

HEARTH Act Overview Transcript  
Division of Real Estate Services  
Bureau of Indian Affairs  
March 11, 2026

00:00:00:00 - 00:00:08:14

Speaker 2

Good morning, everyone, and welcome to today's overview session. The tribal outreach session for today. Today's session.

00:00:08:14 - 00:00:09:10

Speaker 1

Is for.

00:00:09:10 - 00:00:12:07

Speaker 2

Tribal leaders, staff and representatives interested.

00:00:12:07 - 00:00:13:10

Speaker 1

Or involved in the Heart.

00:00:13:10 - 00:00:17:10

Speaker 2

Act process. Today's session is hosted by the Bureau of.

00:00:17:10 - 00:00:21:05

Speaker 1

Indian Affairs, Division of Real Estate Services, in coordination.

00:00:21:06 - 00:00:24:03

Speaker 2

With the Indian Affairs Office of the solicitor.

00:00:24:04 - 00:00:27:04

Speaker 1

This session will be recorded and all training materials.

00:00:27:05 - 00:00:28:04

Speaker 3

Posted.

00:00:28:05 - 00:00:37:11

Speaker 1

Will be posted on today's Heart and web page after today's training. Today's session will discuss the updated guidelines in accordance with the Ta.

00:00:37:12 - 00:00:40:15

Speaker 2

I am 13. Today's presenters.

00:00:40:15 - 00:00:42:07

Speaker 1

Include, the Sharon.

00:00:42:07 - 00:00:45:05

Speaker 2

Kidman who is our senior realty specialist and National.

00:00:45:05 - 00:00:55:00

Speaker 1

Heart Coordinator. We have Miss Mary Brooks and Miss Donna Owens, who are our attorney advisors with the Indian Affairs Office of the Solicitor.

00:00:55:01 - 00:00:55:08

Speaker 2

We ask that.

00:00:55:08 - 00:00:58:08

Speaker 1

You place all questions in the chat over the question and.

00:00:58:08 - 00:01:00:13

Speaker 2

Answer portion of this training.

00:01:00:14 - 00:01:07:05

Speaker 1

And today, we have some special guests to provide our opening remarks, which include from the office of the Assistant Secretary.

00:01:07:07 - 00:01:17:14

Speaker 2

Indian Affairs, Mr. Ken Mallard, who is our principal Deputy Assistant secretary of Policy Management and Budget, and Mr. Brian Mercier, who is our BIA director. I will.

00:01:17:14 - 00:01:20:12

Speaker 1

Now turn it over to Ken and Brian for opening.

00:01:20:12 - 00:01:22:14

Speaker 2

Remarks. Thank you.

00:01:22:15 - 00:01:56:11

Speaker 4

Thank you. Carla. Good morning, everybody, or whatever it is where you're at. It's very, it's very much an honor to be able to address you this morning. These issues are very important. As you know, it's this administration. Certainly, has the goal in mind to unleash energy in Indian country and provide activities and the infrastructure for tribes to be able to do more things with their own land.

00:01:56:13 - 00:02:24:07

Speaker 4

I'd like to thank Carla and her team and and Sharon as I present this. I know it's been a really, wonderful situation here and in our hallway to know that we have good people out in a field that we can rely on. And I trust that this will be a very, illustrative activity here. So with that being said, I don't want to take up too much time.

00:02:24:08 - 00:02:52:03

Speaker 4

I know we're incredibly busy. All of us. In fact, we have meetings lined up in the hallway right now. So I will be dismissing myself soon. But again, please follow up if you have any questions related to this information or suggestions. But once again, thank thank you for your attendance.

00:02:52:04 - 00:03:16:07

Speaker 4

And good morning, folks. I'm Brian Mercier. I'm the director of the Bureau of Indian Affairs, also an enrolled member of the Confederate tribes of Grand Ronde, Community of Oregon. And, echoing Ken's comments, thank you for joining us today. The objective of today's meeting is really to talk a little bit about the heart, the act, and some slight modifications we're making in regards to wind and solder.

00:03:16:08 - 00:03:48:08

Speaker 4

But the Hearth act remains a very valuable tool for us to empower you, all our tribes, to, administer, business, residential leases on your lands with very little oversight. So it's an excellent exercise of self-determination and self-governance and one that, will remain very supportive of. But we, really appreciate the high attendance today and look forward to some of the questions and answers that, some of the questions that you all have.

00:03:48:08 - 00:04:01:14

Speaker 4

And hopefully we'll have the answers to all of those, later today. And, that's without further ado. Get started and I'll hand it back over to Carla. So thank you.

00:04:01:15 - 00:04:03:12

Speaker 1

Great. Thank you both so much for your.

00:04:03:12 - 00:04:05:04

Speaker 2

Attendance and your words this.

00:04:05:04 - 00:04:06:15

Speaker 1

Morning. I really appreciate it. It's always great.

00:04:06:15 - 00:04:10:13

Speaker 2

To hear from you all and received a message from our leadership. So, I.

00:04:10:14 - 00:04:12:05

Speaker 1

Am going to go ahead and turn.

00:04:12:05 - 00:04:19:06

Speaker 2

It over to our presenters to start us off. Thank you.

00:04:19:08 - 00:04:41:13

Speaker 1

Good morning everyone. I'm Sharon Kidman, I am the bureau's national coordinator. And we are going to kick off this morning session with a look at the Act website, some of the changes we did on it, but also, the first item today that we are going to discuss, is going to be the 52 and 13 policy, which was just approved yesterday.

00:04:41:13 - 00:05:07:13

Speaker 1

It was updated, as Mr. Mercier said. So I'm going to go ahead and share my screen. Please go ahead and go to the website. Most, if not all of you are familiar with the Heart Act website. If not, I will put a link in there. So I'm going to go here. The link is posted in the chat and please click on it and you could go and look at it on your desktop.

00:05:07:13 - 00:05:33:08

Speaker 1

If you don't, if you can't quite see the share screen. So on the Heart Act website we have, if you scroll down all the way down to this section right here, this is brand new. This discusses discusses the elevated review process for wind and solar leases. So that is the one thing that was added updated to the website.

00:05:33:09 - 00:05:57:12

Speaker 1

So please, take a minute to read that at your convenience. We're going to scroll further down and down at the bottom again. Go all the way down. You're going to see the section called Additional Information. Under additional information we are going to go ahead and click on the 52 and 13 right here. And it will open up.

00:05:57:12 - 00:06:27:00

Speaker 1

And we will go ahead and go over that. For the sake of the tribes who are here, some of you are new to the to the process. Some of you are not. The policy lays out a step by step process of how to begin drafting regulations. What does the tribe do? What happens during the process? How do I know who has what at what part of the process?

