

***Council of Energy Resource Tribes***  
***Cooperative Agreement No. DE-FC26-99FT40600***

***Building Tribal Capabilities in Energy  
and Environmental Management***

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***Quarterly Report for the Period Ending December 1999***

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# *Building Tribal Capabilities in Energy and Environmental Management*

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## *Planned EM-Related Objectives:*

- *Assist the Office of Environmental  
Management (EM-22)*
- *Environmental Management Intern*
- *Video Documentation of Historic  
Impacts of the Nuclear Complex on  
Indian Tribes*

### *Three objectives of the EM component --*

#### **Assist the Office of Environmental Management**

The following activities were completed by the end of the quarter:

1. The CERT Executive Director invited a cross section of CERT member Tribes to participate in the project. By the end of the quarter, three Tribes had the invitation under active consideration, four Tribes expressed interest but wanted to see the detailed workplan prior to making a final decision and one Tribe, the Navajo Nation has accepted the invitation.
2. The CERT Board of Directors Executive Committee has endorsed two significant environmental policy priorities for consideration in the project. First, how does the federal Indian trust responsibility to land and natural resources as well as for the health, safety and political integrity of Indian Tribes affect the federal responsibility for facility cleanup and other statutory mandates under federal environmental statutes? And second, What are the protocols of government-to-government relations within a federal system of shared sovereignty and shared governmental responsibilities? And the corollaries to that question, What is the federal obligation for consultation with Tribes and how is that different and similar to consultation with states? And, What is the federal obligation to work cooperatively with Tribes and states in recognition of the three sovereigns of the American federal system?
3. The CERT consulted with political leaders and environmental staff of member and non-member Tribes. This consultation centered on three environmental policy priorities: issues concerning the intergovernmental interface between states, Tribes and federal government agencies and programs; Issues with the cleanup of federal facilities and activities that have damaged Tribal environmental resources; and issues concerning the DOE cleanup of federal facilities used in the production of nuclear weapons.

It was expected that a workplan for this project would have been completed by the end of the quarter inasmuch as DOE EM-22, CERT and a number of Tribal representatives had scheduled a working session for the week of December 6, 1999, in Denver. The specific purpose was to finalize a definitive workplan with input from the stakeholders as the outcome of the meeting. A conflict in scheduling arose with the EM-22 representative and so the meeting was delayed. A meeting between the CERT Executive Director and EM-22 took place on January 10, 2000, in Washington, DC (which, of course, is after the close of the reporting period). Participating in the dialogue with CERT and EM-22 was Merv Tano, Project Advisor, but missing from the dialogue were Tribal spokespersons. The workplan will be submitted by the first week in April for comment, revision and approval of EM-22.

There is a great deal of ambiguity among Tribal representatives concerning the project. The ambiguity centers on the level of trust and confidence that Tribes have of using this kind of Tribal input in meaningful ways. The most common response is. Why make the effort when we experience institutional inertia? The next common

response, Why try? When we finally educate a federal official they are replaced and we have to start all over again. The CERT response is that intergovernmental relations that center on policy issues are the dynamic of American governance. It requires constant effort at communication and in policy issues dialogue to make the American system of shared governance between Tribes, states and the federal government work.

### **Environmental Management Intern**

Jessica Alcorn, a graduate of Brigham Young University with a Bachelor of Arts degree in Political Science, was recommended by CERT and was approved by Albert Petrasek to fill the Environmental Management Intern position available at EM-22. Jessica reported for work in mid-November and seems to have had a busy schedule from the start. Her monthly project report (see Attachment A of the section) and travel report (see Attachment B of this section) are attached.

### **Video Documentation of Historic Impacts of the Nuclear Complex on Indian Tribes**

The video documentation of the historic impacts of the nuclear complex on one small Tribe was not completed during last year's program work. Thus, a determination was made to extend the agreement with the video contractor, Film Odyssey, so that this objective could be accomplished.

The Film Odyssey project was to be completed in January. Such was not the case; the video contractor found that information contained in the product was not accurate and changes needed to be made. This error increased the cost. DOE and CERT have agreed that CERT will pay the additional amount.

When the film is finished DOE will provide CERT with documentation of its satisfactory completion so that final payment can be made.

# Memo

To: Sharyn Bucanan

From: Jessica Alcorn

Date: December 30, 1999

Re: Monthly Project Report

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The memo will give a brief description of activities and projects that I am working on at the Department of Energy, Headquarters. It will cover from my beginning date, November 15, 1999, through December 30, 1999.

The majority of my time spent at Headquarters has been interrupted from holiday leave and travel time. However, there are some projects that I have begun to work on.

## Week 1—November 15-19

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This was my first week at Department of Headquarters. I spent most of my time meeting new people in the office, reading background materials on projects that Environmental Management (EM) is currently working on, and understanding what exactly the role of EM is in federal facility cleanup. Mr. Petrasek, who is my immediate supervisor, was out of the office for most of the week. During the time that he was gone I continued my environmental justice research and finished reading files that Mr. Petrasek had assigned to me. I did attend an important meeting my first day. It was held with several people from DOE, EPA, and Representative Kleinbold's office. This meeting was held to discuss the possibility of holding an Indian Environmental Justice conference. I was called to give a brief presentation because of my work that I have done in this area. It was decided that a major part of my internship would be devoted to making this conference happen.

## Week 2—November 22-26

This week was spent working with LaWanda on preparations for the upcoming conference. LaWanda and I met to set out goals and plans for developing CERT's tribal environmental restoration advisory board at the upcoming IIRM conference. Because we were also working with Merv Tano on this project, we had a lot of questions that were unanswered due to Mr. Tano's absence. This led to me spending time developing fax announcement for the workshop and tracking down a phone for possible participants. Mr. Petrasek also had me working on finding a male, Native American narrator, living in DC to narrate a video that EM is supporting. After many phone calls, I did have a list of possibilities, but the producer found a way to use a tribal member instead. I do not believe that it was wasted effort because I developed a future list of contacts that may be needed. I spent part of my time working on finishing a travel report from the Technical Information Exchange workshop that I attended. In regards to the Environmental Justice conference, I wrote a Memo to all interested parties working on this issues that outlined the basic issues Indian tribes have with current environmental justice policy, in particular, DOE's policy and gave recommendations.

## Week 3—November 29-December 3

I was on travel this week. Please refer to my travel report for details.

**Week 4—December 6-10**

I was on travel, please refer to my travel report for details.

**Week 5—December 13-17**

I was on travel this week until the 17<sup>th</sup> when I returned to the office. On the 17<sup>th</sup> I attended an Interagency Environmental Justice Task force meetings. This is a monthly meeting where environmental justice administrators meet to share ideas and develop plans for future projects that may require a combined effort.

**Week 6—December 20-24**

I worked on my travel reports and played catch-up with correspondence that piled up while I was away. Most people were out of the office due the holidays, so there were no meetings.

**Week 7—December 27-31**

Finished up all travel reports. I also reviewed and made comments on ~~the~~ "A Guide for DOE Employees and Contractors for Working with Tribes and Nations." This guide is almost finished, but as always, there are concerns about little details, which are being worked out.

# Memo

TO: Brandt Petrasek

CC: Martha Crosland, Melinda Downing, Catherine Volk, Margaret Hernandez, David Lester, Glenda Archuleta, Sharyn Bucanan

From: Jessica Alcorn

Date: December 30, 1999

Re: Travel Report: CERT Board Meeting, IIRM Workshop and Facilitation Training

This Memo will give a brief, detailed report of meetings and training that I attended while on travel from November 29-December 17, 1999.

**Council of Energy Resource Tribes 1999 Fall Conference—"Launching the Vision: a Journey to Tribal Energy Sufficiency."** (Nov. 30-December 2, Denver, CO)

- Federal Hydropower Allocations: Accessing electricity as a preference customer.
- Oil and Gas Resource Management: Value optimization of oil and natural gas production.
- Restructured Energy Marketplace: Impacts and opportunities of Tribal participation in a competitive energy industry.
- Energy Legislation and Policy: Tribal utility ordinances and resolutions. Taxation status in a competitive market.

**International Institute for Indigenous Resource Management—"Environmental Technology and Federal Facilities Cleanup in Indian Country."** (December 8-9, Denver, CO)

- The Tribal Decision-Makers Evaluative Framework for Assessing Environmental Technologies
- Case Studies of Tribal Experience in Environmental Technology Development and Application—Pine Ridge and Nez Perce.
- Environmental Justice implications of environmental technology decision-making.
- Tools for Evaluating Environmental Management Technologies
- Tribal and Indian Businesses: Ready, Willing and Able Partners.
- Opportunities for tribal involvement in environmental technology activities.
- The DOE Center for Risk Excellence Tribal College Initiative
- Remote Sensing Technologies for Site Characterization and Monitoring.

