Indian Affairs - Office of Public Affairs

The final revisions to Tribal Energy Resource Agreement (TERA) regulations include several options for Tribes to manage energy resources on Tribal lands.

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WASHINGTON–Assistant Secretary – Indian Affairs Tara Sweeney today announced final, updated regulations to simplify the process for Tribes to enter into Tribal Energy Resource Agreements (TERAs) with the Department of the Interior (DOI), so tribes can better take control of developing energy resources on their land. While the opportunity to enter into a TERA has been available since 2008, to date, no Tribe has requested a TERA due to overly burdensome requirements.

"The Department of the Interior continues to uphold its trust responsibilities and treaty obligations to tribes," said **U.S. Secretary of the Interior David Bernhardt**. "This action clears some of the most persistent hurdles that have hindered tribes from exercising their sovereign right to develop energy on their lands."

Earlier this week, Secretary Bernhardt further supported the updated TERA regulations by signing Secretary's Order 3377, which provides for policy guidance on the contractibility of federal functions for oil and gas development on Indian lands. Through this Secretary's Order, the Department will undertake actions that provide clarity on which Federal functions are contractible under an approved TERA for fluid mineral development and a process to which Tribes can access the opportunities available to them.

"I look forward to receiving and approving the very first TERA and seeing Tribes reap the benefits of developing their rich energy resources without having to wait for BIA approval of every single lease, right-of-way, or business agreement," **said Assistant Secretary Sweeney**. "I thank Secretary Bernhardt for further supporting tribal self-determination in energy development and further guidance in Secretary's Order 3377."

A TERA is an agreement between a Tribe and the Department that, once approved, allows the Tribe to enter into and manage energy-related leases, rights-of-way, and business agreements without obtaining Secretarial approval for each individual lease, right-of-way, or agreement. TERAs enhance self-determination and economic development opportunities for Tribes by promoting Tribal oversight and management of energy resource development on Tribal lands. TERAs also support the national energy policy of increasing utilization of domestic energy resources. The updates also increase the options available by adding Tribal Energy Development Organizations (TEDOs) as an alternative to TERAs.

The final regulations are the result of input received from Tribes during consultation period and comments from members of the public made during the public comment period this past summer. Once the final rule is effective, Tribes may seek pre-application consultation and submit formal applications for a TERA.

The Assistant Secretary – Indian Affairs oversees the BIA, which is headed by a director who is responsible for managing day-to-day operations through four offices – Indian Services, Justice Services, Trust Services, and Field Operations. These offices directly administer or fund tribally-based infrastructure, economic development, law enforcement and justice, social services (including child welfare), tribal governance and trust land and natural and energy resources management programs for the nation's 573 federally recognized American Indian and Alaska Native tribes through 12 regional offices and 81 agencies.

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