00:06:27:01 - 00:06:57:07

Speaker 1

When do we receive approval? The policy covers all of that. On the first page under 1.4 authority section B guidance. The only thing that was added to this update at most recently, was the number three regarding the departmental review procedures, for the, elevated review. So please take a look at that at your convenience. Again, this is on the website.

00:06:57:07 - 00:07:23:00

Speaker 1

Download it, at your convenience and keep it on your desktop. Scrolling down, we are going to begin at page six. At the end of it, I should say at the end of page five, it's 1.7. That's the section we're in process of approving. And denying tribal leasing regulations, part A submission. I will not read these verbatim.

00:07:23:01 - 00:07:50:09

Speaker 1

I will just kind of go over it. You can read it verbatim at your convenience. Under submission. The Central Office Division of Real Estate Services will be processing the tribes Act regulations. When we do, we require one original tribal resolution signed, authorized by the tribe to be one copy of the leasing regulations that were approved by the tribe.

00:07:50:10 - 00:08:16:05

Speaker 1

And three, a cover letter from the tribal leader. We understand, that tribes have attorneys that do this for them, but we ask that the cover letter come from the tribal leader and not the tribal attorney, simply because this is a government to government relationship. And we take our direction from the tribe's leaders. So just make a note of that.

00:08:16:06 - 00:08:51:12

Speaker 1

I know we have some tribal attorneys that attend our sessions, but please bear that in mind. Also, within that cover letter, the tribal leader will indicate to the AIA who their policies are. One of them must be the tribal legal council. The tribal attorneys name their contact information. And if the tribal leader indicates other people that are going to be the contacts, let's say the tribal environmental person, the tribe's not, realty department director, the tribal leader will list those people on the letter.

00:08:51:13 - 00:09:21:14

Speaker 1

So any places that your tribal leader wants to attend meetings or be on the emails, the tribal leader will have those listed on the cover letter. If later on, we send an email to the policy listed on the letter and the policy, who is the tribal attorney? They're copying all their staff. We don't allow that unless the tribal leader indicates that those people have permission to be part of the proceedings.

00:09:21:15 - 00:09:46:15

Speaker 1

We really must have only those individuals that the tribe has indicated. So please bear that in mind when you are in discussions. The tribe is in discussions with their attorneys that they are very, that they must put on their, their policies and who those policies will be because, they will be on the emails. They will be part of the external call meeting that we do have with the tribe.

00:09:47:00 - 00:10:01:15

Speaker 1

So once all of that information is put together, the tribe will mail it in under C right here, 1.7 C.

00:10:02:00 - 00:10:29:13

Speaker 1

You can see that, the mailing address is mailed to the Bureau of Indian Affairs in Washington, DC. It is never hand delivered or given to the region at any time or the agency. It must be mailed to that address in Washington, DC. Everything goes through Central office. With the attention to the Division of Real Estate Services.

00:10:29:15 - 00:10:53:12

Speaker 1

Within that initial submission, the people that are always copied and who are made aware of a receipt of a tribes package is, the team who reviews the, the the regulations, which, consists of myself, along with the division chief or her acting and the regional real estate office. So the regional real estate officer and the Regional Heart Act plc.

00:10:54:00 - 00:11:19:10

Speaker 1

Those are the people that are involved in the review. So it's not all and sundry. It is just those people involved with the internal review process. Further down under three, it says it gives you a step by step what happens when we receive it. And that I do reach out to the PLC on the letter. The PLC is provided a copy of the 52 and 13 policy.

00:11:19:14 - 00:11:43:11

Speaker 1

So they do have a guidance tool that shows step by step of what happens. Initially, the Bureau of Indian Affairs has 30 days from the receipt of the package, and then after that, the after the 30 days has expired. They have an additional 15 days to have their own internal review and to make our comments, on the leasing regulations.

00:11:43:12 - 00:12:22:00

Speaker 1

So we're talking a total from the outset, 45 days now. I put that out there. But you should know that the Bureau has been very good at coming. Well, under the 45 day review period time that's given us, per the policy, all of these guidelines are covered under the 120 day total guideline. So the bureau has 45 days to review and to have their own internal meeting and comment about the regulations before I reach out to the tribal posse, scrolling down.

00:12:22:01 - 00:12:57:10

Speaker 1

Under B initial review. These are the parties that are involved. The acknowledgment letter will also be part of that, early submission. So the tribe is notified right away, that the tribal leader will be receiving an acknowledgment letter that officially states that we acknowledged it and that, that this is the timeframe of the 120 days and that they should expect a decision, during that time frame, either of an approval or disapproval of the leasing regulations.

00:12:57:12 - 00:13:03:05

Speaker 1

Scrolling down.

00:13:03:06 - 00:13:33:10

Speaker 1

After I have given the regulations to the tribe via a word document, we then set up a call, what we call an external call. We set up a call with the tribes, places that are listed in the

letter. And, we go over the comments that the department has made to the leasing regulations. It is at that point where the tribe and us discuss those comments, notes are taken and those comments are returned to the tribe.

00:13:33:12 - 00:13:57:03

Speaker 1

And the tribe can then make their modifications to the leasing regulations. They will then return them to me and we will review it to ensure that all requirements have been met. So the modified C section is just a back and forth of us going over the comments, reviewing them, sending it back. Maybe they forgot to add this or there's something they missed.

00:13:57:06 - 00:14:11:07

Speaker 1

We send it back, it comes back to us, we review it until we reach a point where the regulations have become a final version agreed upon between the two parties.

00:14:11:08 - 00:14:37:11

Speaker 1

Under section D, we do have a section for failure to resubmit. It's listed in here, three, three parts. I will say that in the whole of the time that we've been, submitting regulations or regulations have come in for review, we have probably 1 or 2 in the entire time. We have to notify the tribe to, to either, you know, give us an answer or we'll have to return them.

00:14:37:11 - 00:15:05:09

Speaker 1

So I think there's only been twice that, that that has ever happened. So the tribes have been very, they've been very active with telling us. They will reply very quickly. We've never had to worry about this section, but it is there in case we do need to use it. We thank the tribes for their quick response in, in the process, because at the time, the timing matters.

00:15:05:10 - 00:15:43:04

Speaker 1

Final submission section E under the final submission. This is the process that happens, once we receive the final package, just like there was initial submission, there will be a final submission. So the same way you sent the initial will be the same way you send the final. You must mail the final package to the address. The same address that we went over in the initial submission, with the with the resolution, a cover letter and the leasing regulations, in their we will review that there were no changes made.

