



2023 Midyear Convention Worley, Idaho

RESOLUTION #2023 – 25

“Support for Energy Provisions in Federal Legislation”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, tribes, tribal businesses, and tribal members must have access to reasonably priced and reliable sources of energy; and

WHEREAS, tribal control of energy generation, transmission, delivery, administration, and cost is critical to tribal sovereignty, including public safety, economic development and security, environmental protection, natural resources development, employment opportunities, and the general welfare of Indian tribes; and

WHEREAS, the Congress of the United States is considering legislation that can benefit tribal energy sovereignty, such as the “Unlocking Native Lands and Opportunities for Commerce and Key Economic Developments Act” (UNLOCKED) Act and the 2023 reauthorization of the “Farm Bill,” which provides support for the United States Department of Agriculture, including its energy programs and initiatives carried out through its Rural Development Agency; and

WHEREAS, The Native Farm Bill Coalition has published “Gaining Ground A Report on the 2018 Farm Bill Successes for Indian Country and Opportunities for 2023” (Native Farm Bill Coalition Report) which describes legislative changes for Indian Country in the Energy Title for the Farm Bill; and

WHEREAS, the Long-Term Leasing Act currently impedes tribal energy development by limiting the lease term of secretarially approved tribal leases to 50 total years (including renewals), which is insufficient to meet developer and lender requirements for longer-term leasing security on larger projects, and the UNLOCKED Act would resolve this issue by authorizing lease terms of up to 99 years with secretarial approval; and

WHEREAS, the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act removed administrative barriers to tribal energy development by affirming tribal authority to issue leases pursuant to tribal regulations without additional federal approval for up to 75 total years (including renewals), but the statute is silent as to associated rights-of-way, and the UNLOCKED Act would clarify that Tribes have the authority to issue rights-of-ways pursuant to tribal regulations without additional federal approval, consistent with the standards of the HEARTH Act; and

WHEREAS, additional technical fixes are needed to fully unlock tribal energy development, including clarification that federally chartered Section 17 Corporations and Native American Community Development Financial Institutions (CDFIs) are eligible on the same footing as tribally chartered corporations to be certified as Tribal Energy Development Organizations (TEDO) authorized to enter into leases or business agreements with tribes under 25 U.S.C. 3504(a)(2) and rights-of-way with tribes under 25 U.S.C. 3504(b)(2)(B) without the need for additional secretarial approval; and

WHEREAS, many tribes need support to develop tribal energy codes, and Section 50131 of the Inflation Reduction Act (IRA) appropriates \$1 billion to states and local governments to support adoption and implementation of the latest model energy codes, zero energy building codes, and other codes and standards that achieve equivalent or greater energy savings, but the IRA does not expressly extend that funding opportunity to Indian tribes or provide for equitable parallel funding; and

WHEREAS, even where tribes are expressly eligible for federal energy programs and funding, many tribes lack the internal staff, technical capacity, planning capabilities, and matching funds needed to successfully compete and participate; and

WHEREAS, many tribes need the flexibility to combine funding from multiple federal sources to cover the full costs of tribal energy projects, and several federal grants, loans, and other funding sources are subject to restrictions that limit tribes’ ability to combine such funds, even where there is no overlap, duplication, or overbuild; now

THEREFORE, BE IT RESOLVED, that ATNI supports passage of the UNLOCKED Act; and

BE IT FURTHER RESOLVED, ATNI supports additional provisions to be included in the UNLOCKED Act as follows:

- a) Affirming tribal authority to issue leases of up to 99 years under the Helping Expedite and Advance Responsible Tribal Homeownership Act; and

- b) Clarifying that Section 17 Corporations and Native American Community Development Financial Institutions (CDFIs) are eligible to be certified as Tribal Energy Development Organizations; and
- c) Clarifying that funding under Section 50131 of the Inflation Reduction Act can be issued to tribes for tribal energy codes, and that at least 5% should be set aside for tribal energy codes, including building codes and other types of energy codes; and


BE IT FURTHER RESOLVED, that ATNI supports amendments in the 2023 Farm Bill which would:

- a) Provide a non-competitive grant of at least \$50,000 to each federally recognized tribe for energy planning and staffing with a simple application to help build internal tribal energy capacity and alleviate constraints on tribal energy grant planning and access to grant funding; and
- b) Allow tribes to combine funding from multiple federal sources to cover project costs, provided that such combined funding does not exceed 100% of the project's cost; and
- c) Eliminate cost shares and match requirement for tribal energy grants; and
- d) Create a navigator program at the United States Department of Agriculture to assist tribes with identifying funding opportunities, preparing applications, and administering grant funding in compliance with program requirements; and
- e) Support the "Opportunities for Indian Country in the Energy Title" as identified in the Native Farm Bill Coalition Report, including:
 - a. Establish Tribal Bio-based Energy Grants to stimulate energy infrastructure and economic development in tribal communities;
 - b. Assure development of Solar Energy Grant Programs to increase tribal access to solar power grants;
 - c. Create a Tribal set-aside in the Rural Energy for America Program (REAP) of 10% of authorized and appropriated funds to be utilized by Tribal governments, tribal entities, allottees and individual tribal members while waiving match requirements for socially disadvantaged tribal members;
 - d. Ensure Tribal eligibility in Energy Authorities such as ensuring Tribal and Federal Corporations are eligible for Rural Development programs; and

BE IT FINALLY RESOLVED, that ATNI supports for advancement to the National Congress of American Indians this support of federal energy legislative provisions and directs that this fully approved Resolution be forwarded to our Congressional Delegation and the U.S. Senate Committee on Indian Affairs.

CERTIFICATION

The foregoing resolution was adopted at the 2023 Midyear Convention of the Affiliated Tribes of Northwest Indians, Coeur d'Alene Casino Resort – Hotel, Worley, Idaho on May 8 -11, 2023, with a quorum approving.


Leonard Forsman, President


Norma Jean Louie, Secretary