



An Overview of Tribal Energy Resource Agreement (TERA) Regulations

U.S. Department of the Interior
Office of Indian Energy and Economic Development

An Overview of Tribal Energy Resource Agreement (TERA) Regulations

**U.S. Department of the Interior
Office of Indian Energy and Economic Development**

April 29, 2008
Denver, Colorado

What is the Purpose of this Public Meeting?

- Inform the public about the authority for and purpose of the TERAs
- Inform the public about the structure and content of the TERA regulations
- Review different processes set forth in the regulations
- Answer public questions and provide avenues for follow-up

What is the Governing Authority for TERAs?

- The Indian Tribal Energy Development and Self-Determination Act of 2005
 - ☞ Public Law 109-58, 119 Stat. 763, 25 U.S.C. 3501-3504
- Final regulation published 3/10/2008 (73 FR 12808)
 - ☞ Became effective 4/9/2008
 - ☞ Found at 25 CFR Part 224

3

What is a TERA?

- An agreement between a Federally recognized Indian tribe and the Secretary of the U.S. Department of the Interior
- A transfer of authority
 - ☞ Gives a tribe discretion to enter leases and business agreements and grant rights-of-way without the Secretary's further review and approval
- Governs – leases, business agreements, and rights-of-way related to energy resource development on tribal land

4

What is the Purpose of a TERA?

- To provide enhanced self-determination and economic development opportunities for tribes by
 - ☞ Promoting tribal oversight and management of **energy resource** development on tribal land
 - ☞ Providing Indian tribes an alternative to the Indian Mineral Development Act and the Indian Mineral Leasing Act

5

Definition of “Energy Resources”

- Both renewable and nonrenewable energy sources, including, but not limited to, natural gas, oil, uranium, coal, nuclear, wind, solar, geothermal, biomass, and hydrologic resources

6

Tribal Flexibility Under a TERA

- Energy resource development includes renewable and non-renewable resources
- May include all or part of tribe's land that is held in trust or restricted from alienation
- May also assume related administrative and regulatory activities
- TERA can be amended to assume additional activities or to reduce the scope of the TERA

7

Tribal Flexibility Under a TERA

- May include existing leases, business agreements, and rights-of-way that fall within the scope of the TERA
- May partner with private industry or other tribes through a tribal energy resource development organization in which the tribe is a member
- May voluntarily rescind a TERA, returning to the Secretary all authority and activities assumed under a TERA

8