**The Alire Group Facilitation Services—"Facilitation training Intensive for Tribal Managers: Build Your Facilitation Mastery."** (December 14-16, Las Vegas, NV)

This course gave basic instruction for facilitation techniques in the following areas:

- Lead effective conversations with a small group.
- Facilitate effective workshops.
- Adapt workshops to a variety of settings.

- Short-term action planning.
  - Issue analysis using several different tools.
  - Plan and effectively track a project effort.
  - Hold quick, effective staff meetings.
  - Implement follow-through on plans.
  - Facilitate a group study.
  - Pull together a group's ideas to write a proposal.
  - Analyze and evaluate a project.
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## COUNCIL OF ENERGY RESOURCE TRIBES FALL CONFERENCE—"LAUNCHING THE VISION"

The Council of Energy Resource Tribes focused their fall conference to launching a new program, Red Earth. Red Earth will be a corporation separate of CERT, but will function similar fashion as a corporation with tribes owning Red Earth in a manner similar to shareholder, and acting as a board of directors to CERT. Red Earth will be a business that will focus on the development of tribal energy, mainly utilities, for sale both on and off the reservation. Red Earth will help tribes take advantage of new deregulation in the power industry. This deregulation allows tribes to buy preferential allocations from Western Area Power Administration (WAPA). The tribes could develop their own utilities and sell power to tribal residents and off reservation consumers. However, before this vision can be realized, there are several issues which tribes must address. CERT's workshop aimed to identify problems and issues that tribes will have to address before taking advantage of WAPA allocations.

There were six basic issues covered in the workshops:

- Education, Development of Human Resources
- Exercising Sovereignty
- Tribal Planning
- Tribal Strategy Planning
- Technology Development
- Communication

### Education—Human Development

Tribes have been struggling with the need to develop and expand the human resource since the arrival of complex technology. While there has been a significant progress in this area, there is still a huge need for education opportunities and skills training at all levels on reservations. The participants identified some key issues in regards to education besides the need for more internship opportunities and technical training. It was recognized that general education on the community level is necessary so that the young and the elders are aware of the opportunities and need for tribes to develop their energy resources. There was an idea of making databases more accessible and user friendly to all tribal members. This makes it easier for tribal planner to find necessary information. Also, tribal colleges have to move beyond junior college status and start specializing in courses that are particular to tribes.

### Sovereignty

Tribes have always been sovereign, but some tribes are not consistently exercising their sovereignty. The workshop participants identified several methods for strengthening tribal sovereignty rights. Several participants agreed that legislation passed by Congress should

include tribes as sovereign nations. As tribes develop their own utilities, it will become necessary for tribes to develop laws and codes to regulate the utilities. The tribes may also have to levy taxes to help pay for development and maintenance for the utility. Many tribal leaders expressed concern about current laws and policies that the tribe may have in place, or may not have enacted, which makes reservation unfriendly to business development. Tribes have the power to make reservation advantageous for business development.

### **Tribal Strategy Planning**

Tribes must be proactive to make business adventures work. It was identified that many tribes lack a comprehensive business plan that is accepted by the community. Tribal leadership is shifty in that there is a constant change in leadership and personnel. Each administration has different goals, which makes it difficult to achieve continuity. Tribes must also start entering the networking game. The tribal influence in the power industry is small and many private businesses are unfamiliar with Indian tribes. Tribes that are considering developing utilities need to start networking with private companies, future suppliers, and other tribes to be successful. There was a suggestion by some participants for tribes to establish a tribal bank that is operated by a separate regulatory commission apart from direct tribal council control.

### **Technology Development**

The key for tribes to successfully develop a utility company is technology development. Tribes cannot stand by and allow other companies to come and do all the work. Not only does the tribe lose jobs to non-tribal members, but they have also lost all capacity-building opportunities. Technology development should be diverse to include resources, generation, transmission and distribution. While many tribes have access to resources such as natural gas, coal and oil, it is also important that tribes start developing technologies for renewable energy sources. Tribes should not only ask for federal help, such as DOE, but to insist upon it.

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## **ENVIRONMENTAL TECHNOLOGY AND FEDERAL FACILITIES CLEANUP IN INDIAN COUNTRY**

### **General Assessment**

This workshop was very beneficial for anyone working in the environmental fields, especially for tribal council members and staff, because the workshop focused on issues that are particular to tribes. The scope of the workshop was to provide general information on the wide range of impacts and opportunities for tribes in the development and implementation of environmental technologies. The workshop set out to answer the following three questions:

- Why should Indian tribes participate in environmental technology decisions?
- How should Indian tribes participate in environmental technology decisions?
- What should federal agencies be doing to help Indian tribes participate in environmental technology?

The workshop format made use of the resource from the participants' combined experience and expertise to identify tribal interest in environmental technologies and develop strategies for protecting and enhancing tribal interests affected by environmental technologies decision-making. The results from the facilitated discussion will be made available shortly.

My overall opinion of this workshop is excellent and I would recommend any DOE personnel to attend this training, especially those working with tribes or within Office of Science and

Technology. The sponsors provided a staff of high-caliber presenters, who have a lifetime of experience in this field. One can always tell if a workshop is successful by the participation from the audience. Although the presentations were long and very intense, the participants remain attentive and the discussions which ensued after the presentation were dynamite. My only regret is that there was no record that dialogue, but I believe the final report will be indicative of those discussions.

### The Tribal Decision-Makers Evaluative Framework for Assessing Environmental Technologies

The United States has spent billions of dollars cleaning up contaminated federal facilities sites, many of which are on or near Indian lands. The nature and severity of the contamination in many of these sites, remediation and monitoring will be necessary for many decades to come. In the past, tribes have not been taken advantage of the economical, education, and capacity building opportunities that are available through environmental technology development during federal facility cleanup projects. There are several overlaying factors for the lack of participation from tribes, however, this element is not discussed in detail. The focus of this session is to provide very basic information on the opportunities to tribes through participation in environmental technology development. It also provides information as to considerations that tribal decision-makers should reflect upon.

- *Environmental remediation does not necessarily mean clean.*
  - Residual Hazards—Cleanup may reduce risks, but contaminant concentrations may remain at levels preventing unrestricted land-use.
  - Agencies may not have the technology to clean or “disarm” the contaminant from the site due to the contaminates' molecular nature (i.e. radionuclides, arsenic) or the location of the contaminant (i.e. Hanford tanks) where removing the contaminant would be catastrophic with current technologies.
  - Some current environmental technologies are too expensive to be used during environmental restoration projects.
- *How should Indian tribes participate in environmental technology decisions for federal facilities cleanup?*
  - Tribes must first become educated before being able to identify tribal issues during the environmental technology decision-making process.
  - Tribes should request information from federal agencies and private entities to answer a list of questions in the following categories:
 

• Recycling	• Sovereignty
• Environmental Impacts	• Health and Safety
• Building Tribal Ties and Ties to Federal Agencies	• Economic Opportunities
• Capacity Building	• Equity
• Education Programs	
- *What should federal agencies be doing to help Indian tribes participate in environmental technology decisions?*
  - Federal agencies have legal and moral obligation to tribes. One of these obligations includes providing information to help tribes identify tribal concerns.
  - “Federal agencies.... are a source of massive amounts of newsletters, technical reports and other information on environmental technologies. However, the federal agencies should realize that providing information without putting

that information into the tribal context *is not communication* nor it is *education*."

- DOE Office of Science and Technology and other federal agencies could enhance tribal participation in environmental remediation through efforts in the following areas:

- Enhancing tribal participation in the development of environmental remediation technologies.
- Application of federal environmental remediation technologies to environmental problems in Indian country.
- Establish and operate a tribal technology development internship to train tribal personnel in the policy and scientific aspects of developing and installing new technologies.<sup>1</sup>

### Case Studies of Tribal Experience in Environmental Technology Development and Application—Pine Ridge and Nez Perce

There are success stories to be shared from tribes participating in technology development in environmental restoration projects on tribal lands. The Oglala Sioux Tribe and Nez Perce Tribe are two examples of tribes successfully using remediation projects to expand the tribes' technical capacity levels.

