



DEPARTMENT OF THE INTERIOR



# Energy and Mineral Development Strategies



Assistant Secretary – Indian Affairs  
Office of Indian Energy and Economic Development  
**DIVISION OF ENERGY & MINERAL DEVELOPMENT**



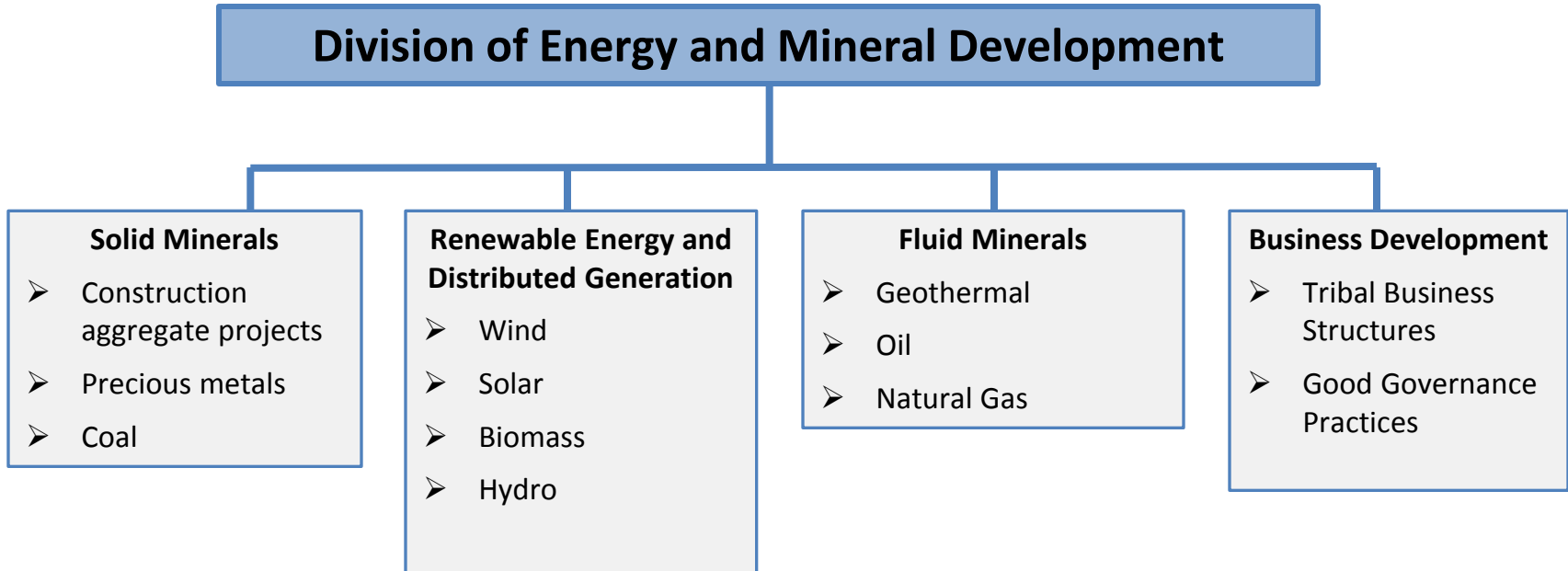
# Assistant Secretary – Indian Affairs

## Principal Deputy – Assistant Secretary



**We serve tribal communities by helping to stimulate job creation and economic development**

# WHO WE ARE



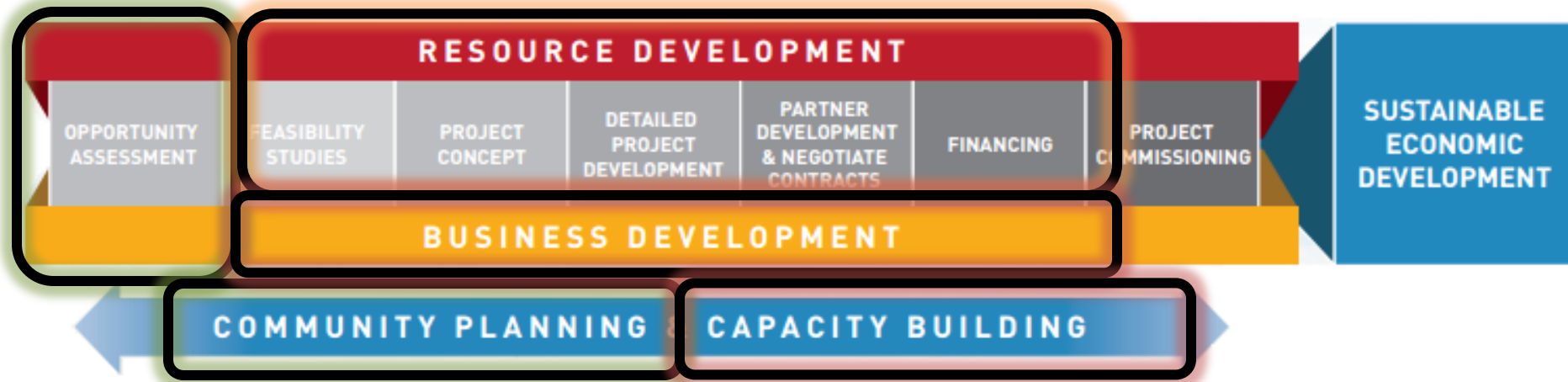
**Our Staff:** Geologists, Geophysicists, Mineral Economists, Mineral Marketers, Engineers, Business Development Specialists, Financial Analysts, and Policy Analysts

# DEMD PROGRAMS AND SERVICES

- **Energy and Mineral Development Program**
  - Grant program to assess, evaluate and promote development of tribal energy and mineral resources
- **Tribal Energy Development Capacity Program**
  - Grant program to develop tribal managerial, organizational, and technical capacity to maximize the economic impact of energy resource development on Indian land.
- **Technical Assistance**
  - Technical services to Tribes concerning their energy and mineral resources
  - Liaison between Tribes and Industry
  - Consultation on developing business models on reservations
  - Assist Tribes with negotiation of resource development agreements
  - Strategic and economic planning



# HOW TO USE OUR PROGRAMS



- **Technical Assistance**
- **Energy and Mineral Development Program grant**
- **Tribal Energy Development Program grant**

# Division of Energy and Mineral Development 2016 Active Grant and Technical Assistance Projects

## MIDWEST REGION 2017 ACTIVE PROJECTS

Renewable – 6  
Oil and Gas – 1  
Aggregate – 3  
TEDC - 4

United States Geological Survey (USGS), National Aeronautics and Space Administration (NASA), Esri, Inc.



0 50 100 200 300 400 500 Miles

United States Geological Survey (USGS), National Aeronautics and Space Administration (NASA), Esri, Inc.

# MIDWEST REGION ACTIVE PROJECTS

Reservation	Project
<b>Bad River Chippewa</b>	- Tribal Utility Authority
<b>Bay Mills Indian Community</b>	- Tribal Utility Authority
<b>Bois Forte Band of Chippewa</b>	- Aggregate
<b>Fond du Lac Band of Chippewa</b>	- Solar/Biomass Heating/Natural Gas - Solar-Net Zero Home Design - Tribal Utility Authority
<b>Forest County Potawatomi</b>	- Renewable Energy Micro-grid - Tribal Utility Authority
<b>Ho-Chunk Nation</b>	- Renewable Energy
<b>Lac du Flambeau</b>	- Aggregate
<b>Lower Sioux Indian Community</b>	- Renewable Energy
<b>Menominee</b>	- Hydroelectric
<b>Saginaw Chippewa</b>	- Oil and Gas
<b>White Earth Band of Chippewa</b>	- Aggregate

# PANEL OVERVIEW

- ***Renewable Energy in Midwest Region***
  - Jennifer Reimann, Civil Engineer-Renewable Energy
- ***Aggregates in Midwest Region***
  - Duane Matt, Geologist
- ***Tribal Energy Development Capacity***
  - Payton Batliner, Economic Development Specialist





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# MIDWEST REGION RENEWABLE ENERGY



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# STEPS FOR GENERATING EFFECTIVE DEVELOPMENT STRATEGIES

## 1. Define short term and long term goals

- Work with tribal leadership to assess priorities and articulate vision for their energy future