00:15:43:04 - 00:16:09:03

Speaker 1

And then I as the heart that coordinator will draft the seven documents that are necessary to submit this into our what's called our data tracking system, DTS. And there it is uploaded and it will go through the various offices for review. And so naming until we reach

secretarial secretarial approval. At that point Rocco Office of Regulatory Collaborative Action.

00:16:09:04 - 00:16:35:07

Speaker 1

They will publish, publish and post the federal notice. And at that point I will draw down the documents and I will notify the tribes, PLCs and the tribal leader of their copies and then, followed up with the hard copy mail. So the tribe will have copies of their documents as soon as the process has completed.

00:16:35:08 - 00:16:59:11

Speaker 1

Approval. Section F describes all of that verbatim. After that, we have some guidance for the rest of the policy. Please, at your convenience, read through the entire document. If you have questions, you can put them in the chat for any of this. While the training is still going today, and we will be glad to answer it for you.

00:16:59:12 - 00:17:20:09

Speaker 1

At this point, I'm going to go ahead and turn this part of the training over to our partners. We are so grateful for the office of the solicitor. They have been our partners in this throughout the whole this whole time since the inception. And they are the attorneys that review, the documents with us, Donna Owens and Mary Brooks.

00:17:20:09 - 00:17:24:06

Speaker 1

Thank you.

00:17:24:07 - 00:17:53:06

Speaker 2

Thank you. Sharon. Hi. My name is Donna Owens. I'm one of the attorney advisors in the solicitor's office. Responsible for reviewing the Tribes Heart Act submissions. And before my colleague Mary Brooks gives you an overview of the Legal Sufficiency checklist that we use when we review heart submissions. I want to give you a brief overview of some of the procedural changes that Brian mentioned in his opening.

00:17:53:06 - 00:18:25:04

Speaker 2

And Sharon also mentioned when she was going over the IAM. So last year, the administration, issued a series of executive and secretarial orders, and those are meant to reshape the federal approach to domestic energy development. So the intent is to accelerate those traditional and critical mineral energy projects. Oil, gas, coal, and other critical minerals across federal lands.

00:18:25:05 - 00:18:57:14

Speaker 2

At the same time, renewable energy projects are just being given, a little bit more scrutiny. So there was a DIY policy memorandum that was issued on July 15th, 2025. And, in that policy, they set forth that renewable energy provisions have to undergo a more extensive multi office review within the department, and that is in alignment with those broader energy security priorities.

00:18:58:00 - 00:19:42:15

Speaker 2

So it establishes a multi-tiered review process for tribal regs that are submitted for approval under the Hearth act that include provisions for wind and solar leases. So the review process, normally your package is submitted to the Bureau of Indian Affairs. And then it comes to the office of the solicitor for review. What will happen is after it goes through those initial review procedures and the packages returned back to you, and after the back and forth and, all of the changes that are necessary were made, it will go through an elevated review process if it contains provisions for wind and solar.

00:19:42:15 - 00:20:10:04

Speaker 2

So it will go to the office of the Executive Secretariat and Regulatory Affairs, which we call for short Rocka. Then we'll go to the office of the Deputy secretary and then to the, office of the secretary. So when that happens, there is certain evaluation criteria that we look at based on information that is provided by the tribes.

00:20:10:05 - 00:20:43:03

Speaker 2

So we look at the reasons for pursuing and we ask that that be provided in a separate document with that documentation. So we look for the reasons for pursuing the wheel or the authority, the existence of a power purchase agreement, if applicable, the applicant's technical capability to construct, operate, maintain or terminate a project and also, if applicable, the ability to design, construct and secure funding for similar projects.

00:20:43:04 - 00:21:20:07

Speaker 2

And finally, the availability and feasibility of alternate energy resources. So this just adds additional layers of review that will likely extend processing timelines for the Hearth act approval. It may lengthen approval times, but it doesn't bar wind or solar from consideration. And so one of the things that tribes that do have wind and solar leasing regulations may want to keep in mind is that non wheel and non SR leasing regulations are not subject to that elevated review.

00:21:20:07 - 00:22:02:09

Speaker 2

So tribes that intend to seek approval for other types of leasing authority other than wind and solar, may consider whether or not it would be advantageous to submit those packages separately. So one package would be for business, agriculture and other types of leases, and then a separate packet would be submitted for approval for wind and solar, because those non wind and solar, will be put on an kind of an escalated review timeline and those will get, go through that process a lot more quickly.

00:22:02:10 - 00:22:17:11

Speaker 2

So with that in mind, there will be, we will answer questions about that additional review process at the end, but I will turn it over to my colleague Mary Brooks, to go over the Legal Sufficiency checklist.

00:22:17:12 - 00:22:48:08

Speaker 3

Thank you. Donna, I'm going to share my screen now. Okay. Donna and I are responsible for performing a legal sufficiency review when we receive tribes draft Hearth act regulations. The standard we apply is that the regulations need to be consistent with the 25 CFR part 162 leasing regulations, but the language doesn't need to be verbatim to the part 162 regulations.

00:22:48:09 - 00:23:28:04

Speaker 3

We created this legal sufficiency checklist here that outlines exactly what a tribe's Hearth act regulations need to contain to be consistent with the part. 162 regulations. This checklist is available on the BIA Hearth Act leasing website, which Sharon showed earlier. You can download the checklist and use it to assist you in drafting your Hearth Act regulations. We understand that each tribal community is different in that their hearth, that regulations need to be tailored to the tribe's particular needs, and for that reason, there are no model Hearth Act regulations.

00:23:28:06 - 00:24:00:06

Speaker 3

And so tribes have flexibility in crafting their leasing regulations, as long as those regulations are consistent with the part. 162 regulations. So what do we look for when we go through our Legal Sufficiency checklist? This checklist shows the mandatory provisions that need to be in the Tribes Hearth Act leasing regulations. And it also shows provisions that are not mandatory, but that we strongly recommend be included in the regulations.

00:24:00:07 - 00:24:28:13

Speaker 3

When we do our legal sufficiency review, we don't redline the tribes regulations because the regulations are the tribes work product, and we will just put comments off to the side. Our comments will usually be in three different categories. First, there's the required

category, which are mandatory to include for the Secretary to be able to approve the regulations. The second category is strongly recommended.

00:24:28:14 - 00:24:59:07

Speaker 3

Over our years of doing legal sufficiency reviews, we have found that there are certain items we strongly recommend typically want to ensure that the tribal regulations are transparent, which makes it less likely that they will be challenged, and two, to provide tribes flexibility in tribal decision making. The third category are comments that are just recommended. And there's another category of comments that we use sometimes, which is discussion.

00:24:59:08 - 00:25:24:12

Speaker 3

And these are items that we want to discuss with the tribe or the tribe's attorney to understand the tribe's intent or to clarify the meaning. So generally, the first thing that we look at when we review the hearth submissions is we look for required definitions. There is this required definition section here I want to highlight a couple of these definitions.