#### Pine Ridge

The Oglala Sioux Tribe has a bombing range located within tribal lands. "In 1942 the U.S. Department of War acquired 341,725.61 acres of the Oglala Sioux Tribe's Pine Ridge Reservation in South Dakota for use as an aerial gunnery and bombing range. An estimated 125 families were ordered to abandon their farms and ranches to accommodate the war effort" (BBRP, 1). From 1963-1975 there were attempts to clear the bombing range from weapons debris and unexploded ordnance. Even with these cleanup efforts, the Bombing range site remained restricted for civilian use. In 1993 the Tribe formed the Badlands Bombing Range Task Force. The goals of this task force is to reduce existing and future threats to public health, welfare and the environment posed by the release of toxic substances and/or remaining unexploded ordnance from DoD past activities. As the Tribe's need increases for more housing and land-use availability, the Task Force's goal to cleanup the bombing range is exemplified. The Task Force created many opportunities for the Tribes through this remediation, thus, is not only achieving the Task Force's goals, but has also created economic opportunities for tribal members, and also has utilized some of the most advanced technology available to the U.S. Armed Forces.

The Task Force began with a grant from ANA to establish public involvement from the Tribe, however, within four years the Task Force negotiated a cooperative agreement with DoD to increase the Tribe's participation during the site's remediation and technical capacity. They have used this agreement to negotiate very powerful contracts with UXO contractors to provide training for tribal members and employment for UXO training. The training will join and small elite group of individuals who are certified for various restoration projects and UXO cleanups. The agreement also provides funds for internships, education and training for tribal members. This is very important for future cleanup work and long-term monitoring that will be required.

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<sup>1</sup> A detailed list of possible activities to achieve these goals is available in workshop materials.

### Nez Perce

The Nez Perce Tribe is another nation that has created very strategic opportunities for the tribe through the cleanup process of Department of Energy's Hanford Reservation site. The Tribe created an environmental restoration and waste management (ERWM) department within the tribe's natural resource department. The cooperative agreement provided grant funds to increase the capacity level of tribal employees and the tribe's ERWM department. The following is a list of examples for technology development and application:

- Two national independent peer reviews of technology demonstrated at Hanford (Sonic Drilling and In-situ Redox)
- Native revegetation at Hanford (old EMSL site, North Slope, HAMMER Interpretive Trail)
- Piloting and Demonstration of Biodiesel
- Two national tribal forums on plutonium
- Tribal risk assessment and management (4 forums/roundtables)

The tribe is continually working with DOE and Hanford contractors on the development and application of new environmental technologies.

### THE ALAIRE GROUP FACILITATION SERVICES—"FACILITATION TRAINING INTENSIVE FOR TRIBAL MANAGERS: BUILD YOUR FACILITATION MASTERY"

The Alaire group training is comprehensive and, more importantly, useful for anyone who has to present, write proposals, or conduct a small group discussion. This workshop taught facilitation theory and simple methods that can be easily modified to achieve the desired discussion. One of these methods is called ORID. It is used to help facilitate small group discussion. ORID stands for Objective, Reflective, Interpretive, and Decisional. It is a questioning method that helps the facilitator ask the type of questions to the group that will produce more insightful answers. The training also included a list of questions for inexperienced facilitators.

The training also taught how to facilitate a workshop. The Alaire group has perfected a method that is very successful when working with tribes. It breaks the discussion down into manageable questioning sessions that allow groups to naturally progress from brainstorming to strategizing. More importantly, the training taught the theory behind this method, which is to form new conceptual relationships. Once a facilitator understands this theory, it is easier to tailor the facilitation method to fit time constraints and size of the group to achieve this goal. The most important element for a successful facilitation session is flexibility. Workshops and speakers do not always go in the direction that is planned, and the facilitator must be able to meet the demand and still gather the necessary data.

# *Tribal Access to Federal Hydropower (Phase II)*

## *Planned activities:*

- *Analysis of options in the proposed rule-making phase*
- *Research and dissemination effort: status of Indian tribes with respect to federal & state regulatory authority*
- *Conferences with workshops regarding the issues of law & policy and the “how-to” of reserving a federal hydropower allocation*

*Council of Energy Resource Tribes dissemination efforts in submitting the Applicant Profile Data Sheet, the first stage of the SLCA/IP Hydropower Allocations*

**Analysis of options in proposed rule-making phase**

As on occasion happens when submitting a proposal for funding, the planned activity described in the project is no longer appropriate for the period of time identified. With the beginning of the funding year in September 1999, the proposed rule-making phase had already been completed with its accompanying public comment period over for many months. Thus, there was no practical value or interest any longer in an analysis of the options for the Tribes with the pros and cons of those options. As such, CERT respectfully requests that it not be held accountable for the deliverables related to this planned activity.

**Status of Indian tribes with respect to regulatory authority**

The law and policy research and the subsequent dissemination effort in regard to the status of Indian Tribes with respect to federal and state regulatory authority has not yet been addressed. The work will be addressed in the remaining three quarters of this program year.

**Conferences regarding law & policy and federal hydropower allocation**

A Shared Mission

The Western Area Power Administration (Western) proposed hydropower allocations in the SLCA/IP Region present an exceptional opportunity for the fifty-six Tribes eligible in the region to receive environmentally sound, low-cost energy. However, the hydropower allocations are the seed of a greater opportunity—the long-term development of the Tribes' energy future. In order to receive the allocations beginning 2004, Tribes must meet certain deadlines, the first of which is the submittal of the Applicant Profile Data (APD) sheet due early this coming summer. The CERT and Western goal is for 100% of the eligible Tribes to actively participate throughout the allocation process so that no Tribe is prevented from accessing the hydropower for lack of submittal of the APD sheet.

Laying the Groundwork

Western, a federal power-marketing agency of the Department of Energy (DOE), is seeking to allocate power resources to preference customers for the period October 1, 2004, through September 30, 2024. Western expects the amount of power will be sufficient to allocate supply for up to 12.5 percent of the current load for eligible preference applicants and for 65 percent of the current load for eligible Native American applicants. Western issued a Notice of Allocation Procedures and a Call for Applications in September of 1999, and conducted a series of public information meetings to discuss the procedures with interested parties. In effect, these

informational meetings became the launch platform for Western to implement their allocation program.

At that time, the Council of Energy Resource Tribes (which consists of fifty-one Indian Nations) was directed by its member Tribes, as well as was requested by Tribes eligible for the Western power allocations, to provide assistance in complying with the procedures set forth by Western. CERT agreed to work on the Tribes' behalf with Western in order to develop an approach for the Tribes to receive their power allocations. Subsequently, CERT met with Western officials at Western headquarters in Lakewood, CO, to assess the status of the allocation process and to address issues raised by the Tribes. Over the course of several meetings that stretched out over more than a few weeks, CERT worked to improve the level of both communication and understanding between the Tribes and Western (see Attachment A). As a result, CERT has undertaken and continues to develop work plans, workshops, technical load profiles, and to devise strategies for the eventual receipt of power by Tribes qualified to receive Western power allocations.

Throughout the allocation process, CERT has been working cooperatively with the Inter-Tribal Energy Network (ITEN) which was formed through CERT's leadership. CERT has worked cooperatively with All Indian Pueblo Council and Inter Tribal Council of Arizona, who are part of ITEN. Additionally, ITEN member Mni Sose Water Rights Coalition, who has prior experience in working with Western on hydropower allocations to Tribes, has proven to be a valuable resource. CERT will continue to work with ITEN, inclusive of the Affiliated Tribes of Northwest Indians and the Southern California Tribal Chairman's Association, to assure that Tribal nations eligible for hydropower allocations will have a framework of consistency from which to work and will have access to technical assistance that may have otherwise been unavailable to them.

#### Dissemination of Information

In September, during the 6th through the 10th, CERT was involved with three informational meetings in which the message of hydropower allocation was shared. The first stop of CERT personnel was Ignacio, Colorado. At this site a meeting was held in response to an earlier request with the Southern Ute Tribal Council regarding the Western Area Power Administration allocation of hydropower to Indian Tribes from the Colorado River Storage Project. The Tribe was interested in how the allocation could help develop greater economic growth for the Tribe and how the Tribal operations could reduce their costs. The second stop was Albuquerque, New Mexico. Here CERT participated with WAPA in an informational meeting held at the Pueblo Culture Center. The last stop was Farmington, New Mexico, for another meeting held for the purpose of disseminating information on the hydropower allocation to Tribes. Again the presenters included CERT and WAPA.

