the recording to the webinar [here](#).

Additionally, the U.S. Department of Interior’s Bureau of Indian Affairs (BIA) offers free technical

assistance to Tribes including resource and economic analysis, technical advisement, grant assistance, and project planning. You can find out more about the technical services on BIA's website [here](#). We appreciate the interest and would love to have a follow-up conversation with you. Please contact us at hydrogen-engagement@hq.doe.gov.

16. Are there any hydrogen hub efforts going on in the northern plains of North Dakota?

Yes, North Dakota entered into a Memorandum of Understanding with Minnesota, Montana, and Wisconsin for a regional Hydrogen Hub known as "The Heartland Hydrogen Hub" on October 5, 2022.

ENERGY SECURITY

17. What does energy security mean?

Energy security refers to the consistent availability and reliable flow of energy to individuals and communities, providing resilient energy through natural disasters or man-made disruptions.

JUSTICE40

18. What does Justice40 mean?

On January 27, 2021, President issued Executive Order 14008, Tackling the Climate Crisis at Home and Abroad. Section 223 of EO 14008 established the Justice40 Initiative, which directs 40% of the overall benefits of certain Federal investments – including investments in clean energy and energy efficiency; clean transit; affordable and sustainable housing; training and workforce development; the remediation and reduction of legacy pollution; and the development of clean water infrastructure – to flow to disadvantaged communities (DACs).

To implement Justice40, DOE requires Community Benefits Plans as part of all Bipartisan Infrastructure Law and Inflation Reduction Act funding opportunity announcements. For more information about Justice40, please visit the Justice40 webpage [here](#). For more information about Community Benefits Plans, please visit [this webpage](#).

19. Who is the Justice40 and grant funding marketed to?

Justice40 is an initiative that applies to certain Federal investments (i.e., certain federal funding opportunities). It directs 40% of the overall benefits of certain Federal investments to flow to disadvantaged communities. Programs that fall under the scope of Justice40 include investments that can benefit disadvantaged communities across one or more of the following seven areas: climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, remediation and reduction of legacy pollution, and the development of critical clean water and wastewater infrastructure. All Justice40 covered programs are required to engage in stakeholder consultation and ensure that community stakeholders are meaningfully involved in determining program benefits. Covered programs are also required to report data on the benefits directed to disadvantaged communities.

20. Is there a road map to using Justice40?

DOE has several resources to help funding opportunity applicants understand the Justice40 initiative as well as community benefit plan requirements. Please visit DOE's Justice40 Initiative webpage [here](#).

Loans and Banking

21. How much funding did Congress authorize the LPO to distribute through the Tribal Energy Finance program?

Congress authorized up to \$20 billion in loan guarantees or direct loans through the Tribal Energy Finance Program.

22. What do the Native American bank and American Indian National Bank do for the Tribes?

To the extent that such banks are “Eligible Lenders” under [10 CFR § 609.2](#), the Tribal Energy Finance Program may guarantee loans from the banks to Tribes or to Tribal energy development organizations, as defined at [25 USC 3501\(12\)](#).

23. After the last series of bills, was there any additional private funds given to LPO?

LPO is funded through appropriations provided by the US Congress. That said, LPO can provide guarantees of loans that are provided by third-party lenders, including in instances where a Tribe or Tribal energy development organization is the lender. Congress authorized LPO to distribute up to \$20 billion through the Tribal Energy Finance program.

24. Does a bank need to host that loan?

No, a private financial institution does not need to participate in the process, as LPO can guarantee or make loans through the U.S. Treasury’s Federal Financing Bank (FFB). The Federal government acts as lender in such cases.

25. Is there an upsell for financial institutions regarding LPO funding?

No. Regardless of whether LPO is executing a direct loan or a loan guarantee, LPO’s interest rate has historically been composed of the applicable U.S. Treasury rate for the tenor of the loan + 37.5 basis points (bps) FFB liquidity spread + an applicable credit-based interest rate spread.

26. Are there certain financial institutions that are LPO approved, or can we use a third-party financial institution?

LPO clients can utilize a third-party financial institution so long as it qualifies as an “Eligible Lender” under [10 CFR 609.2](#). LPO does not have a pre-approved list of financial institutions.

27. Is there a direct loan program financed by the US Treasury?

Yes, LPO can issue direct loans made through the Federal Financing Bank (FFB). The Consolidated Appropriations Act of 2023 provided permanent direct lending authority to the Tribal Energy Finance Program. The program can also provide loan guarantees through the FFB following the [Inflation Reduction Act of 2022](#).