00:25:24:14 - 00:25:54:14

Speaker 3

First is best interest of the tribe here. It's not a mandatory definition, but we strongly recommend it because it allows tribes flexibility to waive particular provisions that would otherwise be mandatory. And we use this definition for rental compensation. So if the tribe is doing a residential project, such as a housing project, the tribe can determine what rental compensation will be in the tribe's best interest.

00:25:54:15 - 00:26:32:06

Speaker 3

So it can be nominal. It doesn't have to be fair market value. And in addition, the tribe can waiver until payment entirely. The other decisions that a lot of tribes use this definition for, or whether or not to require a performance fund and whether or not to require insurance. So we strongly recommend this definition, but it is not mandatory, throughout this checklist here and there are notes that say a definition or a provision is not required, such as this.

00:26:32:06 - 00:27:09:04

Speaker 3

Note here below, the definition of best interest of the tribe. So if you don't see this note that says it's not required, then the definition or the provisions is required and it's mandatory. A definition that we like to pay close attention to here public for the purpose of environmental review. We like to keep that phrase for the purpose of environmental review as part of the defined term, because it narrows the realm of who the public is for purposes of the notice and comment required.

00:27:09:05 - 00:27:44:15

Speaker 3

That's part of the environmental review process, and I will be talking more about the environmental review process later during this presentation. Also public for the purpose of environmental review has to be anybody who can demonstrate that they will be directly, substantially affected by the lease or the lease activity. So it cannot be narrow as just members of the tribal community, and it can't be based on any limitation, based on a physical distance from the least activity.

00:27:45:00 - 00:28:10:10

Speaker 3

There is also here a significant effect on the environment definition, which also relates to the environmental review process. Congress was very clear when they enacted the Hearth act that if the tribe finds significant effects on the environment, they have to give public notice and allow the public to comment on the lease activity that is causing the effects on the environment.

00:28:10:11 - 00:28:38:00

Speaker 3

I will say also that some definitions in this definition section may not apply, depending on the lease types that are authorized in the regulations. For example, up here is an agricultural land definition. If the regulations do not authorize agricultural leases, this may not be necessary to include.

00:28:38:01 - 00:28:49:06

Speaker 3

Next, we have required lease provisions. That's the next thing that we look at that needs to be in the Tribes Hearth Act regulations. The first eight items here.

00:28:49:08 - 00:29:05:00

Speaker 3

Are required. Authority and scope. Provisions. These cover the tribes authority to enact the regulations and what the regulations do and don't apply to.

00:29:05:01 - 00:29:38:06

Speaker 3

Up here, the Hearth act regulations have to identify what land the regulations apply to. The regulations can only apply to 100% tribally owned land that is held in trust or restricted status. So a hearth lease can't be used for individually owned, allotted land or for any kind of land where the tribe owns only a portion. Also, the Hearth Act doesn't apply to lands or to mineral interests.

00:29:38:08 - 00:30:08:04

Speaker 3

If the tribe wants to lease land and doesn't own 100% of the land, the tribe is still free to use the 25 CFR part 162 secretarial leasing process for that land. Here, the regulations also have to state what types of leases are covered by the regulations. The Hearth act applies to agricultural, business, religious, educational, recreational, cultural or other public purposes.

00:30:08:06 - 00:30:39:03

Speaker 3

Residential wind energy evaluation, leases, well and wind and solar resource leases. Only the lease types here are permitted under the Hearth act and as mentioned earlier, if the tribe desires leasing authority for multiple types of leases, there's no requirement for the tribe to include all the lease types in one set of regulations. The tribe may submit separate regulations for each lease type if they choose.

00:30:39:04 - 00:31:20:02

Speaker 3

Here, the regulations also have to contain a provision that addresses what laws are applicable to these leases. State law is generally not recommended, but there is tribal discretion to apply state law to agricultural leases, and applying state law for arbitration and mediation provisions may also be possible. However, if state law is going to apply, the lease needs to state that the tribe expressly agrees to the application of state law and there also needs to be a statement that the tribe does not thereby waive their sovereign immunity.

00:31:20:04 - 00:31:50:00

Speaker 3

Another provision that needs to be in the Hearth Act regulations is a provision that addresses the tribe's authority to enact the regulations, such as a tribal constitution or bylaws. We understand that there are pueblos and some tribes that don't have tribal constitutions. In those cases, the regulations will cite to whatever authority they have to enact laws and to be governed by them.

00:31:50:02 - 00:32:29:03

Speaker 3

Also, the regulations need to include a provision that states that any major substantive amendments to the tribes hearth Act regulations have to come back through the Secretary for Review and Approval, but minor and technical administrative amendments can be approved by the Tribal Council. Example of minor amendments would be such things as typographical corrections like fixing spelling, formatting updates such as changing numbered sections to lettered sections, and correcting internal cross reference procedures.

00:32:29:03 - 00:32:55:01

Speaker 3

Major amendments would include things that like alter the lease approval process, modify the environmental review procedures, things like that, and feel free to contact the solicitor's office if you have any questions about whether an amendment is substantive or not.

00:32:55:02 - 00:33:29:04

Speaker 3

Next here we have a required assignment. And leasehold in the regulations. New need to indicate whether the lease can be amended and whether the LLC may assign, sublease or mortgage their interest. There can be a mortgage interest, mortgage of the leasehold interest, but there can't be mortgages of trust land. Therefore, if mortgages are permitted, the mortgages need to be specific to the leasehold interest of the lessee and not the land itself.

00:33:29:05 - 00:33:50:12

Speaker 3

So that mortgage would be just on the permanent improvement on the property. With respect to gaining the heart Act can't be used to approve gaming facility leases, but the Hearth act may be used for existing space within an existing gaming facility.

00:33:50:13 - 00:34:13:08

Speaker 3

Next here we have required recording provision, any lease Lisa management, assignment, renewal or at least hold mortgage must be recorded at the Land Titles and Records Office. The altro. And so that provision needs to be in the Tribes Hearth Act regulations.

00:34:13:09 - 00:35:01:14

Speaker 3

So the next six items starting from here are required. Contractual provisions that need to be in the Tribes Hearth Act regulations, and they also need to be in each lease. They are standard contractual provisions like parties to the lease purpose of the lease, the authorized uses of the leased premises, the effective date and the definite term for the lease, and any renewal to allow will allow for, flexibility for tribes here, the regulations don't need to contain specific information, but can instead include a list of the required provisions that need to be in the leases, and each lease will contain the detail.