On November 30th and December 1<sup>st</sup>, CERT sponsored its 1999 Fall Conference. The discussions focused on in facilitated workshops were identified by the following titles: *Developing Tribal Energy Enterprises* and *Building Energy Sufficiency on the Foundation of Indian Sovereignty*. During plenary sessions the subjects presented were (1) the U.S. Department of Energy Indian Energy Initiatives, (2) the DOE Commitment to Allocation of Federal Power as Foundation for Tribal Vision, and (3) Western's Partnership with Indian Tribes. Conference attendees who represented tribes numbered forty-two.

During December 1999, workshop sessions were co-presented by CERT and Western to Tribes in three different locales. The first series of workshops were held from December 6-8, 1999, at Las Vegas, NV, Albuquerque, NM, and Phoenix, AZ. The theme for the workshop was to give a general overview of how the allocation came about, eligibility criteria, and what is required to apply for the hydropower allocations (see Attachment B). The second series of workshops will be held at the same locations from January 10-12, 2000, with a more focused theme. The subjects are to be the structure, requirements, and deadline status for the APD sheet.

Twenty-three tribes (41.1% of the 56 eligible) attended the first workshop series. Although notable, this statistic signifies that the CERT and Western goal of 100% participation has not yet been achieved. Moreover, as the deadline for the APD approaches, the need for a concerted outreach to the Tribes becomes more crucial.

The gathering and dissemination of consistent information among the Tribes is not a trivial process, especially with the time frame at hand. CERT is in a position to be the conduit for dissemination of information to Tribes. CERT is also in the position to provide direct technical assistance to Tribes to complete the application process. Without such assistance, some Tribes may fail to submit energy load information to Western, which would defeat the intended purpose of the hydropower allocations and deprive those Tribes of low-cost power through 2024.

During these workshops CERT gathered the questions, issues, and concerns raised by the Tribes about the allocation process, and has engaged Western in an assessment of both its approach and policies in response.

CERT's work for its members and clients draws upon the combined talents of its key managers, advisors and technical staff. There is a core group of staff who, in addition to managing and otherwise being involved in specific project work, maintain ongoing communication with member Tribes and provide necessary continuity as Tribal elected officials and Tribal priorities change. Their substantial individual experience working with Tribes gives them a broad understanding of Tribal issues, making them an invaluable resource. They are able to look at individual or multi-Tribal projects with a holistic approach to Tribal development.

### **Program Stages for the SLCA/IP Hydropower Allocations**

The Power Allocation Procedures and Call for Applications (Federal Register Notice) identifies the major requirements and deadlines for participation in the hydropower allocations. Based on these procedures and timelines, CERT has developed a four-stage approach for the Tribes consisting of the following:

- Stage I: The Submittal of the Applicant Profile Data Sheet
- Stage II: Hydropower Contract Development
- Stage III: Developing Tribal Integrated Resource Planning Methodology
- Stage IV: Arranging for Receipt of Hydropower Allocations

## Stage I Approach (APD)

At this time, several eligible Tribes have not been fully informed of the allocation process despite CERT's and others' continuing efforts to reach them via workshops, mail, phone, fax, email, and in person. Several reasons for non-participation suggest themselves. The Tribes:

- ♦ May not have the resources to apply;
- ♦ May not have the technical resources to understand the issues;
- ♦ May have other Tribal priorities that supersede a distant future power supply.

There are undoubtedly other reasons. Nevertheless, the outcome is predictable: If a Tribe submits no APD it will receive no hydropower allocation. The specific consequences of this differ for each Tribe. However, the general impact is that Tribes will lose the opportunity to obtain the least expensive source of electric energy available in the marketplace. During the time remaining before the APD deadline this summer, CERT will continue its efforts to gain participation from all eligible Tribes and to facilitate their completion of the APD. The work is divided into the following steps:

- ♦ Continue to engage Western at the policy level to assure that Tribal interests are considered in the basic program design (this work has already resulted in the extension of the APD deadline);
- ♦ Present a second workshop series during January and a third workshop series during April (seeking to expand participation once again);
- ♦ Continue to reach out to those Tribes that are not developing an APD by other means to inform them of the opportunity and its deadlines;
- ♦ Respond to specific Tribal requests for Technical Assistance;
- ♦ Where possible, obtain energy load information for reservations from the utilities serving eligible Tribes;
- ♦ Analyze the data, prepare and file the APD.

Although the hydropower allocations have the potential to greatly benefit Tribes in the future, capturing the opportunity requires an investment of scarce resources today. For some Tribes those resources—money, time, and expertise—are simply unavailable. Despite the fact that Western has tried to make the application process as simple as possible, it is nonetheless inherently confusing to those Tribes who have not already formed their own utility company or otherwise explored their energy options.

The capability of Tribes to complete the entire allocation process ranges from high to none at all. Regardless, the potential for all Tribes to benefit from the hydropower allocation is enormous. CERT is continuing to assist the Tribes, work with other inter-Tribal organizations, and work with Western to assure the successful extension of hydropower allocations to all eligible Tribes. Failure to do so would defeat the intent of including Tribes as preference customers for Western's hydropower system.

Some Tribes will develop the APD on their own, or with the assistance of other organizations. Many of these Tribes and organizations have attended the workshops sponsored by CERT and Western to gain the knowledge of what they need to do. These Tribes either have the resources, or have access to resources, to be able to meet the APD requirements. On the other hand, out of the total of 56 eligible Tribes, six have already asked CERT to assist them in the preparation of their Applicant Profile Data sheet, and several others are considering it. For these Tribes, working with CERT is more effective than struggling with how to develop and provide the information on their own. As the June deadline approaches, CERT anticipates that additional Tribes will seek support from it in preparing their APD. Although the APD does not bind any tribe legally to anything, it is a Western requirement for the determination of each allocation. The reality is this: no APD, no allocation.

In general, the Tribes seeking support from CERT do not have the means to pay CERT for doing this work, nor the means to do it themselves. But they do recognize that they need CERT's assistance if they are to eventually realize the benefits of the hydropower. CERT plays a vital role for them. CERT has identified the resources needed to assist Tribes in this endeavor, including Tribal visits, legal assistance, utility interaction, personnel time, proper technology, and data assembly, validation, and analysis. While many Tribes will fend well for themselves, some will require the efforts of CERT to preserve their opportunity to receive inexpensive hydropower over the 20-year contract life. For those Tribes without the means to pursue the hydropower allocation on their own, CERT stands ready to provide the needed support.

Though this be the case, CERT realizes there are other resources available to assist Tribes by providing technical assistance for the APD. Through its workshops, CERT has facilitated the introduction of Tribes to these other entities by extending them invitations to attend. Additionally, CERT will continue to invite other entities, consultants, and intertribal organizations to participate in its future workshops. This is consistent with both CERT's and Western's goal of 100% Tribal participation since there is more work to do than any one organization can successfully handle.

### **Tribal Benefit**

The benefit to the Tribes from the hydropower is clear—it will reduce their cost of electricity. The specific value of the hydropower is more difficult to come by. Each of the 56 Tribes has different current circumstances that will be changed by the allocation. The annual reduction in cost for all the Tribes will range from \$7-24 million, assuming that the current average price of electricity ranges between 3 cents and 6 cents per kilowatt-hour, and that a load factor of 65% is used. On a present value basis, this annuity stream is worth between \$69-237 million to the Tribes (at an 8% discount rate).

Electric deregulation presents many opportunities to Tribal groups in addition to the hydropower allocations. There has been much discussion about electric deregulation, yet there is still a shortage of knowledge about what deregulation means to the Indian nations. This is largely due to the fact that electric deregulation has not ever occurred before and the lack of consistent information dissemination. The understanding of the energy market among the Tribes varies. Yet the power lies in the entire Tribal nations being on the same page with respect to energy.

Receipt of the Western allocations is an early step in a planned Tribal transition from electricity dependency to electricity sufficiency. For example, most Pueblos receive 100% of their electricity from the local utility company, whether investor-owned, municipal, or cooperative. By 2004, federal allocations of hydropower will provide 65% of the electric load of electricity to eligible Pueblos. As the marketplace continues to deregulate, the Tribes will have increasing opportunities for self-generation, energy efficiency measures, and direct purchases from other market suppliers. To manage this energy environment, the Pueblos will need greater sophistication of planning for both their sources and uses of energy. The federal hydropower allocations provide the opportunity for the Pueblos to greatly reduce their energy costs. This example is applicable to other tribes as well. Moreover, the hydropower allocation percentage may turn out to be 100% in the future, when energy efficiency improvements are made to homes and businesses.