## 2. Baseline assessments

- Current energy usage
- Existing infrastructure and generation assets
- Utility assessment

## 3. Identify available resources

- Conventional and renewable

## 4. Evaluate options

- Iterative process of feasibility studies

# ECONOMIC DEVELOPMENT THROUGH ENERGY DEVELOPMENT

Primary reasons behind a Tribe's desire to develop energy projects included one or more of the following topics:

- **Enhance Sovereignty**
- **Energy Independence**
- **Environmental Benefits**
- **Economic Impacts**
  - Reduce costs for local users
  - Improve security and reliability
  - Revenue and jobs through resource development
  - Energy for new development

**~70% of DEMD's projects are evaluating local resources for local use**



# COMPREHENSIVE PLANNING

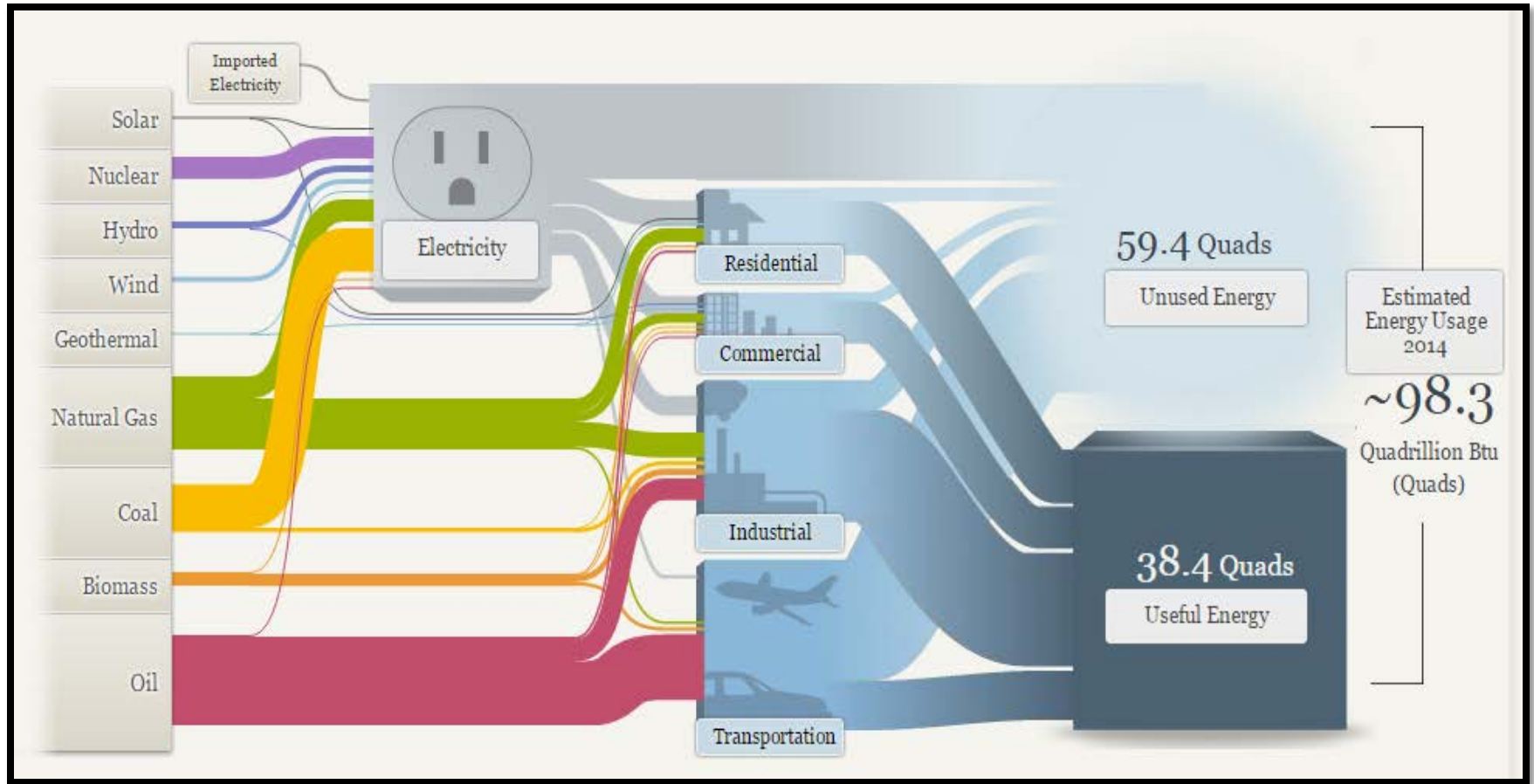
**Do you have a comprehensive plan?  
How do energy and mineral resources fit in?**

***“If you fail to plan, you plan to fail.”***

**- Benjamin Franklin**



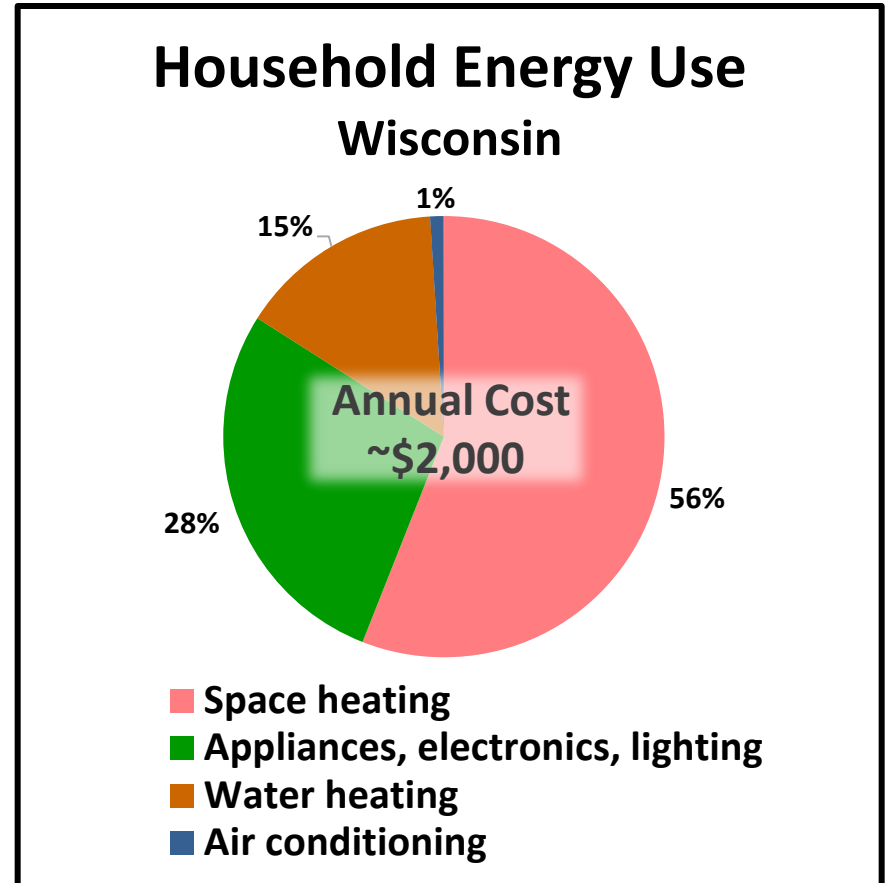
# U.S. ENERGY SYSTEM



<http://needtoknow.nas.edu/energy/interactive/our-energy-system/>

# RESIDENTIAL/COMMERCIAL

- **Energy Efficiency**
  - Retro-fits on existing housing
  - Energy Codes for new builds
- **Alternative heating**
  - Wood
  - Propane/Natural Gas distribution business
- **Community Planning**
  - Infrastructure planning
  - District energy systems and distributed energy