00:35:01:15 - 00:35:30:04

Speaker 3

Like the particular parties, the specific purpose, the effective date, and so forth. I will also note that there are other required provisions in the Legal Sufficiency Checklist, where the tribe may want to maintain flexibility by broadly stating the provisions in the regulations and providing specific detail in each lease, such as, for example, the rental payment provisions.

00:35:31:04 - 00:35:59:03

Speaker 3

Here the regulations have to require leases to identify the tract or the lease process in a manner that is sufficient for the BIA to identify them. That's very important because, as I mentioned, the lease itself and other lease documents have to be recorded by the BIA. Regarding the lease term here, I won't go into detail for every type of lease.

00:35:59:05 - 00:36:33:06

Speaker 3

But for agricultural and business leases, the initial term can be up to 25 years, with up to two options to renew that, or up to 25 years each. So you can't have more than two renewals, and no individual term can exceed 25 years. Also, for residential, public, religious, educational or recreational leases, the lease is 75 years with no option to renew.

00:36:33:07 - 00:36:49:07

Speaker 3

However, there can be an initial term that is less than 75 years, with options to renew as long as the initial term and all successive renewals don't exceed 75 years.

00:36:49:09 - 00:37:13:02

Speaker 3

So if a lease has options to renew, it needs to specify the time and manner the option is exercised or if it is automatically effective. And it also has to identify any additional consideration that will be due when the option is exercised.

00:37:13:03 - 00:37:38:02

Speaker 3

Next, we have required payment provisions. I'm not going to walk through each of these items. But the regulations have to address the payment of rent which can be and whatever amount the tribe determines. The tribe may also waive rental payment if it's in the best interest of the tribe. As long as the tribes regulations include that best interest of the tribe.

00:37:38:02 - 00:38:04:13

Speaker 3

Definition. The regulations have to address the dates the payments are due, whom the payments are made to, and the acceptable form of payment. If the lease allows for the payments to be made directly to the tribe, the tribe is required to maintain documentation of those payments that is sufficient to enable the Secretary to discharge the trust responsibility.

00:38:04:14 - 00:38:34:10

Speaker 3

So, in other words, the Secretary is not responsible for keeping track of those lease payments. The tribe is. And finally, the leases and the tribes regulations have to state whether there's going to be a rental review or adjustment period, how those are made, who

makes them when they're effective, and how any dispute about the adjustments are resolved.

00:38:34:12 - 00:39:09:13

Speaker 3

Next, they're required lease enforcement provisions. I'm not going to cover all of these items, but I will say that the regulations must state that there must not be any unlawful conduct or illegal activity on the leased premises, and that the lessee must comply with all applicable laws, ordinances and other legal requirements. The regulations need to identify a process for enforcing lease violations.

00:39:09:15 - 00:39:44:03

Speaker 3

And they need to provide for cancellation or termination of the lease. With respect to lessee hold over, we strongly recommend including a process that identifies provides for the lessee, holdover, and finally, there needs to be a provision that addresses whether or not unless they can appeal a determination that they violated or breached the lease. Next year, there's a required indemnity provision.

00:39:44:05 - 00:40:23:03

Speaker 3

The Hearth act regulations have to state that the lessee indemnify and holds both the tribe and the US harmless from certain liabilities associated with the lease, and the specific liabilities are spelled out here in this provision. There is also a required insurance provision. This is a provision that states LSC is required to provide insurance in an amount that is sufficient to protect all insurable, permanent improvements on the leased premises, and also in an amount that is sufficient to protect the interests of the tribe.

00:40:23:05 - 00:40:40:04

Speaker 3

The insurance needs to identify the US and the tribe as insured parties. This requirement may be waived in the best interest of the tribe, and it doesn't apply to residential leases.

00:40:40:06 - 00:41:08:11

Speaker 3

There are required performance bond provisions. This provision requires the lessee to provide a performance bond or other form of security, and an amount that must be equal to either one year's rental or the construction of any required permanent improvements, or the operation and maintenance charges for any land within an irrigation project, or the restoration and reclamation of the premises.

00:41:08:12 - 00:41:19:02

Speaker 3

This is not required for certain lease types, and it may be waived in the best interest of the tribe.

00:41:19:03 - 00:41:58:10

Speaker 3

There are required permanent improvement provisions. There are quite a few items in this section, but I will just highlight that the hearth Act regulations need to indicate whether permanent improvements may be constructed, need to indicate, the ownership of the permanent improvements, and indicate the responsibility for constructing, operating, maintaining and managing permanent improvements. And there are additional provisions listed here that are required if permanent improvements are authorized.

00:41:58:12 - 00:42:28:13

Speaker 3

And here we have the required environmental provisions. This gets back to what we were discussing earlier. Congress in enacting enacting the Hearth act statute, was adamant about the environmental review process because it did not require a Nepa review. And Nepa review is extremely stringent. But the Environmental Hearth Act review process is not as stringent as a need for review, and it is a process that is left entirely up to the tribe.

00:42:28:14 - 00:42:53:01

Speaker 3

And because of that, Congress determined that there are guardrails that need to be included. And each, tribes have that regulations. And if we see a tribe's draft regulations include a need for review, we do insert a comment that a need for review level is not necessary, although, of course, the time may, require that if the tribe desires.

00:42:53:03 - 00:43:34:12

Speaker 3

So for the environmental review process, there are three basic requirements. First, the Hearth act regulations must include a process to identify and evaluate significant effects of the proposed action on the environment to. They need to include a process for notifying the public and allowing them to comment on any significant environmental impacts. And three the regulations must include the process for providing responses to relevant and substantive comments and it is the tribe that decides which comments are relevant and substantive.

00:43:34:13 - 00:44:16:04

Speaker 3

As to public notice of significant environmental effects. Impacts. We strongly suggest that the tribe post the notice on the tribe's publicly available website. I will also point out that the tribe is not required to provide notice and an opportunity for comment for a Fonzi, a finding of no significant impact. Finally, you will notice here it says that if historic

properties, archeological resources, human remains and other cultural items are encountered during this activity, the lessee will need to contact the tribe and the BIA.

00:44:16:05 - 00:44:42:10

Speaker 3

The lessee does need to contact the tribe, but does not need to contact the BIA. So this is the last category of provide, required provisions in the sufficiency checklist. Check less. Excuse me. There are a few additional points I'd like to make. Tribes. Hearth act regulations typically include a definition of lesser, the less or can only be the tribe.

00:44:42:11 - 00:45:15:02

Speaker 3

And that's because when the Secretary approves Hearth act regulations, the secretary is delegating his authority to approve her leases to the tribe, which then steps into the shoes of the Secretary. However, the tribe may delegate execution and approval of a lease to an arm of the tribe, but the lessor always needs to be the tribe. Another point is that Hearth Act regulation provisions cannot incorporate other tribal laws by reference.

