Indian Affairs - Office of Public Affairs

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WASHINGTON – Assistant Secretary – Indian Affairs Carl J. Artman today announced that the Interior Department has published final regulations in the Federal Register implementing Title V of the Energy Policy Act of 2005 (P.L. 109-58) regarding Tribal Energy Resource Agreements (TERAs) under the Indian Tribal Energy Development and Self-Determination Act. The regulations will become effective on April 9, 2008.

"The Tribal Energy Resource Agreement is a major step for tribal self-determination and self-governance that will usher in a new era of tribal economic development," Artman said. "It is a new tool for tribes who want to directly manage their energy resources and develop their renewable and non-renewable energy resources to benefit their communities and the nation."

TERAs further the goal of Indian self-determination by promoting tribal oversight and management of energy and mineral resource management on tribal trust lands. With a TERA, a tribe may, at its discretion, and with the Secretary of the Interior's review and approval, enter into business agreements and leases for energy resource development as well as grant rights-of-way for pipelines or electric transmission or distribution lines across its trust lands. The new regulations are optional for federally recognized tribes, some of whom may choose not or find they are unable to assume the greater level of oversight and administrative responsibility that TERAs require.

The new regulations, which can be found at 25 CFR Part 224, fully implement the provisions of 25 USC 3504, which lay out the process by which a tribe can consult with the Interior Department on whether a TERA is a viable means for it to use for energy development, what the TERA requirements and application consist of, and what the Secretarial decision-making process is. The regulations also provide for a periodic review of the tribe's compliance with the approved TERA's provisions.

"We stand ready to work closely with any tribe that chooses to establish a TERA with the Interior Department by ensuring access to the expertise and data necessary for this level of decision-making responsibility," Artman said. "I have directed the Indian Affairs Office of Indian Energy and Economic Development to put these resources in place immediately."

The IEED intends to hold a national information and discussion session for tribes on the TERA regulations in the near future with dates, times and location to be announced.

The Office of Indian Energy and Economic Development was established within the Office of the Assistant Secretary – Indian Affairs to provide high-level support for the Interior Department's goal of serving tribal communities. It does so by providing access to energy resources and helping tribes with stimulating job creation and economic development in their communities.

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