Source: Energy Information Administration

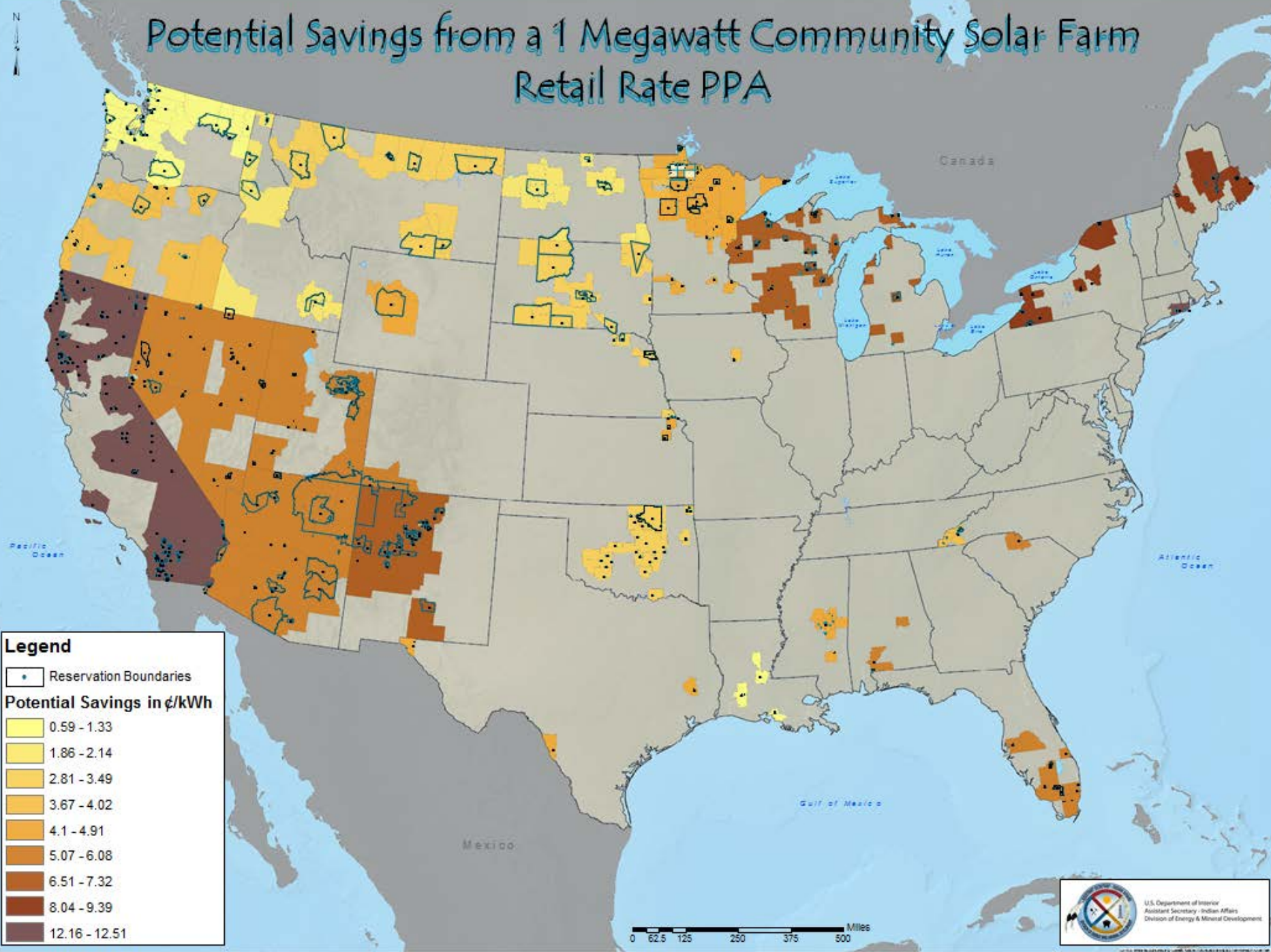
# NET ZERO HOMES

Senior Design Partnership with Colorado School of Mines  
and Fond du Lac Band of Chippewa

## Affordable, Net Zero Energy Home

- 7 MW ground mount solar system
- Structurally Insulated Panels
- ADA accessible design
- 100% electric loads (HVAC, appliances, lighting, etc.)
- HUD housing budget
- Smart Energy Display
- Home User Manual

# Potential Savings from a 1 Megawatt Community Solar Farm Retail Rate PPA



**Legend**

- Reservation Boundaries

**Potential Savings in ¢/kWh**

0.59 - 1.33
1.86 - 2.14
2.81 - 3.49
3.67 - 4.02
4.1 - 4.91
5.07 - 6.08
6.51 - 7.32
8.04 - 9.39
12.16 - 12.51



# HEATING WITH WOOD

- **Cost stability**
- **Underutilized woody biomass**
  - Tribal Forests
  - National Forests
  - Other Public and Privates Forests
- **Multiple benefits:**
  - Local forest health improvements
  - Wildfire mitigation
  - Low-cost, reliable fuel source
  - Energy dollars stay in community (forestry jobs, purchasing local fuel resource) *Who typically benefits through the purchase of propane & heating oil?*

# WOOD HEATING OPTIONS

## Residential – 2,000 sqft or less

- **Cord wood appliances (\$1,000 - \$3,000)**
  - Fireplace inserts or freestanding
  - New EPA certified appliances are clean burning and efficient
  - Cord wood is cheap and local but requires larger storage area and labor
- **Wood pellet appliances (\$1,500 - \$3,000)**
  - Fireplace inserts or freestanding
  - EPA certified appliances are highly efficient and very clean
  - Simple operations and maintenance
  - Pellets are convenient with high energy content, but are more expensive than cord wood
  - Purchasing pellets may or may not be contributing to local economy

# WOOD HEATING OPTIONS

## Commercial

- **Pellet Boiler (\$25,000 - \$300,000+)**
  - Good for large single family, light commercial, institutional
  - Simple operations and low maintenance
  - Pellet storage bin takes up less space and low moisture content (MC) means fewer storage issues
  - Bulk pellet fuel is more expensive than wood chip fuel
- **Wood chip boilers (\$120,000 - \$300,000+)**
  - (commercial, institutional, light industrial)
  - Higher up front cost, but lower fuel costs
  - Wood chips require larger storage area
  - Higher moisture content means increased risk of degradation in storage
  - **If applicable, local wood chip fuel processing would keep dollars local and provide low cost fuel**