00:45:15:03 - 00:45:38:15

Speaker 3

An example would be if a tribe has a provision in their draft regulations that states less enforcement will be preferred pursuant to a tribe's housing ordinance. In that case, the issue is that the tribe would then have to submit that housing ordinance to us to review and approve, to make sure it complies with part 162 regulations and the Hearth act statute itself.

00:45:39:01 - 00:46:04:06

Speaker 3

That is contrary to the intent of the Hearth act. And so what we recommend in that case is that the tribe just cut and paste those provisions into your Hearth Act regulations. The final thing I'd like to point out is that the Tribes Hearth Act code should not, refer to the part 162 Leasing regulations. Once the tribal hearth.

00:46:04:06 - 00:46:29:13

Speaker 3

That code is approved by the Secretary, that hearth that code is a controlling law that the Hearth act leases, not part 162 I'm going to put my email address along with Dana's into the chat. Please feel free to email us if you have any questions. Thank you everybody. And I'm going to turn it over to Sharon.

00:46:29:15 - 00:46:51:08

Speaker 1

Thank you Mary. We are going to go ahead and go back over to the website. So if you don't have it, the link is in the chat multiple times. Please go ahead and click on it if you'd like

during any of the presentation today, we are on page three. Donna Owen started off with page one and two.

00:46:51:08 - 00:47:29:07

Speaker 1

We're on page three of the PowerPoint presentation. These are the intended benefits to tribes implementing leasing regulations. One is economic development. The tribes can create a more streamlined leasing process under heart that regulations. They also will significantly reduce the time to execute and approve leases compared to the existing BIA processes. Timely execution of leases may encourage potential lessees to invest and develop in tribal communities.

00:47:29:08 - 00:48:24:14

Speaker 1

Tribal land management tribes may enact regulations that are tailored to the unique needs of the tribes community, as just discussed by theory. Also, the tribes get the best of both worlds. While they may have Hearth act and are using that, they also still have access to 25 CFR part 162. If a tribe with leasing regulations under the heart that believes a particular lease would be better supported under 162, the lease may be submitted for BIA review and secretarial approval under the CFR leases approved under part 162, and any amendments, assignments, etc. will remain subject two, part 162 until lease termination or expiration.

00:48:25:00 - 00:48:55:04

Speaker 1

Adoption and implementation of Tribal Leasing regulations, funding added costs, or the diminishment of existing funds associated with undertaking full administration and management of leasing. So under the funding, the tribe can seek those, those the other avenue of going contract compact prior to becoming a hard neck tribe, I would think the tribe is is probably doing that or they are considering that maybe a tribe has done it.

00:48:55:05 - 00:49:15:08

Speaker 1

They have been doing contract compact and now they're considering hard. So now that they've already got their hands going and the gears are all greased in there, they're doing an awesome job. Then they're like, okay, now it's time to do hard. The tribe is welcome to do that as well. The next bullet, the environmental review process.

00:49:15:08 - 00:49:50:11

Speaker 1

I will not read those points verbatim, but you just heard Mary go through that in detail. The last bullet, though, I will. It does say BIA does not perform environmental reviews for leases. A tribe enters under its approved Heart Act leasing regulations, lease enforcement violations, cancellations. The tribes will manage all aspects of Hearth act leases executed pursuant to their approved tribal regulations.

00:49:50:12 - 00:50:31:13

Speaker 1

Upon reasonable notice from the tribe, the Secretary may, upon his discretion, enforce the provisions of or cancel the lease. Existing and future leases. We get a lot of questions about this. Leases already in place and executed and approved under 25 CFR 162 are still subject to Beis leasing regulations. Number two, approval of that regulations does not preclude tribes from electing secretarial approval processes under 25 CFR 162.

00:50:31:14 - 00:51:00:14

Speaker 1

The next page. A lot of questions have come from us, too, regarding what's the bee's role after everything is done, particularly concerning the lease review. Good news there is no BIA review of harvest leases. We bolded that just to just to ensure that everybody knew that the heart that leased must be executed pursuant to the tribe's authority under its approved Heart Act leasing code, a heart.

00:51:00:14 - 00:51:38:02

Speaker 1

That lease must not have any reference to secretarial authority under 25 CFR 162 regulations. However, we do understand that the lease may mention the Secretary, but not any authority under 162 should be in the lease. Third bullet. The lease must be signed by all parties to the lease and includes standard contract provisions, as explained by Mary previously. There must be a legal description sufficient for Lytro to record the document approval of those leases.

00:51:38:03 - 00:52:12:00

Speaker 1

The Secretary does not approve lease documents executed under a tribe's heart Act leasing regulations to lease documents are approved by the tribe pursuant to its approved Heart Act regulations. Heart Act, tribal authority and 162 secretarial authority are not interchangeable. What does that mean in short, the tribe cannot, modify, amend or cancel a lease that was originally executed under 162.

00:52:12:02 - 00:52:43:02

Speaker 1

They cannot modify it using a Hearth Act authority. Once it began as a 162 lease, it must finish as a 162 or canceled under the 162 provisions. Same with the Hearth act authority. The BIA Secretary, using those authorities to approve and cancel. They are not allowed to amend or modify a lease.

00:52:43:03 - 00:53:09:00

Speaker 1

Last page towns in Cody. We get lots of questions regarding Tams. Tribes are required to provide BIA with a copy of all hearth act leases. The lease, the amendment, the assignment, the mortgage, the renewals and the sub leases. Encoding hardback lease documents must be done by either the tribe that has contracted or contacted realty functions or the BIA.

00:53:09:02 - 00:53:44:05

Speaker 1

But, the I will only perform those functions if the tribe does not have town's access. And also in preparation for the encoding, a review, a cursory review should be done before they enter that document into the Tams system. Recording and Czar's the tribe that has contracted our contact. Realty functions is responsible for submitting our leases to altro for recreation purposes after they've been encoded into the Tam system.

00:53:44:07 - 00:54:12:15

Speaker 1

So essentially, under heart, the tribe is doing the entire process. So if they did a Heart Act residential lease, they must submit it to LTO. Well, they they should encode it, record it, and submit the TSR request to altro so that the TSR can then be sent to the lender. Check what Alto's response re responsible for recording all Ha3 stock comments.

00:54:13:00 - 00:54:42:08

Speaker 1

Third, for Hearth Act leasehold mortgage documents, the lender and tri must and must is bolded because, both parties must work together to correct any recording or title issues that arise from Hearth Act leasehold mortgage documents. And we do in in in making sure that everyone is on board. We also have these discussions with the lenders that once a tribe is exercising their heart authority.