## The Current Western Area Power Administration Method of Determining the Allocation of Hydropower to Tribes in the CRSP Region

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This is a summary of communication that has transpired in meetings between Western Area Power Administration (Western) and Council of Energy Resource Tribes (CERT) with regard to the method of determining the allocation of federal hydropower to the Tribes within the Colorado River Storage Project (CRSP) region.

The main component of determining the allocation by Western is the Applicant Profile Data (APD) sheet. A preliminary APD sheet has been compiled by Western and has been distributed to CERT for review and comment. It is agreed by both sides that the APD needs to be modified to suit the Tribes. This will be worked out in the near future.

However, before a Tribe attempts to fill out the APD, there are steps the Tribe must take in order to insure a complete and accurate compiling of data. During a meeting at Western in Golden, CO, on November 9, 1999, the following steps were pointed out by Burt Hawkes, Lyle Johnson, and other Western members, as being the essential elements for a Tribe to go forward with the APD:

First, the each Tribe needs to assign the responsibility of gathering the necessary information for the APD. This person(s) will serve as the point of contact for CERT and Western. The contact person's first initiative is to contact the utility(ies) which serve the reservation and discuss the situation with the hydropower allocations. Once contact points have been made at the utility by the Tribal member, load information needs to be broken up into customer segments. The segments are as follows:

- Residential
- Commercial
- Industrial
- Agricultural
- Other

### Residential

The Tribe needs to define and identify what loads are residential. Many Tribes have members who live on the outskirts of the reservation. These residences will not count towards the allocation. Many Tribes also have residences within the reservation which are inhabited or owned by non-member Indian people. Whether or not these Indian residences are to be included in the load data is to be determined by the Tribe.

Once residences have been identified, the Tribe needs to gather the electrical consumption data. There are many scenarios for gathering the information. Every

address on the reservation may be gathered and sent to the utility for data gathering or the Tribe may count the total number of residences and estimate the load data based on an average consumption by a residence. Other methods were also discussed. Nonetheless, the data must be broken up by Summer and Winter months:

- Summer: April-September
- Winter: October-March

### **Commercial**

The Tribe needs to determine and define commercial entities. Within the scope of those entities, a distinction should be made between large and small commercial loads. The definition of small and large should parallel the serving utility definition. Once that has been determined, the small commercial entity loads should be aggregated and listed as one total load on the APD. The large commercial entity loads should be entered individually on the APD.

The question of Tribal ownership of a commercial entity arose. According to Western, if the commercial entity is for-profit and partially owned by a tribal member, then the load information is to be pro-rated according to the percentage of ownership of the entity by that member.

There were, however, exceptions made for non-profit and tribal-serving entities. Such entities include schools, hospitals, churches, tribal government building, and infrastructure units (i.e., street lighting).

### **Industrial, Agricultural, and Other**

These entities follow the same definitions and constraints as that of Commercial loads.

### **APD Deadline**

Western is firm on the March 8, 2000, APD submittal deadline. They also noted any changes to the current allocation structure would have to be published in the Federal Register and be subject to public comment.

COUNCIL OF ENERGY RESOURCE TRIBES  
 IN PARTNERSHIP WITH  
 WESTERN AREA POWER ADMINISTRATION;  
 IN COOPERATION WITH  
 INTER TRIBAL COUNCIL OF ARIZONA  
 NATIONAL INTERTRIBAL ENERGY NETWORK

*TRIBAL WORKSHOP ON SLCA/IP HYDROPOWER ALLOCATION*

DECEMBER 6, 1999 – 9:00 AM – LAS VEGAS, NEVADA  
 DECEMBER 7, 1999 – 9:00 AM – ALBUQUERQUE, NEW MEXICO  
 DECEMBER 8, 1999 – 9:00 AM – PHOENIX, ARIZONA

**8:00AM - 9:00AM** .....REGISTRATION & CONTINENTAL BREAKFAST

**9:00 - 9:30**

*WELCOME AND INTRODUCTIONS* .....A. DAVID LESTER

- OPENING COMMENTS
- INTRODUCTION OF ATTENDEES
- INTRODUCTION TO TEAM (CERT & WAPA)
- HAND OUT AGENDA
- LOGISTICS OF FACILITIES

**9:30 - 9:45**

*OVERVIEW OF DEPARTMENT OF ENERGY ROLE*.....DERRICK WATCHMAN

**9:45 - 10:15**

*OVERVIEW OF WESTERN'S PROGRAM* .....BURT HAWKES

- WHO WESTERN IS
- HISTORY OF PROGRAM AND REQUIREMENTS
- WHAT BENEFITS TRIBES WILL RECEIVE
- WHY WESTERN IS DOING THIS

**10:15 – 11:00**

*FACILITATED DIALOGUE WITH TRIBES* .....GERRY VURCIAGA

**11:00 - 11:15** .....BREAK

**11:15 - 11:45**

*OVERVIEW OF CERT ROLE FOR TRIBES*.....A. DAVID LESTER

- INFORMATION
- TECHNICAL ASSISTANCE
- PROJECT MANAGEMENT
- PILOT PROGRAM

**11:45 - 12:45PM**

*INTRODUCTION OF THE REQUIREMENTS TO* .....JAN CAMPBELL  
*SUBMITTING THE APPLICANT PROFILE DATA (APD)* ..... GERRY VURCIAGA

- COMPONENTS OF THE PROFILE
- TECHNICAL ASSISTANCE
- DETERMINING THE ALLOCATION
- TRIBAL CONTACTS
- PILOT PROGRAM
- METHOD OF THE APD

**12:45 – 2:00** .....LUNCH (ON YOUR OWN)

**2:00 - 2:30**

*OUTREACH TO TRIBES* .....GERRY VURCIAGA

- TEAM MISSION
- PARTICIPANT CONTACT SHEET
- DISSEMINATION OF INFORMATION
- TRIBAL VISITS AS REQUESTED
- TECHNICAL ASSISTANCE RESOURCES
- TRIBAL COMMITMENTS

VINCE FUENTEZ

**2:30 - 2:50**

*INTRODUCTION TO SLCA/IP*

*CONTRACTUAL REQUIREMENTS* .....LYLE JOHNSON

- CONTRACT HISTORY
- CONTRACT PROVISIONS
- HOW POWER SUPPLY WORKS

**2:50 - 3:00** .....BREAK

**3:00 - 3:15** .....LYLE JOHNSON

*SCHEDULE AND WORKSHOPS*

- APD WORKSHOP .....JAN 10-12, 2000
- APD DUE DATE..... MAR 8, 2000
- REVIEW OF APD .....JUNE 2000
- CONTRACT WORKSHOP ..... FALL 2000
- ALLOCATION DETERMINATION.... NOV 2000
- DELIVERY ARRANGEMENTS ..... OCT 1, 2003
- CONTRACT SIGN DATE..... OCT 1, 2003
- POWER DELIVERY ..... OCT 1, 2004

**3:15 - 4:00**

*QUESTION AND ANSWER SESSION*

*CLOSING* .....A. DAVID LESTER

The following steps should be taken for the completion of the APD:

- 1) Designate a Tribal employee the responsibility of the completion of the APD.
- 2) Contact the utility(ies) serving the reservation and request monthly load information for Summer (April-September 1998) and Winter (October-March 1998/99) periods.
- 3) After the load information has been received by the Tribe, then break the information down by segment as follows:
  - Residential
  - Commercial
  - Industrial
  - Other
- 4) Obtain a count of the number of customers per segment.
- 5) On the APD sheet, plug in the numbers for customers, kilowatts, and kilowatt-hours per segment. If they are estimates, check the appropriate box.

**Western Area Power Administration  
Post-2004 Firm Power Resource Pool**

**APPLICANT PROFILE DATA WORKSHEET**

**INSTRUCTIONS:**

This worksheet is provided for the convenience of parties applying for an allocation from the Post-2004 Firm Power Resource Pool. This worksheet may be submitted in application, but is not required. It offers an outline and guide for gathering the information Western Area Power Administration requires to process the application and determine a resource allocation.

Questions related to completing this worksheet may be directed to the following individuals at Western.

Burt Hawkes, Power Marketing and Contracts Team Lead, (801) 524-3344  
Clayton Palmer, Resources and Environment Team Lead, (801) 524-3522  
Lyle Johnson, Public Utilities Specialist, (801) 524-5585  
David Snow, Public Utilities Specialist, (801) 524-6406  
Susan Stashyn, Public Utilities Specialist, (970) 490-7237  
Gary Stein, Public Utilities Specialist, (602) 352-2659

This information must be submitted to Western on or before March 8, 2000.