# WOOD HEATING ECONOMICS

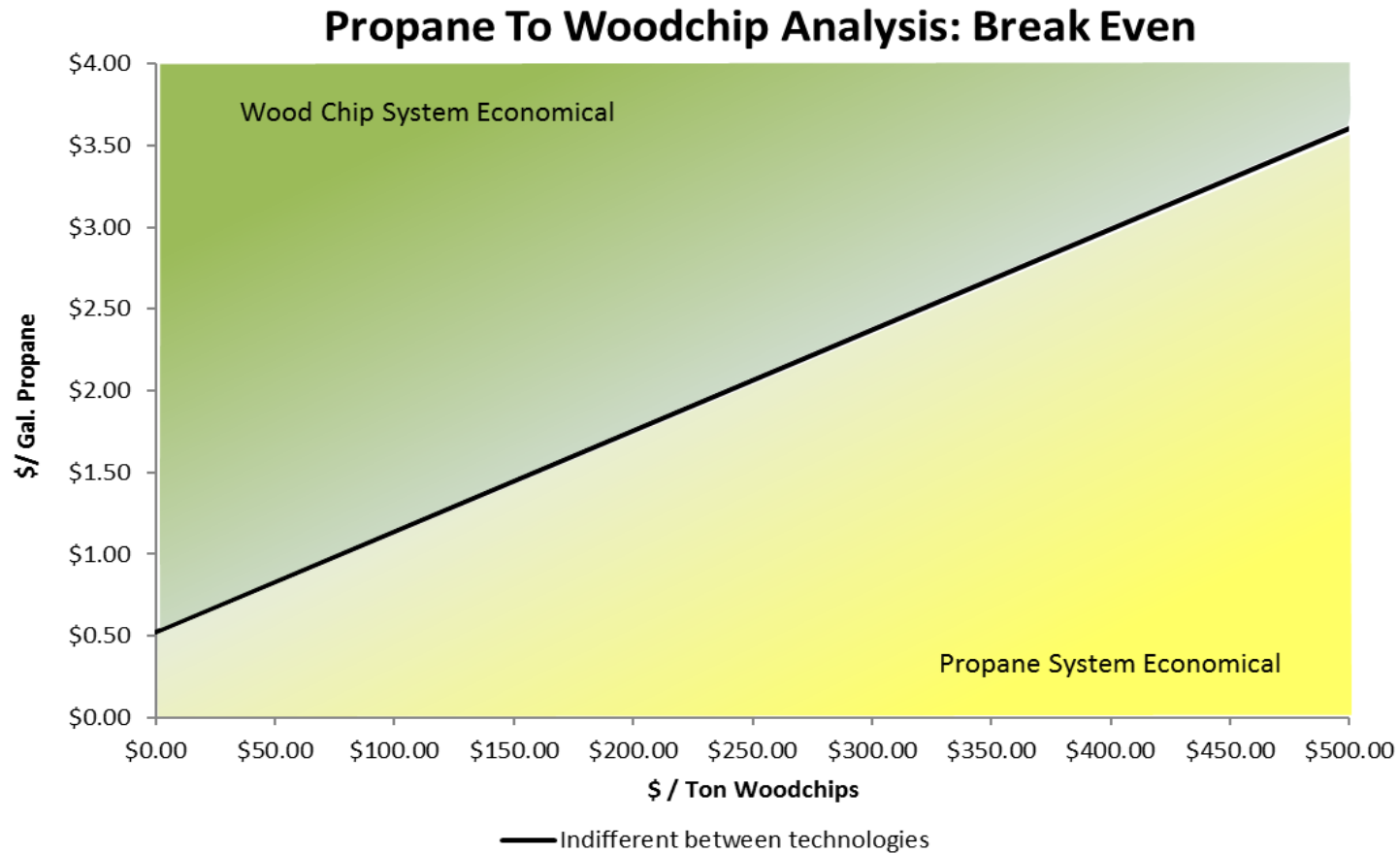
## Commercial Building - 4,000 sq ft

- **Higher upfront cost than conventional heating appliances, but...**
- **Fuel cost savings is substantial** – after system is paid off, those dollars can go back into the community rather than to the fuel companies

Retrofitting to:	Wood Chip Boiler System	
Capital Cost	\$26,000	
Life of System	20 yr.	
	Propane (gal)	Wood Chip (ton)
Fuel Price	\$2.00	\$75.00
Fuel Cost/yr.	\$4,939.00	\$1,142.00
Annual Fuel Savings	\$3,797.00	
Payback Period	7 years	
Net Present Value	\$49,952	

# WOOD HEATING ECONOMICS

## Commercial Building - 4,000 sq ft



# INTER-AGENCY AGREEMENTS

## Forest Service – BIA – Tribes

- **Agreement with US Forest Service for forest management**
  - Employees, Equipment, Transport
  - Opportunity for low cost biomass resource
- **Tribes negotiate with Region Forest Supervisors for relative projects**

### Tribes with USFS Agreements:

- **Mooretown Rancheria of Maidu Indians**
- Jemez Pueblo
- Yurok Tribe
- Fort Bidwell Community
- Bishop Paiute Tribe
- Middletown Rancheria of Pomo Indians
- Mescalero Apache

Gerald Jones

BIA Forester, Pacific Region

# TRANSPORTATION

- **Community Planning**
- **Alternative fuels**
  - Biofuels
  - Natural Gas
  - Electric



# ENERGY FOR EXPORT

- **Utility scale projects**
  - Wind
  - Hydro – retrofitting existing dams
- **Regional planning**
  - Market
  - Infrastructure
- **Development partners**
  - Power purchasers
  - Experienced developers







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# *Solid Minerals: Opportunities for Indian Country*

Partners in Action  
Milwaukee, WI  
July 2018

Division of Energy and Minerals Development



Assistant Secretary – Indian Affairs  
Office of Indian Energy and Economic Development  
**DIVISION OF ENERGY & MINERAL DEVELOPMENT**



The most abundant- and  
profitable- solid mineral  
resource for most tribes is???

# Aggregate!

- Sand
- Gravel
- Crushed Rock



# How does aggregate present an opportunity?

Aggregate is used for everything!

- Construction and maintenance of roads.
- Construction projects.
- Emergency preparedness.
- Economic development.



# Road Construction and Maintenance

- 80% of reservation roads are unpaved gravel roads.
  - 83% of these roads are classified as “not acceptable.”
- Maintenance of the existing roads is vital.
- New road construction provides a safe reliable mode of travel.
- Native Americans have the highest per capita number of road deaths of any demographic group in the USA.



# Infrastructure Projects



Residential Development



Casinos



Septic Systems



Roads, barriers,  
buildings, breakwaters



Hospitals



Office Parks



# Construction Aggregate's role in Emergency Preparedness

- The development and availability of the primary raw material required to mitigate, prepare, respond, and recover buildings, infrastructure, roads, bridges, and homes.
- That raw material is Construction Aggregate



# Bad River Flooding 2016







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# Economic Development



# Economic Reality on Reservations

- Most construction projects on or near reservations rely on supplies of aggregate resources from non-Indian sources.
- This represents lost economic opportunities.



# Cost Savings on Reservations

- Can be costly to import aggregate.
- Typical sales radius: 30 miles.
- Remote reservations have paid up to **THREE** times as much for materials than consumers in metropolitan areas.



# How can these opportunities be accomplished?

- Assistance from the Division of Energy and Mineral Development (DEMD!)



# Division of Energy and Mineral Development

DEMD can assist with the following:

- perform initial exploration;
- define potential targets for development;
- perform market analyses to establish production/demand for a given commodity;
- provide outreach and education to tribes concerning energy or mineral development issues;
- perform economic evaluation and analyses of the resource; and
- promote completed projects at industry conferences and to prospective partners or investors.



# Provide an option for economic diversity: Be proactive!

- Assess your Tribal aggregate resource(s).
  - Certification of the aggregate resource by testing its quality/quantity at a state certified laboratory.
  - Comprehensive testing of the aggregate at a state certified laboratory to determine its suitability for various uses (e.g. Asphalt/Concrete.)
- Obtain a permit to mine.



# Why should a Tribe obtain a permit?

- A permit allows for the immediate development of your resource.
- A permit provides assurances to the Tribe that the resource will be accounted for, and, that a proper mining and reclamation plan will be followed.
- A permit will allow for production verification and/or resource accountability.
- A permit will prevent future environmental issues.





# Results

- With a certified aggregate resource and a permit to mine the Tribe is open and ready for business.



# Summary of Opportunities

- Construction and maintenance of roads.
- Construction projects.
- Emergency preparedness.
- Economic development.



Reclaimed Gravel Pits

# Summary

- DEMD's annual grant program can provide the necessary funding to assist Tribes in reaching their goals.
- <https://www.bia.gov/WhoWeAre/AS-IA/IEED/DEMD/TT/TF/index.htm>
- DEMD's staff can provide technical assistance to help create opportunities throughout Indian Country.





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Assistant Secretary – Indian Affairs  
Division of Energy and Mineral Development

Website:

<http://www.bia.gov/WhoWeAre/AS-IA/IEED/DEMD/>





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# TRIBAL ENERGY DEVELOPMENT CAPACITY



Assistant Secretary – Indian Affairs  
Office of Indian Energy and Economic Development  
DIVISION OF ENERGY & MINERAL DEVELOPMENT



# TRIBAL ENERGY DEVELOPMENT CAPACITY (TEDC) GRANT PROGRAM

- **Grant program to develop tribal managerial, organizational and technical capacity to maximize the economic impact of energy resource development on Indian land**
  - Establish business entity structures and/or organizational structures related to energy resource development Business development capacity
  - Develop or enhance key regulatory activities
- **FY 2015 over \$1.5 Million awarded**
  - 10 Total Project Awards
- **FY 2016 over \$1.4 Million awarded**
  - 16 Total Project Awards

[bit.ly/tedcgrant](http://bit.ly/tedcgrant)

# Division of Energy and Mineral Development

# Tribal Energy Development Capacity (TEDC) Projects

**Colville, Spokane–**  
Tribal Utility Authority Formation

**Spirit Lake–**  
Tribal Utility Authority Formation

**Bad River Band of Chippewa -**  
Establish regulatory infrastructure that will support its development and management of a major biomass facility