00:54:42:10 - 00:55:13:02

Speaker 1

The questions cannot be coming to BIA because the tribe is now doing the entire lease process. So if they have questions, we direct them to the tribe's real estate department or whoever the tribal posse is for that particular tribe. That said, the the presentation for today, has completed again. Please go to the, the link on the web page for hardback leasing.

00:55:13:03 - 00:55:36:02

Speaker 1

Scroll all the way down in the middle if you see the outreach event link right here. The next one is scheduled for June. The link for that will be posted in here mid to late May so that tribes have plenty of time. They also will be notified via the email of the next session, so that tribes will have a chance to sign up.

00:55:36:04 - 00:56:05:12

Speaker 1

Register for the next event in June so there will be two more chances to attend another session. Coming up, the final session will be held in September. Again. That will be posted about 3 to 4 weeks out from the September date. Up here on the website. And then back to what I was saying earlier. If you scroll down to additional information, the slides that I was just presenting are right here.

00:56:05:13 - 00:56:30:10

Speaker 1

The 52 I am policy is here. The legal legal sufficiency checklist is here. We even have a flier. If the tribe wants just the quick bullets. The flier is right here. I'll click on it. There you go. Print it out and color. And you have a flier that you can show the council folks. Maybe the council has, it's a large council they want to see just a quick blip.

00:56:30:12 - 00:56:56:04

Speaker 1

This can be printed out at your convenience, but all these materials. There's also a link down here for the administrative flowchart, for Hart, that there's a link for 25 U.S.C. 415 itself here. But all all of the information is here that you will need. Let's say you want to look at the most current approved regulations. There's links right here.

00:56:56:04 - 00:57:26:12

Speaker 1

You can click on that. It will take you right here. And as you can see we are up to date on this. Our last one being approved October 31st, 2025. We will have many more this year before September rolls around. Before the end of the fiscal year. That will be added in 2026. But as you can tell, you can click on any one of these and you can see, the tribes regulations, along with the secretarial approval page with it.

00:57:26:14 - 00:57:59:14

Speaker 1

Past videos that we have done, right here on the very top of the page, there is a provided by link. Please click on that because why it takes you over to the actual Division of Real Estate Services page. On that page, if you scroll down, the Division of Real Estate Services does a lot of training for other items under under under what we do rights of way mortgages, leasing on under 20 516 25 CFR 162.

00:58:00:00 - 00:58:21:05

Speaker 1

However there is a link here for Harp act. So if you click on it you can it jumps you right here to the heart act so you can never get lost. You have all these tools that will take you to wherever it is you are looking for or need to go. If you scroll further down, there is more resources.

00:58:21:06 - 00:58:43:01

Speaker 1

And it's talking about real estate services training. So if you click on that heart, that is one of the ones that has posted trainings. All of the all of the 2024 trainings are here with the question and answers. The slides. If you want to look at past training, we even have a lender training training for lenders.

00:58:43:01 - 00:59:08:09

Speaker 1

And it was an overview that we presented to lenders. I recommend tribes to go ahead and take a listen to this overview that we gave lenders, because they did ask some very good questions. And those can be pertinent to you as you're doing business under the Hearth act. With that said, I will stop sharing and we can go ahead and go to questions.

00:59:08:09 - 00:59:12:00

Speaker 1

Carla.

00:59:12:01 - 00:59:13:03

Speaker 2

Okay. Great things. Sean.

00:59:13:03 - 00:59:15:11

Speaker 1

I am going to turn it over to Simeon Jones, who.

00:59:15:11 - 00:59:18:11

Speaker 2

Is our deputy division chief for real estate services, and.

00:59:18:11 - 00:59:19:05

Speaker 1

She will go through.

00:59:19:05 - 00:59:44:03

Speaker 2

All of the questions. Thank you. Great. Thank you. Carla and Sharon. The first question we have in the chat is from Eugene. I think this question, Sharon, he asked when you were going over the IAM, is it possible to get a red line or a highly highlighted copy of what has been changed from the original document?

00:59:44:05 - 01:00:18:12

Speaker 2

So that is something that we would not do. The, you know, we try to be transparent. The, finalized version is published on the website. And if you have questions about specific changes, you know, we're open to discuss those, but we're not in the habit of providing the red lines of those documents. The substantive changes that were made, as Sharon had pointed out, when she was giving the overview, it did have to do with wind and solar.

01:00:18:14 - 01:00:28:11

Speaker 2

But if you have specific questions, you can reach out. But the red lines is not that's not something that we provide.

01:00:28:12 - 01:00:58:15

Speaker 2

Excellent. Thank you. Donna, our second question in the chat comes from Chad. At what point in the process should a tribe provide information regarding the wind solar elevated elevation criteria? So if the tribes are submitting their packets when they submit the regulations, initially there should be the write up that answers all of those questions. That submitted along with those regulations.

01:00:59:00 - 01:01:28:04

Speaker 2

Perfect. Thank you. Dana. Another question from Eugene. Is there a specific time frame required for the environmental review, e.g. 30, 45, 60 or 90 days? I think that was on the legal sufficiency portion. That's a good question. So, no, there's there's no requirement. The Heart Act regulations just have to include an environmental review process. They don't have to specify particular time frames.

01:01:28:04 - 01:02:03:02

Speaker 2

And that is something that is up to the tribes that once their regulations are approved, they follow their own environmental guidelines. To Dana, another question we got from Brian, made tribes compact contract compact under ESD, a realty environmental quality and other relevant programs, functions, services and activities. PFC is to carry out such fsas following BIA approval of their leasing regulations.

01:02:03:04 - 01:02:29:15

Speaker 2

So hard act regs or leases are not the heart that does not contract ABL or compatible. So I don't believe that this would apply. What I will do is kind of punt and say that we can follow up in an email with, more succinct answer if that is okay. All right. Great. Thank you. Donna. Another question we have from Brian.

01:02:30:01 - 01:03:02:13

Speaker 2

Is there currently funding available for technical assistance per 25 U.S.C. 415 H, three D no. So all that does is it authorizes the tribes to, get their own heart that's approved. There's no federal funding for Hearts Act for any, of the leases for any of the functions. There's no funding for tribes to enact, their own hearth acts.

01:03:02:14 - 01:03:09:01

Speaker 2

So there there's I guess the short answer is no. There's no federal funding for that.

01:03:09:03 - 01:03:10:01

Speaker 1

Peck.

01:03:10:02 - 01:03:40:07

Speaker 2

Thank you. Dana. Another question from Chris. Is there a truncated process for review of amendments of already approve her tribal law regulations, or does the tribe need to follow all of the steps as if they were requesting initial approval? So that depends upon if it is a minor or a major amendment, if it is a major amendment, then it's tied to the entire Act review process.