Submit the application information to:

Mr. Burt Hawkes  
Power Marketing and Contracts Team Lead  
CRSP Management Center  
Western Area Power Administration  
P.O. Box 11606  
Salt Lake City, UT 84147-0606

## APPLICANT PROFILE DATA WORKSHEET

### 1. Information about the Applicant

**Line Instructions:**

- Line 1.a. Enter the name of the applicant organization completing this Applicant Profile Data (APD).  
 Line 1.b. Enter the business address or mailing address of the applicant.  
 Line 1.c. Describe the type of organization providing the APD, for example, Utility Company, Native American Tribe or Pueblo, etc.)  
 Line 1.d. Describe the business purposes of and the geographic area served by the organization.  
 Line 1.e. Indicate whether the applicant owns and operates its own electrical distribution system.  
 Line 1.f. Indicate whether the applicant is recognized as a Native American Tribe as defined in the Indian Self Determination Act of 1975.  
 Line 1.g. Indicate the state or federal statute under which the applicant is organized and/or operates.

<b>a. Organization Name</b>	Big Bend Tribe		
<b>b. Business Address</b>	1372 Tribal Drive		
	Big Bend, Arizona 85117		
<b>c. Organization Type (Native American Tribe or Utility)</b>	Big Bend Tribe, Native American Tribe		
<b>d. Description of Organization, including general geographic location</b>	Located in Southeastern Arizona, covering 70,000 acres, encompassing 1,000 tribal members who live on the reservation. There are no Non-Native Americans living on the reservation. The primary goal of the Tribe is to serve the People.		
<b>e. Does the applicant own and operate its own electric utility system?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<b>f. Is the applicant an Indian Tribe as defined in the Indian Self Determination Act of 1975 (25 U.S.C. 450b), or an organization of an Indian Tribe?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
<b>g. Organizing Statute or Authority</b>			

### 2. Contact/Representative Information

**Line Instructions:**

- Line 2.a. Enter the name of the individual Western can contact regarding this APD.  
 Line 2.b. Enter the contact person's title.  
 Line 2.c. Enter the contact person's business or mailing address.  
 Line 2.d. Enter the contact person's telephone number.  
 Line 2.e. Enter the contact person's fax number, if available.  
 Line 2.f. Enter the contact person's email address, if available.

<b>a. Name</b>	Will Sampson and Jim Phillips		
<b>b. Title</b>	Tribal President and Tribal Planner		
<b>c. Address</b>	1372 Tribal Drive		
	Big Bend, Arizona 85117		
<b>d. Telephone</b>	(602) 123-4567	<b>e. FAX</b>	(602) 123-7777
<b>f. Email</b>	apd@bigbend.com		

## Customer and Load Information Tables

In each of the following tables, specify the monthly demand and energy use information for the type of customer indicated (residential, commercial, industrial, agricultural, etc.). Data aggregated by load type are acceptable.

The following tables may be duplicated as necessary.

If you have additional information about your loads that may be useful to Western in determining your allocation, please attach additional pages as necessary.

***Additional Instruction for Native American Applicants Only:*** Industrial and commercial customers should be entities located on reservation land and owned and/or operated by the tribal organization or its members. If actual demand data are not available, estimates are acceptable. Where estimated data are used, please check the box provided on each table, and describe the methods and basis for the estimate in the notes section. Attach an additional sheet if more space is required.

**Table 1: Residential Load Data**

Sheet \_\_\_\_ of \_\_\_\_

The residential sector is defined as private household establishments which consume energy primarily for space heating, water heating; air conditioning, lighting, refrigeration, cooking, and clothes drying. The classification of an individual consumer's account, where the use is both residential and commercial, is based on principal use.

**Line Instructions:**

- Line 1. Please indicate the number of residential customers included in the space provided.  
 Line 2. Provide the Summer Season (April - September) 1998 Capacity and Energy numbers in the spaces provided. If estimated data are used, please indicate by checking the box. Please describe the methodology used in collecting and estimating the data in the notes section.  
 Line 3. Provide the Winter Season (October 1998 - March 1999) Capacity and Energy numbers in the spaces provided. If estimated used, please indicate by checking the box. Please describe the methodology used in collecting and estimating the data in the notes section.  
 Notes: Please use this space to provide information about the methods used to gather and provide estimated data, and any additional information about this load or customer type that may be useful to Western in determining your allocation. Attach additional sheets if more space is required.

If you include additional pages of this table when submitting this worksheet, please indicate the page number and total number of pages for this table in the space provided above.

		Summer 1998			Winter 1998-99		
Customer Type:	RESIDENTIAL		Capacity (Maximum kW)	Energy (Maximum kWh)		Capacity (Maximum kW)	Energy (Maximum kWh)
Number of Customers:	1,049	April	2,223.8	1,098,649	October	2,346.9	1,104,146
		May	2,468.6	1,120,678	November	2,550.8	1,116,358
		June	2,774.1	1,233,184	December	2,712.0	1,171,500
		July	3,154.7	1,321,029	January	2,763.8	1,176,582
		August	2,948.0	1,275,754	February	2,700.0	1,177,880
		September	2631.4	1,129,539	March	2,533.7	1,096,830
		<input type="checkbox"/> Estimated data			<input type="checkbox"/> Estimated data		

**Notes:**

The calculations are attached to the APD for all class calculations.

**Table 2: Small Commercial Load Data**  
*(Generally, loads under 50kW or as classified by existing utility)*

Sheet \_\_\_ of \_\_\_

The commercial sector is generally defined as nonmanufacturing business establishments, including hotels, motels, restaurants, wholesale businesses, retail stores, and health, social, and educational institutions. Use this table to provide data for commercial loads under 50kW.

**Line Instructions:**

- Line 1. If aggregate load data are supplied, please indicate the number of customers included in the space provided.  
 Line 2. Provide the Summer Season (April - September) 1998 Capacity and Energy numbers in the spaces provided. If estimated data are used, please indicate by checking the box. Please describe the methodology used in collecting and estimating the data in the notes section.  
 Line 3. Provide the Winter Season (October 1998 - March 1999) Capacity and Energy numbers in the spaces provided. If estimated data are used, please indicate by checking the box. Please describe the methodology used in collecting and estimating the data in the notes section.

**Notes:** Please use this space to provide information about the methods used to gather and provide estimated data, and any additional information about this load or customer type that may be useful to Western in determining your allocation. Attach additional sheets if more space is required.

If you include additional pages of this table when submitting this worksheet, please indicate the page number and total number of pages for this table in the space provided above.

		Summer 1998			Winter 1998-99		
Customer Type:	Small Commercial		Capacity (Maximum kW)	Energy (Maximum kWh)		Capacity (Maximum kW)	Energy (Maximum kWh)
Number of Customers:	34	April	125.3	61,903	October	140.1	65,915
		May	143.9	65,335	November	155.7	68,124
		June	156.1	69,398	December	163.3	70,552
		July	169.4	70,944	January	169.5	72,1438
		August	160.3	69,383	February	158.2	69,024
		September	155.9	66,922	March	146.8	63,550
		<input type="checkbox"/> Estimated data			<input type="checkbox"/> Estimated data		

**Notes:**

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**Table 3: Large Commercial Load Data**

Sheet \_\_\_ of \_\_\_

*(Generally, loads over 50kW or as classified by existing utility)*

The commercial sector is generally defined as nonmanufacturing business establishments, including hotels, motels, restaurants, wholesale businesses, retail stores, and health, social, and educational institutions. Use this table to provide data for commercial loads over 50kW.

**Line Instructions:**

- Line 1. If aggregate load data are supplied, please indicate the number of customers included in the space provided.  
 Line 2. Provide the Summer Season (April - September) 1998 Capacity and Energy numbers in the spaces provided. If estimated data are used, please indicate by checking the box. Please describe the methodology used in collecting and estimating the data in the notes section.  
 Line 3. Provide the Winter Season (October 1998 - March 1999) Capacity and Energy numbers in the spaces provided. If estimated data are used, please indicate by checking the box. Please describe the methodology used in collecting and estimating the data in the notes section.

Notes: Please use this space to provide information about the methods used to gather and provide estimated data, and any additional information about this load or customer type that may be useful to Western in determining your allocation. Attach additional sheets if more space is required.

If you include additional pages of this table when submitting this worksheet, please indicate the page number and total number of pages for this table in the space provided above.