**Passamaquoddy Tribe–**  
Tribal Utility Authority Formation

**Blue Lake Rancheria–**  
Tribal Utility Authority Formation

**Seneca Nation– Tribal**  
Utility Authority Formation

**Big Valley Rancheria–**  
Tribal Utility Authority Formation

**Hualapai–**  
Utility Rate Design

**Ute Mountain Ute–**  
Development of  
Fracking Regulations

**Winnebago Tribe of Nebraska –**  
Tribal Utility Authority Formation

**Mashpee Wampanoag–**  
Tribal Utility Authority Formation

**Nambe Pueblo–**  
Tribal Utility Authority Formation

**Citizen Potawatomi– Tribal Utility**  
Authority Formation

**Pechanga– Tribal Utility**  
Authority Formation

**Mesa Grande– Enhance capacity**  
to manage Tribal solar enterprise

**Chemehuevi Indian Tribe–**  
Formation of a Tribal Power  
Exchange

**Zia Pueblo, Jemez Pueblo–**  
Tribal Utility Authority Formation

**Pascua Yaqui–**  
Tribal Utility Authority Formation

# **BUSINESS ENTITY FORMATION ACTIVITIES (TEDC)**

## **Examples:**

- **Developing legal infrastructure for business formation**
- **Establishing tribally chartered corporations under tribal corporation codes**
- **Establishing tribal business charters under federal law (IRA Section 17 corporation)**
- **Establish Tribal Utility Authority**





# REGULATORY ACTIVITIES (TEDC)

## Examples:

- **Developing or enhancing tribal policies, codes, regulations, or ordinances related to regulating and developing energy resource(s)**
  - Land lease regulations for energy development purposes
  - Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act

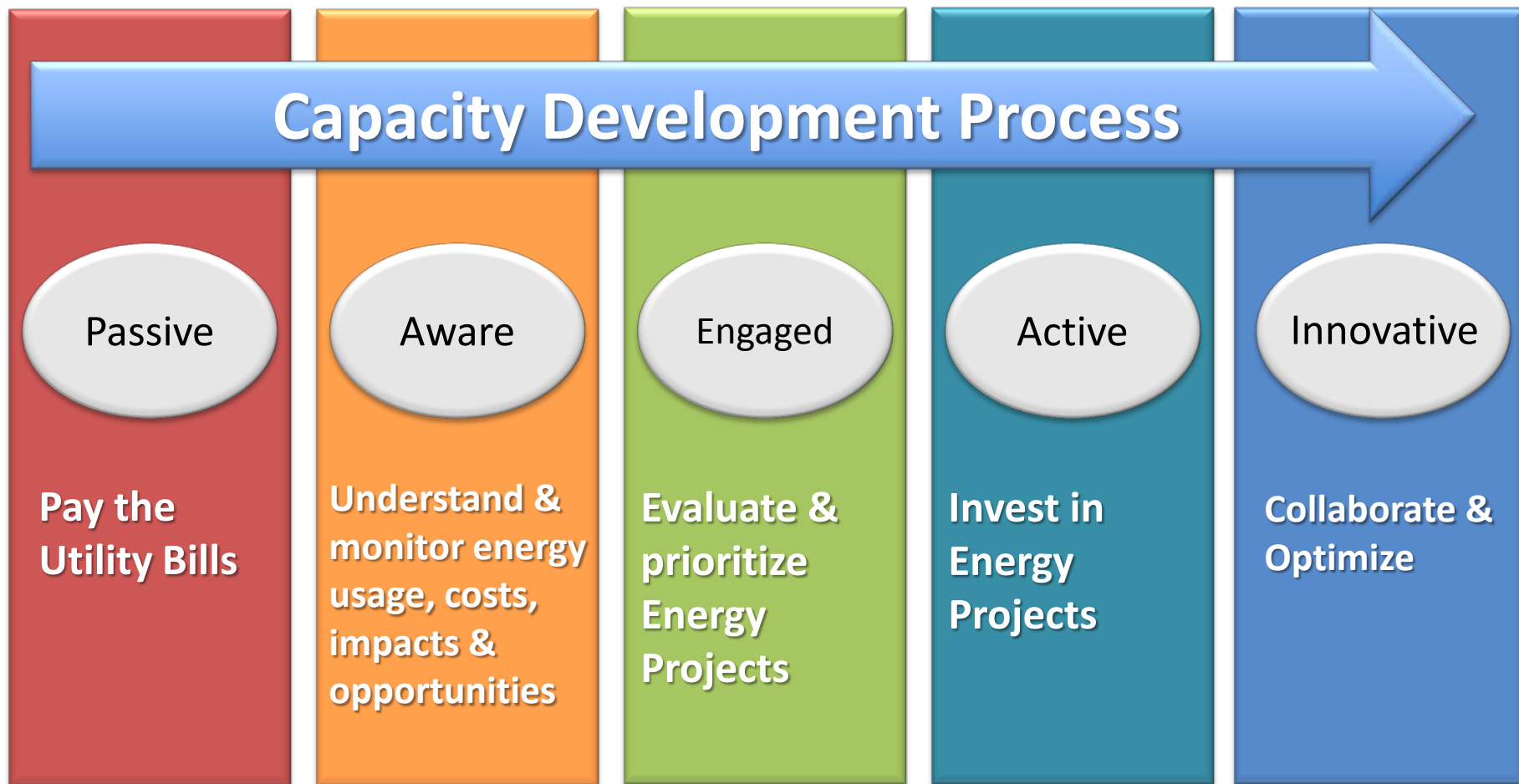
<http://www.bia.gov/WhoWeAre/BIA/OTS/HEARTH/index.htm>

- **Adopting secured transaction codes and subsequent joint power agreement with the tribe's respective state.**

# INELIGIBLE ACTIVITIES (TEDC)

- Salaries or fringe benefits for tribal employees;
- Establishing or operating a tribal office/ and/or purchase of office equipment;
- Purchasing or leasing equipment or hardware such as drilling equipment, computers and
- vehicles;
- Paying legal fees;
- Paying application fees associated with permitting;
- Academic research projects;
- Training;
- Conducting studies related to meeting NEPA requirements for project development; and
- Attending conventions or travel to foreign countries.

# ENERGY DEVELOPMENT CAPACITY



Source: Midwest Tribal Energy Resources Association (MTERA)

# TRIBAL UTILITY AUTHORITY FEASIBILITY WORK

The Tribal Energy Development Capacity (TEDC) Grant Program has funded nearly 20 TUA projects in FY 2015 & FY 2016. The below information is a case study from a FY 2015 TEDC Project.

## □ Analyze Energy Infrastructure

### Existing Infrastructure



There is local gas and electric infrastructure that could provide ready access to wholesale markets

## Current Consumption Electric

Largest consumer of electricity is estimated to be the residents of the Pueblo - 64% of load.

Tribal office building also a large load, followed by water wells.

TG spend is estimated at \$580/year.



Estimated total electrical load: **-2,234 MWh/year**

## Cost-of-service

Total Spend



The "rate to beat" is \$0.132/kWh. Annually, the tribe pays \$331,000 of which \$132k is for "non-energy"

Generation vs. Distribution Payments

Item	Amount
Electricity	\$1,923,000
Gas	\$100,000
Water	\$100,000
Other	\$111,000

## □ Review Legal & Regulatory Issues

### Right-of-ways

#### Expired JMEC ROWs

JMEC is in process JMEC assets exist. All requests for ROWs, including 63.2 acres serving the system.

Operations in JMEC service area have stopped engine ROWs for land use.



#### Other ROWs

TriState Right-of-ways: TriState has a direct line between the crossing across the Pueblo and over the sub-station. There are also understand to be in transit.



Gas Pipelines: The natural gas facility is located on private property, however, the pipeline runs across the Pueblo. We believe that this right-of-way is expired.

Zia has significant leverage over JMEC as a consequence of the expired ROWs

## State and Tribal Laws

#### Tribal Law: Utility Ordinance

Utility Ordinance is drafted for Water, Waste Water, and Solid Waste. The Tribe can request a law to include electricity.

Ordinance creates an organization with some separation from the Tribal Law Organizational Assessment.



#### Other Legal Issues

Based on "Rate Rider 19", JMEC can pass part of the ROW costs back to customers located within Tribal territory. This "leverage" is available through this request but is still exists.

Based on the asset map of JMEC Facilities on Pueblo of Zia's lands, 48.7% of the cost of any ROW settlement would be passed on to Zia members.