28. Is there a Tribal bond requirement?

Terms and conditions of the loan or loan guarantee are subject to negotiation. Some form of credit support is typically required, but not necessarily a tribal bond.

29. What is the most effective way of using the carbon tax credit? Does it start in pre-development?

The tax credit for carbon oxide sequestration is often referred to using its Internal Revenue Code (IRC) section, 45Q. The amount of the credit, as well as various features of the credit, depend on the source of the captured carbon oxide (ambient air [referred to as direct air capture or DAC] vs. industrial/power

generation) and the disposition of the captured carbon oxide (dedicated geologic storage, geologic storage associated with enhanced oil recovery, or utilization of captured carbon emissions). For the purposes of the tax credit, qualified carbon oxide is a carbon oxide that would have been released into the atmosphere if not for the qualifying equipment.

To claim a tax credit, the emissions must be measured at the point of capture, as well as at the point of disposal, injection, or other use. If the captured carbon oxide is intended to be sequestered, it must be disposed of in “secure geological storage.” Per [IRC Section 45Q](#), secure geological storage includes “storage at deep saline formations, oil and gas reservoirs, and unmineable coal seams.” The taxpayer has to repay the tax credit (credit recapture) to the Treasury if the carbon oxide ceases to be captured, disposed of, or used in a qualifying manner (i.e., if it escapes into the atmosphere).

As part of the Inflation Reduction Act (IRA), which passed in 2022, several enhancements were made to the tax credit and are summarized below:

- Increased credit values, which are maximized when prevailing wage and apprenticeship requirements are met
 - \$85/tonne for storage in saline geologic formations of carbon emissions captured from industrial and power generation facilities
 - \$60/tonne for geologic storage associated with enhanced oil recovery or for utilization of emissions captured from industrial and power generation facilities
 - \$180/tonne for dedicated storage in saline geologic formations from DAC
 - \$130/tonne for geologic storage associated with enhanced oil recovery or from utilization from DAC
- Extended timelines
 - The credit can be leveraged for 12 years after a project is put into service
 - To qualify, projects must commence construction by January 1, 2033
- Flexibility for those claiming the credit
 - Taxpayers can claim direct pay for either five (for-profit) or twelve (tax-exempt) years
 - Allows entities that qualify for a tax credit but are not eligible to use direct pay to transfer all or a portion of the credit to a third-party buyer in exchange for cash. The buyer and seller would negotiate and agree to the terms and pricing.
- Broadened facility applicability by reducing minimum facility capture thresholds
 - For power generation facilities, the threshold decreases from 500,000 to 18,750 tonnes of qualified carbon oxides per year
 - For industrial facilities, the threshold decreases from 100,000 to 12,500 tonnes of qualified carbon oxides per year
 - For DAC facilities, the threshold will decrease from 100,000 to 1,000 tonnes qualified carbon oxides per year

30. Can we refinance a work in progress using LPO?

Any project would need to meet the eligibility requirements of the Tribal Energy Finance Program, as described in the program solicitation and at [25 USC 3502\(c\)](#). The program anticipates issuing a rulemaking in 2024, which will include eligibility terms and will replace the solicitation.

31. Would we be able to use LPO funding and Justice40 if Tribal entities partnered with other organizations?

Yes, Tribal governments and Tribal enterprises that partner with other private sector entities can still be eligible borrowers and eligible energy project owners. LPO welcomes collaboration sessions with Tribes at any time to discuss possible project owner/borrower structures. For the Tribal Energy Finance Program, where a private sector entity has an ownership stake in the project company, the project company must qualify as a “tribal energy development organization” under [25 USC 3501\(12\)](#).

TRIBAL WORKING GROUPS

32. Can we establish a Tribal working group under DOE FECM?

Yes, one of the main goals of the meeting in Santa Fe from October 3-5, 2024, is to discuss the topic of creating a Tribal working group. A Statement of Purpose will be created and distributed in advance of the meeting and discussions will take place to formally create and operate the working group.

33. How can we create a consortium to represent the Tribal community in the energy space for funding opportunities?

Each Tribal community is unique, and their needs are unique. Regional Tribal associations exist for many parts of the United States already. The Office of Indian Energy has a consortium of Tribal leaders through the Indian Country Energy and Infrastructure Working Group with representation from Tribes throughout the nation. To create a new consortium member Tribes must commit to the organization through Tribal council resolution or other approving mechanism.

MISCELLANEOUS

34. Who can assist with crossing boundaries between reservation and US land?

Any proposed project may impact multiple jurisdictions. It is important to involve each stakeholder early in project development. It is the applicant’s responsibility to make these arrangements.