**Summer 1998**

**Winter 1998-99**

Customer Type:	Large Commercial		Capacity (Maximum kW)	Energy (Maximum kWh)		Capacity (Maximum kW)	Energy (Maximum kWh)
Number of Customers:	8	April	160.3	79,182	October	195.4	91,944
Notes:		May	205.5	93,279	November	208.0	91,048
		June	244.9	108,881	December	167.4	72,309
		July	251.7	105,383	January	190.0	80,872
		August	219.7	95,092	February	178.8	77,981
		September	219.0	94,009	March	212.5	91,999

☐ Estimated data

☐ Estimated data

Notes:

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**Table 4: Industrial Load Data**

Sheet \_\_\_\_ of \_\_\_\_

*(Generally, loads over 500kW or as classified by existing utility)*

The industrial sector is generally defined as manufacturing, construction, and mining establishments.

**Line Instructions:**

- Line 1. If aggregate load data are supplied, please indicate the number of customers included in the space provided.
- Line 2. Provide the Summer Season (April - September) 1998 Capacity and Energy numbers in the spaces provided. If estimated data are used, please indicate by checking the box. Please describe the methodology used in collecting and estimating the data in the notes section.
- Line 3. Provide the Winter Season (October 1998 - March 1999) Capacity and Energy numbers in the spaces provided. If estimated data are used, please indicate by checking the box. Please describe the methodology used in collecting and estimating the data in the notes section.
- Notes: Please use this space to provide information about the methods used to gather and provide estimated data, and any additional information about this load or customer type that may be useful to Western in determining your allocation. Attach additional sheets if more space is required.

If you include additional pages of this table when submitting this worksheet, please indicate the page number and total number of pages for this table in the space provided above.

**Summer 1998**

**Winter 1998-99**

Customer Type:	INDUSTRIAL		Capacity (Maximum kW)	Energy (Maximum kWh)		Capacity (Maximum kW)	Energy (Maximum kWh)
Number of Customers:	5	April	388.0	191,672	October	313.7	147,572
		May	423.6	192,305	November	309.3	135,375
		June	450.1	200,107	December	483.8	208,975
		July	494.6	207,135	January	494.2	210,372
		August	487.0	210,747	February	483.7	211,017
		September	459.5	197,257	March	464.6	201,137

☐ Estimated data

☐ Estimated data

**Notes:**

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## Resources

**Native American non-utility applicants:** Please indicate the utility or utilities currently serving your loads.

Northern Electric Cooperative, 657 Pothole Rd, Stellar, AZ 85777 (602) 444-5555  
Southern Electric Utility, 5567 Plum Dr., Solar, AZ 84567 (480) 222-7777

**Others:** For each current power supply source, please identify the capacity and location, as well as whether it is the applicant's own generation, or purchased. Check the box if purchase is on a firm basis. If some other basis is used, please describe in the space provided.

### Current Power Supplies

[illegible]

### Current Power Supply Contracts

[illegible]

## Transmission

Provide the preferred point(s) of delivery on Western's or a third party's system, including required service voltage. Also describe any arrangements necessary to deliver power resources to the requested delivery point(s).

Delivery Point	Owner (if other than Western)	Voltage	Arrangments

## Signature

The information supplied above is valid, true and correct to the best of my knowledge and belief.

I am authorized to submit this Applicant Profile Data on behalf of the above named applicant.

Signed: \_\_\_\_\_

Printed Name: Will Sampson

Date: January 7, 2000

# *Tribal Energy Management Intern Project*

*Quarterly Report ending Dec. 1999*

## *Planned project activities:*

- *Development of Internship  
Opportunities*
- *Recruitment of Interns*
- *Selection of Interns & Sites*
- *Management of Intern Project*
- *Evaluation of Intern Project*

*A goal of the cooperative agreement between CERT and the Department of Energy is to increase the tribal human resource capability through internships*

### **Development of Intern Opportunities**

Discussions have taken place between CERT and a number of firms with whom we are attempting to place interns. Although those firms have expressed an interest, no solid commitment has yet been made. A few of those firms with whom we are attempting to bring an intern host agreement to fruition are listed below:

Native American Rights Fund of Boulder, Colorado

Margaret M. Schaff, P.C. of Evergreen, Colorado

Lawrence Livermore National Laboratory of Livermore, California

Romero & Wilson of Denver, Colorado

Deloitte & Touche of Denver, Colorado

Sempra Energy of Los Angeles and San Diego, California

Southern California Gas Company of Los Angeles, California

Cook Inlet Energy Supply of Los Angeles, California

Calpine of San Jose, California

Edison International of Los Angeles, California

Kansas Pipeline Operating Company of Kansas City, Missouri

### **Recruitment of Interns**

In mid-November a CERT representative attended the AISES Annual Conference in Minneapolis, Minnesota. During that conference the American Indian College Fund generously allowed CERT to share their booth, thus presenting us with the opportunity to recruit for a yearlong internship position by disseminating our announcement.

During the month of December CERT used several methods to recruit the ten interns we are planning for the summer of 2000 and the three additional yearlong interns for which we still have openings. Personal announcements were sent to each of the students that were participants within the past year in our scholars program and our summer TRIBES program. We also sent announcements to each of the education departments of the fifty-one CERT member Tribes. In addition, we sent a personal letter to each of the Tribal chairmen with an enclosed announcement. The letter

asked these chairmen to assist us in recruiting interns by forwarding the announcement to their education departments and by encouraging their referral of students. Finally, we sent announcements to each Tribal college and to a number of private and public institutions.

As of the end of the quarter, we had little response to our announcement. CERT's past experience has been that college students, for the most part, do not plan very far in advance. Most likely we will get most of our inquiries about internships in late April or May.

### Selection of Interns and Sites

With the beginning of the program year CERT continued the internship of LaWanda Johnson of the Navajo Nation. LaWanda began her employ as a yearlong intern assigned to Dorsey & Whitney LLP in Washington, D.C., on June 1, 1999. Her mentor at that law firm is attorney Jenny Boylin. A great deal of her work involves energy policy, although she does not work exclusively in this area. LaWanda's duties are to research and to keep abreast of proposed change in federal policies, legislation, regulations, programs and appropriations (for those programs) that relate to or may affect Tribes and their interests in energy. LaWanda's quarterly report is attached (see Attachment A) for information regarding her internship activities.

LaWanda Johnson, a graduate of Dartmouth College, majored in Government as an undergraduate. She also focused her coursework in the area of environmental studies, earning a certificate in that subject. LaWanda's aspirations include attending law school at some future date. The Executive Director of CERT believes that this intern has a great ability to conceptualize complex issues and relate them to Tribal situations. Because of this ability she was chosen as the intern for placement at Dorsey & Whitney LLP.

Dorsey & Whitney offers service to both domestic and foreign clients with offices in fourteen domestic cities and five foreign countries. The firm represents clients that include public and private companies, nonprofit organizations, governmental entities and individuals. One of the firm's many practice groups is the Indian and Gaming Practice Group, who have members that represent Tribal governments and business entities on development; regulation and operation; Congressional and administrative matters; environmental and natural resource matters; and Tribal governance and code development.

In late September Vicente Fuentez was hired as an intern and was placed with this organization. His responsibilities include the dissemination of information about the restructuring of the electric utility industry, the federal hydropower allocation to Tribes, and the impacts and opportunities for Tribes in a competitive energy industry. Attachment B is a copy of his quarterly report for this first quarter.

Vicente's mentors are Gerald Vurciaga, President of 2020 Ventures, and Bill McCabe, Director of Energy Programs. 2020 Ventures is a firm that provides consultation services in strategic planning, business development, and energy efficiency assessment. When his internship comes to an end, Vicente would like to continue to work with Native American programs or businesses that are related to energy.

Vicente Fuentes graduated from Stanford University with a Bachelor of Science in Industrial Engineering & Engineering Management.

### Management of Intern Project

Day-to-day supervision is provided at the place of business of the assigned host. Additionally, each host is expected to provide strong mentoring support to the intern if there is a need of this type of assistance. Each intern has been assigned to professional-level work and both interns have been afforded the opportunity to also meet and interact with professionals from outside their host firms/organizations.

The Director of Energy is assigned to provide on-going management of the intern project. He maintains regular communication with the interns to provide direction and to obtain feedback.

### Evaluation of Intern Project

The intern experience is to be evaluated by the intern and host, as well as CERT. This task will be addressed when an internship period is over. No internship has yet ended.