Baker Tilly has not identified any legal/regulatory "fatal flaws", but legal counsel is needed

## □ Asses Business Entity Options

### Organizational options



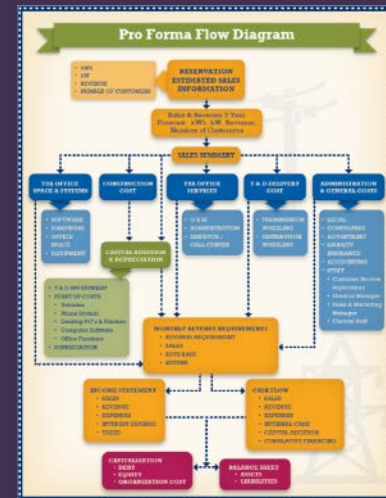
## Org. Chart

- Key position: GM!
- The same positions exist in water, waste water, and electric utilities
- Big opportunities for efficiency!



Many positions exist today, or can be filled by contract. Exceptions: GM and Meter Reader

## □ Financial Analysis

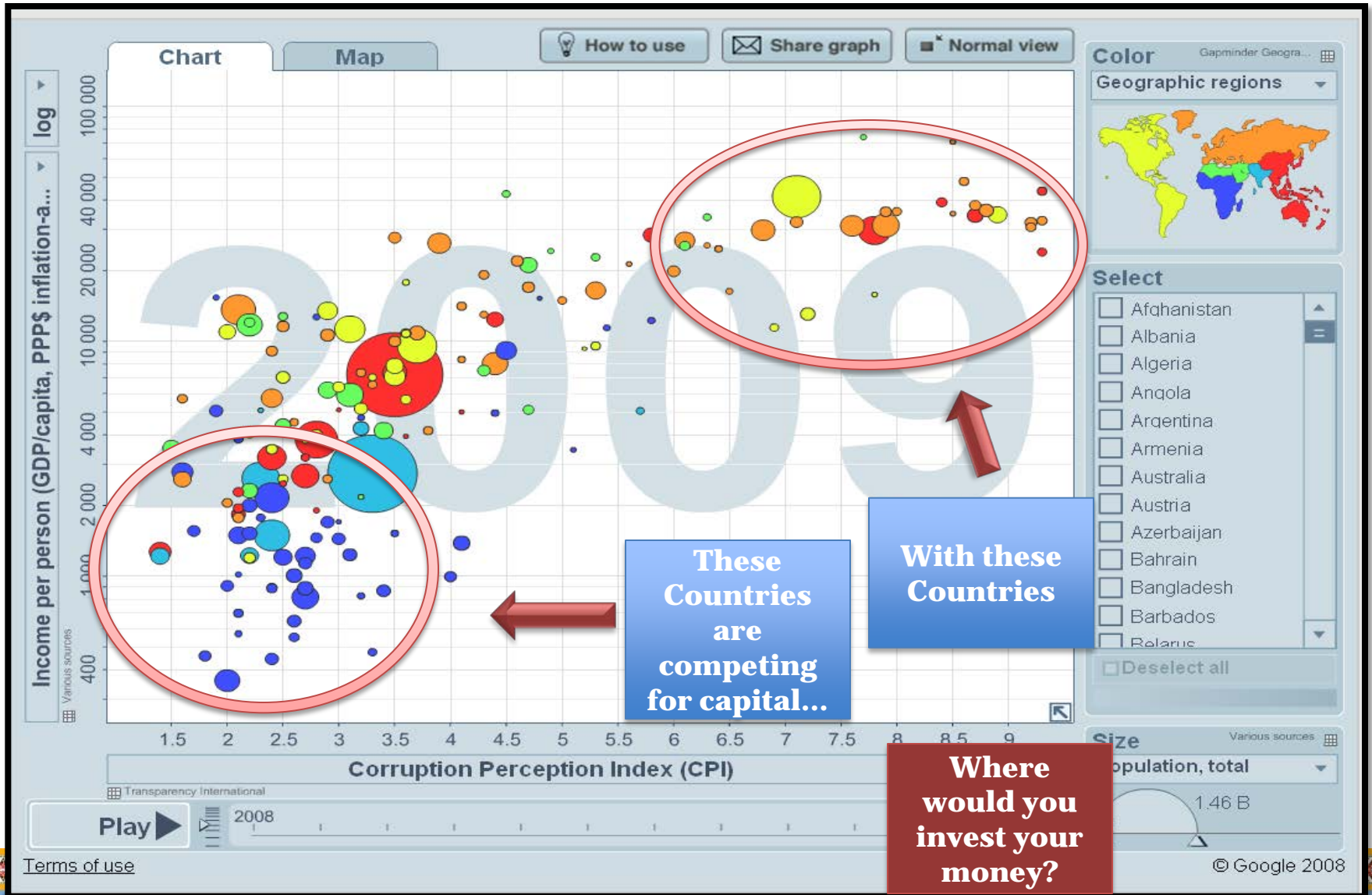


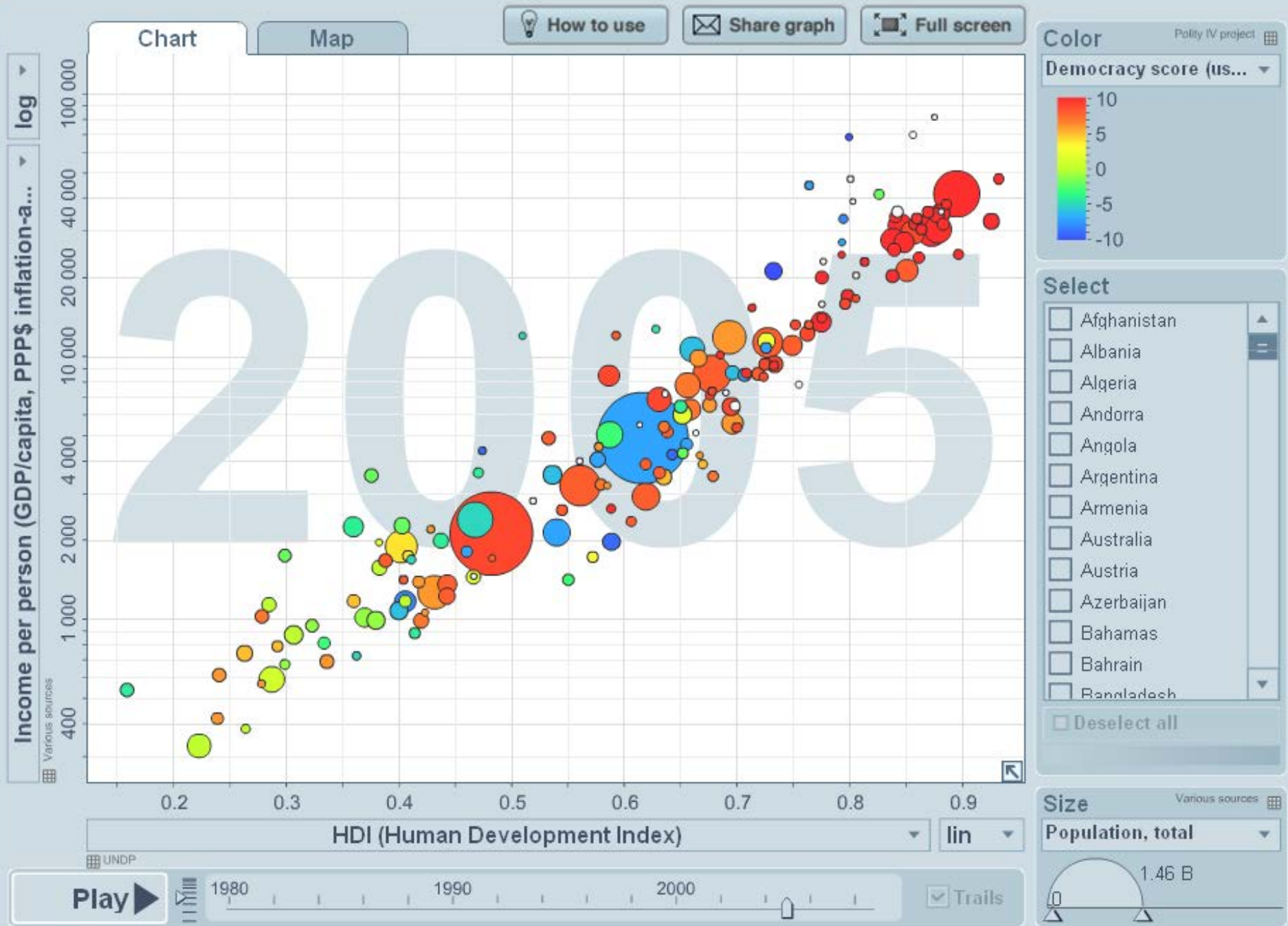
# WHY IS BUSINESS ENVIRONMENT IMPORTANT?