01:03:40:08 - 01:04:13:12

Speaker 2

And those would need to be submitted as new packages and go through, that review process. So there's no expedited review. If there's major changes, it kind of starts that process anew. If they're minor changes, then those don't have to be approved by the secretary. Thank you. Dana. Another question from Brian. Are there any specific issues regarding wind solar resources project funding that the elevated review is concerned about?

01:04:13:13 - 01:04:40:12

Speaker 2

Well, there's no, there's no federal funding for Hearth act. And so there's no federal funding for wind and solar that would have any connection to the Heart Act. I hope that answers the question. Yeah. Thank you. Dana. And our final question in the chat comes from Eric. Do the lease exemptions for federally chartered corporations need to be included in the tribes hurtak regulations?

01:04:40:13 - 01:04:53:08

Speaker 2

Can those same exemptions be applied to tribally chartered corporations or LLCs?

01:04:53:09 - 01:05:20:08

Speaker 2

I will say I'm not sure which lease exemptions are being mentioned, so I is this is there a further explanation or Carla, or someone else? If you understand the question, maybe you could answer that.

01:05:20:09 - 01:05:47:14

Speaker 2

Yes, Brian, if you would maybe expand your question. To help us, understand that. And I think while we're waiting for that, we'll go ahead and go to Archie's question. How does the Harris Act prioritize tribal members versus lineal descendants or essential workers in leasing decisions?

01:05:47:15 - 01:06:23:09

Speaker 2

So the Hearth act, once a tribe's Hearth act, is approved. The federal government does not have a say in those leasing decisions. So that is something that is left entirely up to the tribes. And so that's not something that we could answer because, we we don't have a role in approving leases once. If it's a hard act lease and the tribe has their Hearth Act regulations approved, then that's in the hands of the tribe.

01:06:23:10 - 01:06:42:11

Speaker 2

All right, good deal. I think we got one. A couple, chats here. From David. If the wind and solar is submitted as a separate package from other leasing, would that be an amendment?

01:06:42:13 - 01:07:18:14

Speaker 2

Is. I guess I would ask for clarification. Does that mean if there's, an already approved path act and then they're wanting wind and solar submitted, or is does that mean if they're splitting wind and solar off? From the beginning. It reads that it's probably submitted separately from the beginning. So if it, let me see. Is there something in the chat here?

01:07:19:00 - 01:07:48:12

Speaker 2

So if it's been submitted originally, it wouldn't be an amendment if they're being submitted as two separate packets. So if there is the tribal regulation that's being submitted, that's agriculture or residential, something other than renewable energy. And there's a separate packet. We review those separately. And so the, and so it would, it would have a different, it would be separate regulations essentially.

01:07:48:12 - 01:08:15:07

Speaker 2

And so those would be, the wind and solar would be treated differently. It wouldn't be treated as an amendment if there is a, if there was a Hearth act, regulations that were

previously approved that have wind and solar, and then there's an amendment and they're split off, then they would be submitted a new as two separate packets as well.

01:08:15:08 - 01:08:36:05

Speaker 2

All right. Thank you for that. Donna and David, if you want to reach out by email, with your particular, maybe it's a little specific to your situation. Feels free. Feel free to do so. We have the contacts in the chat. I'll go ahead and, but thank you, Eric, for your additional information for the section 17 corporations.

01:08:36:06 - 01:09:06:13

Speaker 2

In the chat, let me go ahead and we'll settle that question before we, I see you reframed your question to Brian. Thank you. So for Eric's original question, With Stan, you know, understanding that section 17 corporations, the leases are exempt for from review for a term not to exceed 25 years under 25 U.S.C. 477, something specific to section 17 corporations.

01:09:06:14 - 01:09:35:10

Speaker 2

And so, in light of that information, Eric's question was, do the lease exemptions for federally chartered corporations under 25 U.S.C. 477 need to be included in the transfer tax regulations? Can those same exemptions be applied for tribally chartered corporations or LLC? Maybe that question might maybe need a little bit more thought for most. I would you think I think so, I think so, yes.

01:09:35:14 - 01:09:54:03

Speaker 2

Okay. And if you wouldn't mind, Eric, sending your question. Well, we have it here as well. But if you want to follow up with us on email, with your situation, we can, it's a little, a little bit deeper than I think that we can provide right now for you. Eric, thank you so much for providing that additional information.

01:09:54:04 - 01:10:21:07

Speaker 2

And we'll go back to, Brian's reframing of the question, when a tribe describes its ability to secure funding for its SAR projects. And in her submission, what concerns are the reviewers, conducting the elevated review, looking for?

01:10:21:08 - 01:10:47:11

Speaker 2

So I think it's kind of going back to, you know, how we we described Dana, that, we had, executive order, secretarial orders that established that, the department, must, conduct an

elevated review. And, and part of those was to describe, you know, if the tribe had, any sort of funding it obtained regarding those.

01:10:47:12 - 01:11:25:12

Speaker 2

And so Brian was asking, when we're conducting our elevated review, and the tribe has described its ability, secure funding. What what are we looking for? I guess just the viability of, actually, being able to secure everything that's required for a wind and solar project. To operate, and just in alignment with those, the national energy emergency, so that is something that we don't look at.

01:11:25:12 - 01:11:56:08

Speaker 2

That is something that is at the secretarial level for, higher scrutiny. So, with regard to the specifics of that, I that's something that I cannot answer, but I know it's in alignment with that National Energy Emergency policy. Thank you for that, Dana. And then Eric, just, put in the chat, regarding the, the corporate, entities are exempt from BIA review.

01:11:56:09 - 01:12:15:00

Speaker 2

Should the tribes Herzog leasing regulations apply the same exemption and could extend the exemption to corporations, an LLC LLCs formed under the tribal law. Thank you for that, Eric. And, yeah, we'll look forward to, your email where we can dive into that a little bit deeper. But I think that concludes all the questions we have in the chat.

01:12:15:01 - 01:12:29:01

Speaker 2

Great questions everyone. Thank you. And thank you, Donna, for, for answering them on behalf of the panel. I'll go ahead and turn it over. Back to Sharon to close us up. Thank you all.

01:12:29:02 - 01:12:57:10

Speaker 1

Thank you everyone. Awesome questions. Yeah, we appreciate it. Please, please use the link that has been provided to you, to revisit the website at any time that you, you you have to do that. All the information covered today was provided, in the link and are available on the public website for heartfelt thank you so much.

01:12:57:11 - 01:13:07:11

Speaker 1

Again, if you have questions, the provided information for contacts was put in the chat. Please go ahead and email us your questions. Thank you for attending and have a great day.