2/8/00

MEMORANDUM

TO: CERT

FROM: Vince Fuentes

SUBJECT: Quarterly Report: October – December 1999

October

I arrived at CERT in Denver in late September and began working in the office on the first day of October. Less than one hour after entering the office I received a 'crash course' on the WAPA federal hydropower allocations. This was also the first time I met Gerry and Tom. Gerry provided materials for me to read regarding the allocations. He also discussed his background and why he was here at CERT. His experience in the corporate field is extensive and he mentioned he could teach me things about business. So I hit the ground running with the hydropower allocations and with the initial introduction to Red Earth.

My initial task was to find out exactly which Tribes were eligible for the hydropower allocations. I put together an initial database and came up with 56 eligible Tribes. At that point Western was not sure which Tribes were in the CRSP Region. Although, I did not know it at the time, this was a sign of things to come with the regarding their knowledge and experience with Tribes. The meetings between Western and CERT were held at Western's headquarters in Golden. The October meetings primarily focused on creating an agenda for the meetings in November with the Tribes. This was to be the first meeting where CERT was part of the presentation. I knew the eligible Tribes had 14 CERT members within them. I was curious as to how the non-member Tribes would respond to us. The meetings with Western were unique for me. It was the first time I had experienced formal meetings with a federal entity. I knew Western would receive Gerry and Bill well, but I wondered how they would receive me, fresh out of college. It went well, I must say. They listened to what I had to say and they asked me about several Indian issues. It was also an experience to see Western go through their first-ever experience in dealing with Tribes. Everything was so new to them even though they have been working for the government for at least 20 years.

At CERT at the time, we were working on the ANA grant proposal to get Red Earth Energy off the ground. It was a very involved process and during that time we all worked late hours. I was quickly learning many things during the time. I was also researching CERT's history so I could understand the current situation with respect to what we were doing. The Red Earth concept was ever evolving at the time. I was trying to pick the philosophy of the company and what it would encompass. I did some research for Gerry and Tom on Indian issues and at the time they were teaching me, but

they were also learning from me. There was a meeting in downtown Denver at the Norwest Bank where CERT was presenting the Red Earth concept to corporate people from throughout the nation. This was my first corporate experience. I sat at the round table and observed people's reactions to the presentation. Afterward there was also some informal discussion where I introduced myself to several people there. It was a good experience for me.

During this month I also met Ed Romero, Linda Wilson, and Dave Archambault of Mni Sose for the first time. Ed and Linda are very enthusiastic and good people. I enjoyed learning about their backgrounds and what they have accomplished in their careers. Although I met with Mr. Archambault for a short period of time, it was very good for me. He told me about his homeland and what he hoped to accomplish in Indian country.

Overall, October went very fast. It was a time for me to learn and to learn fast. My learning curve went up tremendously and I haven't looked back since. I also had to find an apartment and take care of other personal matters during this time. I made sure to not let work interfere with personal time and vice versa. This month set the stage for events to occur that I could only have imagined.

## November

The month began with the CERT fiscal year meeting. It was the first time that the CERT staff met all together at one time. Prior to this there was much confusion and misunderstanding of the CERT goals and functions. On my part, I was still trying to grasp everything, but some things were unclear, such as funding and federal requirements. Well, we spent an entire day outlining what the organization's goals were and what the responsibilities were for each person. At the end of the month was the CERT Fall Conference. The planning really began during the fiscal year meeting. I had to put together some flyers for the conference. The task was not trivial, I had a hard time understanding exactly what should be on the flyer. However, Sharyn helped me out and they got done. The other task I was assigned to was putting together an announcement for an upcoming communications intern position. I was really excited about the position, since this person would play a crucial role in developing CERT's communications capabilities. I posted the flyer on email and the internet with the help of Lawanda Johnson.

The meetings with Western also continued regularly. We were still discussing an agenda for a meeting that was coming soon and the first mailing of the meeting had not gone out to Tribes. Thus, we decided to push the meetings up to December. This was a logical decision, as I think events would have not gone well should we have continued with the planned November meetings. I also continued to update the database with current addresses and phone numbers for the Tribes. Then I proceeded to send out the letters notifying them of the meetings. I also called several Tribes. During that time, there was a minimal number of Tribes who had sent in their letter of intent to Western regarding the allocations. This was of great concern to me. I felt that we could get 100% participation by actually going to make tribal visits and informing them first hand of the events. During that time I wanted to make trips to the various Tribes, but it was postponed for a later date. Nonetheless, the letters were sent and we hoped for a good turnout in December. During the Western meetings we asked them to back up and explain the history of the hydropower allocations from day one. We felt we were

proceeding in Medias Res and we really needed the basic information as to why the Tribes were eligible for this process. This is where the seeds were planted by CERT to address issues and concerns that might arise from Western's process. When I arrived at CERT in October and read the paperwork on the allocations, my immediate reaction was that Tribal sovereignty would somehow be compromised by the proposed Western process. It concerned me greatly, but I allowed for events to unfold and present the issue at the proper time. There were also issues in the allocation process about what electric loads to count in the APD. The Tribes argued that all reservation loads should count, whether they are non-Indian or not. We addressed their concern to Western and they were reluctant to fully address the issues at the time. They also stood firm on the APD deadline set for March 8, 2000. This date was unrealistic from the beginning and the Tribes felt that way as well. There were many nuances I picked up along the way from these meetings with Western. It is amazing how dynamics of a meeting can change so rapidly. The key is being patient and pick moments to speak that are proper. I sat and watched and learned.

In mid-November I had the great opportunity of going to the Building American Indian Nations Conference in Tucson, AZ. I really wanted to attend this conference as I felt it would greatly enhance my knowledge of people in Indian country. It was a conference in which many past and present leaders congregated together for a single ever-continuing cause: the achievement of self-determination. I was honored to meet past chairman of various Tribes, most notably Ronnie Lupe of the White Mountain Apache Tribe. I was also pleased to hear Senator Inouye speak at the dinner held at the Holiday Inn. The two speeches those men made have been very influential on me and the work I have done and continue to do. The workshops held at the conference were also very well done. I got learn about various political and social issues that are currently pressing issues. I also learned about successful Indian-owned enterprises ranging from local to large scale. I met very interesting and intellectual Indian people with good visions for our future. I just hope that the visions continue and that Nations work together to not just survive, but prosper. I believed that the conference and the Western allocations were very closely knit. I just had to find a way that I could convey it to the Tribes. I left remembering what Chairman Lupe left us with, "stand fast and remember we have rituals....and listen to the drum."

## December

The end of November and the beginning of December overlapped with the CERT Fall Conference. The highlight of the conference was the motion to carry forward with Red Earth Energy. I had the pleasure of being introduced to various leaders of Tribes in Indian country. I had many splendid conversations and made some good acquaintances. I also very much enjoyed the education dinner. Meeting Derrick Watchman was also a highlight. I have the great hope that the continual communication between various Indian people in the energy field will contribute greatly to the goal of Indian energy sufficiency. It will take a closing of the Indian generation gap to make this possible and time is of the very essence. I noticed Indian country was virtually left out of communications deregulation and I will not allow electric deregulation to have the same outcome. The conference shed good light on what the landscape looks like for the Tribes' energy future.

Shortly after the fall conference we were back to the hydropower allocation workshops. I had done a lot of legwork and hoped it would pay off by having good attendance at the workshops. They were held in the following cities:

- Las Vegas, Nevada
- Albuquerque, New Mexico
- Phoenix, Arizona

The workshops were very successful. The latter two workshops had strong representation from the Tribes. However, not all of the Tribes attended. It was due to several factors, but I knew we had to contact them soon, possibly before the holidays. The holidays did play a large role in the allocation education process, and not for the better. The Pueblos had many governorships turnover, so we had to make sure the new administrations got up to speed with what was transpiring with Western. I began to understand the dynamics of the changes in leadership within various Tribes. I felt that I must be cautious in approaching the Western allocations with various people in the Tribe who were not familiar with what was happening. All in all, it was successful though. Patience was definitely necessary. It could be days before I spoke with the proper personnel within a Tribe. Presenting at the workshops provided the opportunity for me to speak in front of leaders. I know many times in Indian country young people such as myself are not seen as people with experience, but I believe a sincere and modest approach can overcome that barrier.

On the Red Earth front, many changes were taking place. I was not actively involved in anything except the continual search for the communications intern. We held staff meetings every Friday where everyone involved in the formation of the company was to attend. The meetings went well and at times were long, but necessary. The exchange of information is always crucial to the function of an office. It makes it efficient. We also ate some good donuts along the way, too.

December ended well. It was a good break point for me as I went home for vacation. Over the break I thought about different things that could be done at CERT and how I could contribute to it. I came back encouraged for a new year.