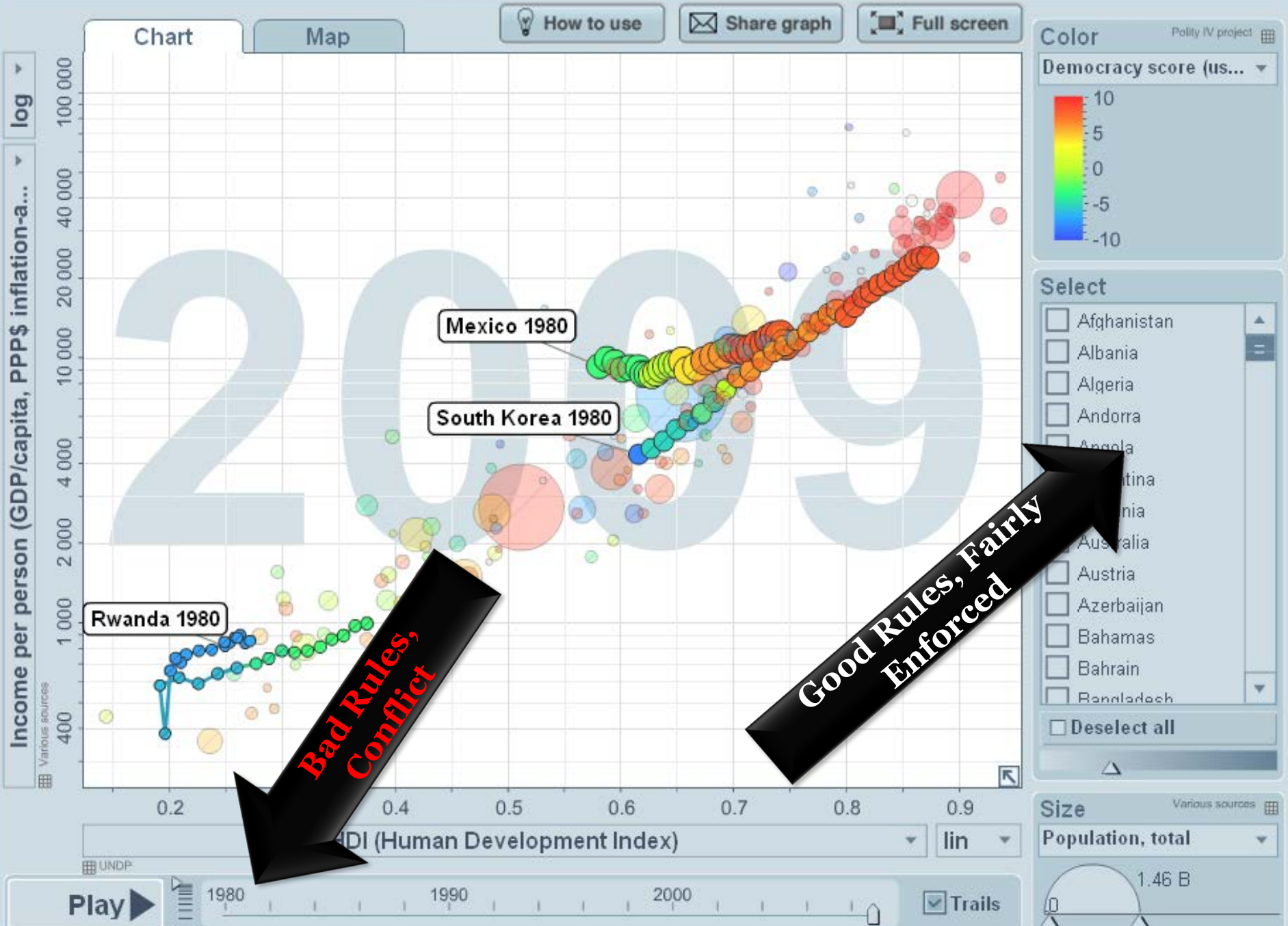
**80%** of the increase in **Quality of Life** (i.e. health, education, & living standards) is based upon economic growth. Economic growth will not occur if a good business climate does not exist.



# ECONOMIC SUCCESS IS LINKED TO RULES AND FAIR ENFORCEMENT









# DOING BUSINESS (WORLD BANK)

1. Ease of Starting a Business
2. Construction Permitting
3. Getting Electricity
4. Registering Property
5. Getting Credit
6. Protecting Investors
7. Paying Taxes
8. Trading Across Borders
9. Enforcing Contracts
10. Resolving Insolvency

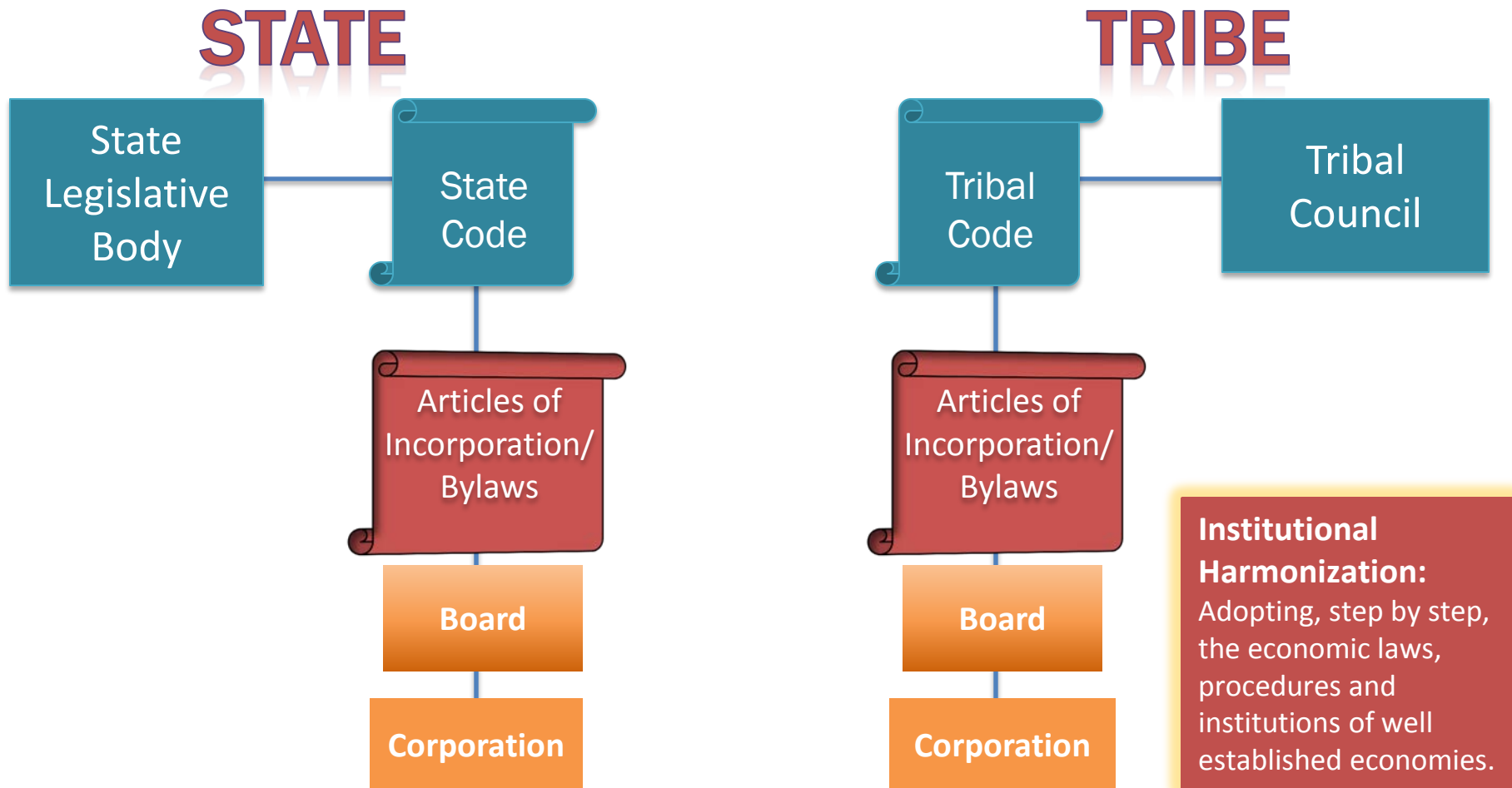
Corporate Code, LLC Code, Code of Ethics, Transparency, Zoning, Incentives

MTSTA, Article 9 UCC

Taxation Code

UCC

# WHY ADOPT CORPORATIONS CODE: *THE CORPORATE PARALLEL RELATIONSHIP*



# CREATE A BUSINESS FRIENDLY ENVIRONMENT

## Step 1

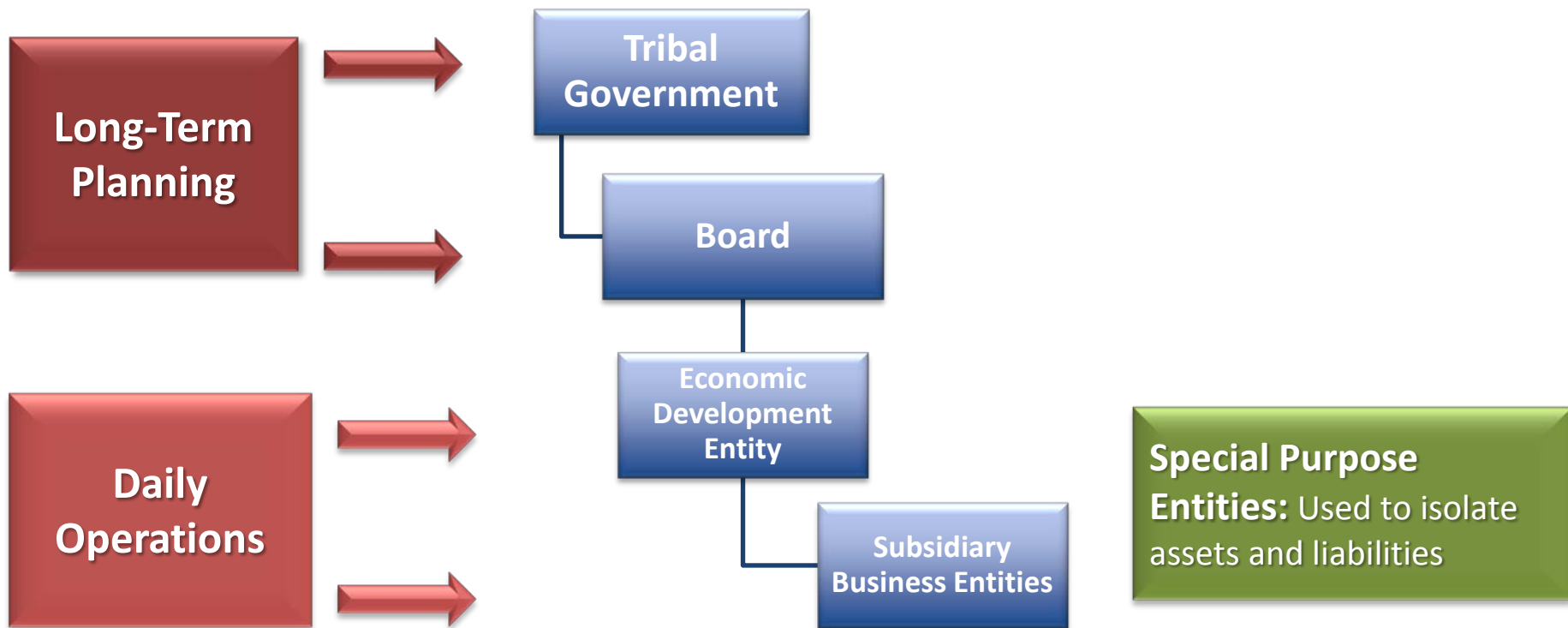
**Governance  
& Proper  
Business  
Structure**

## Key Components

- 1. ADOPT VITAL CODES**
  - **Business Codes**
    - Corporation Code
    - LLC Code
  - **Uniform Commercial Code**
    - Especially Articles 2 & 9
  - **Taxation Code**
  - **Zoning Ordinance**
  - **Code of Ethics**
- 2. Charter Economic Development Corporation**
  - **Separate Business from Politics**
  - **Establish Board Governance**
    - **Appoint qualified Board of Directors**
- 3. Create a Comprehensive Economic Development Strategy (CEDS)**

# GOOD GOVERNANCE: PROPER BUSINESS STRUCTURE

## SIMPLISTIC VIEW



Businesses are **400%** more likely to succeed if they are isolated from politics.

(Harvard Project)

# STARTING A BUSINESS: NEVADA SECRETARY OF STATE

The screenshot shows the SilverFlume Nevada's Business Portal website. The browser address bar displays "Secure | https://www.nvsilverflume.gov/home". The navigation menu includes "HOME", "DASHBOARD", "DOCUMENTS", "FAQ", "CART", "REGISTER", and "LOG IN". The SilverFlume logo is prominently displayed, along with the tagline "Nevada's First Stop for Business Registration" and the text "A Service provided by the Secretary of State, Barbara K. Cegavske". A search bar is located in the top right corner.

The main content area is titled "Start Your Business" and includes a list of options for starting a business:

- Start Your Business (Online Wizard)
- Get A State Business License
- File Initial List/State Business License
- Reserve an Entity Name
- Update Common Business Registration
- Create Your Operating Agreement
- Research your options with New Business Checklist

The left sidebar contains several menu items: "Welcome", "Start Your Business", "Manage/Renew a Business", "Other Business Services", "Why Nevada?", and "Business Resource Center". There is also a "Nevada Business Search" section with a search box and a "GO" button.

The footer contains the following text: "Terms of Use | Security | Digital OA | NVSOS.gov | WhyNevada.com | Contact Us", "© 2012-2014 Nevada Secretary of State", and a "Select Language" dropdown menu. The Nevada State Seal is also visible in the bottom right corner.

# STARTING A BUSINESS: NEVADA SECRETARY OF STATE

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- Update Common Business Registration
- Create Your Operating Agreement
- Research your options with New Business Checklist

Red arrows point from the following text labels to the corresponding services on the website:

- LLC Form** points to "Start Your Business (Online Wizard)".
- Corporation Forms** points to "File Initial List/State Business License".
- Name and Trademark Forms** points to "Reserve an Entity Name".
- Business name and trademark search** points to the "GO" button on the "Business Resource" section.

# DOES YOUR TRIBE HAVE THIS?

The screenshot shows the SilverFlume Nevada's Business Portal website. The browser address bar displays "Secure | https://www.nvsilverflume.gov/home". The navigation menu includes "HOME", "DASHBOARD", "DOCUMENTS", "FAQ", "CART", "REGISTER", and "LOG IN". The SilverFlume logo is prominently displayed, along with the tagline "Nevada's First Stop for Business Registration". A search bar is located in the top right corner. The main content area features a "Start Your Business" section with a list of options: "Start Your Business (Online Wizard)", "Get A State Business License", "File Initial List/State Business License", "Reserve an Entity Name", "Update Common Business Registration", "Create Your Operating Agreement", and "Research your options with New Business Checklist". A sidebar on the left contains links for "Welcome", "Start Your Business", "Manage/Renew a Business", "Other Business Services", "Why Nevada?", and "Business Resource Center". A search box is also present in the sidebar, labeled "Nevada Business Search". The footer includes links for "Terms of Use", "Security", "Digital OA", "NVSOS.gov", "WhyNevada.com", and "Contact Us", along with a copyright notice for 2012-2014 Nevada Secretary of State and a language selection dropdown.



## Contact Information for the Panel

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