



## **BOULDER CANYON PROJECT – HOOVER DAM POWER ALLOCATION WESTERN AREA POWER ADMINISTRATION**

### **TRIBAL CONSULTATION**

**April 5, 2012, 9:00AM Arizona Time  
Western DSW office  
625 S. 43<sup>rd</sup> Avenue  
Phoenix, Arizona 85009**

The Boulder Canyon Project (BCP or Hoover) hydroelectric power contracts are set to expire at midnight on September 30, 2017. Hoover power will be reallocated as of October 1, 2017. The Act requires Western to contract directly with federally recognized Indian tribes for Schedule D contingent capacity and firm energy. The ACT does not specify the process to be followed by Western for allocation of the 66.7 percent of the Schedule D contingent capacity and firm energy (66.7% Pool).

In response to the Inter Tribal Council of Arizona (ITCA) Resolution of the 20 Member tribes, dated February 24, 2012, Western and ITCA representatives established a Tribal Consultation meeting at the Western DSW Office in Phoenix, Arizona.

This scheduled meeting does not preclude Western from consulting with individual Tribes in Arizona regarding Hoover Power allocation criteria and process. Along with this scheduled meeting, Western extends an invitation to any Tribe in Arizona who may wish to have separate meetings with Western.

There is a security system in place at Western. Please be sure to bring an official form of picture identification which you will be asked to show prior to signing in at Western. If you have any questions, please contact John Lewis, Executive Director, or Patrick McMullen, Community Development Director at (602) 258-4822.

Ak-Chin Indian  
Community  
Cocopah Tribe  
Colorado River  
Indian Tribes  
Fort McDowell  
Yavapai Nation  
Fort Mojave Tribe  
Gila River Indian  
Community  
Havasupai Tribe  
Hopi Tribe  
Hualapai Tribe  
Kaibab-Paiute Tribe  
Pascua Yaqui Tribe  
Pueblo of Zuni  
Quechan Tribe  
Salt River Pima-  
Maricopa Indian  
Community  
San Carlos  
Apache Tribe  
Tohono O'odham  
Nation  
Tonto Apache Tribe  
White Mountain  
Apache Tribe  
Yavapai-Apache  
Nation  
Yavapai-Prescott  
Indian Tribe



**INTER TRIBAL COUNCIL OF ARIZONA**  
**Boulder Canyon Project (BCP)**  
**Tribal Position Paper**

**Issue**

The Boulder Canyon Project (BCP or Hoover) hydroelectric power contracts are set to expire at midnight on September 30, 2017. Hoover power will be reallocated as of October 1, 2017. The Hoover Power Allocation Act of 2011 (Act) requires the Western Area Power Administration (WAPA or Western), within 36 months of the date of enactment, to allocate "... 66.7 percent of the Schedule D contingent capacity and firm energy to new allottees that are located within the marketing area for the Boulder Canyon Area Projects and that are- '(I) eligible to enter into contracts under section 5 of the Boulder Canyon Project Act (43 U.S.C. 617d); or "(II) federally recognized Indian tribes..." The Act requires Western to contract directly with federally recognized Indian tribes for Schedule D contingent capacity and firm energy.

The ACT does not specify the process to be followed by Western for allocation of the 66.7 percent of the Schedule D contingent capacity and firm energy (66.7% Pool).

**Tribal Position**

Tribes recognize the importance for energy development and for self-governance through obtaining an allocation of Hoover power. Tribes seek the same opportunity to contract for Hoover power as they have been extended in recent years with respect to output from Glen Canyon, Parker-Davis and other public power projects. The development of the process for the allocation of the 66.7% Pool should be based upon consultation between Tribes and Western

**Detail Tribal Position**

Tribes have held discussions regarding the Hoover reallocation; below is the position of the member tribes of the Inter Tribal Council of Arizona (ITCA) within the BCP marketing area.

- Follow the "Colorado River Storage Project (CRSP) approach" that no "Utility Responsibility" is required of tribes to receive a BCP allocation.
- Establish a tribal preference for the 66.7% Pool.
- Allocate based upon energy sold at the customer meter for tribal and/or Electric Tribal Utility Authority (ETUA) (Tribal Load) with no tribe's percent of the total Tribal Load exceeding 10.0% and irrespective of other Federal Resources contracted for by a Tribe and/or ETUA.
- Establish a Tribal Benefit Credit Pool (Tribal Pool) comprised of ETUA's. Tribes without an ETUA will enter into a Tribal Benefit Credit Agreement (TBCA) with the Tribal Pool to ensure that the BCP benefits remain within the tribal community.
- Any tribe that creates an ETUA automatically becomes a member of the Tribal Pool and becomes a participant in the TBCA.
- Allocate in kilowatts and not whole megawatts to allow tribes with smaller loads to participate.









**Department of Energy**  
Western Area Power Administration  
Desert Southwest Customer Service Region  
P.O. Box 6457  
Phoenix, AZ 85005-6457  
**MAR 29 2012**

**Dear Tribal Representative:**

The Boulder Canyon Project (BCP) Firm Electric Service contracts administered by the Desert Southwest Region (DSW) of Western Area Power Administration (Western) expire on September 30, 2017. On December 20, 2011, the Hoover Power Plant Act of 2011 (Public Law 112-72) (HPAA) was enacted into law. The HPAA prescribes certain key aspects for the marketing of the BCP as of October 1, 2017, including specified amounts of contingent capacity and firm energy to be offered by Western to existing BCP Contractors. The HPAA also directs Western to create a resource pool of contingent capacity and firm energy to be allocated to new allottees.

Western is committed to timely and meaningful communication with Tribes and other interested parties as it prepares for implementation of the HPAA. On February 24, 2012, the Inter Tribal Council of Arizona (ITCA) established Resolution 0112 (enclosed) which formally requests a meeting with Western and associated agencies in order to discuss Western's pending Hoover Power allocation criteria and process and any other related future Federal actions which may affect the allocation of Hoover Power. In response to this resolution, Western and ITCA representatives established a Tribal consultation meeting to be held on April 5, 2012 at 9:00 am at Western's DSW office located at 615 South 43<sup>rd</sup> Avenue, Phoenix, Arizona. The enclosed agenda shall serve as a general guide for the meeting's discussions.

Western recognizes that the ITCA is requesting this meeting as a collective organization of 20 Arizona Tribes. However, this scheduled meeting does not preclude Western from consulting with individual Arizona Tribes regarding the Hoover Power allocation criteria and process. Along with this scheduled meeting, Western extends an invitation to any Tribe in the DSW marketing area who may wish to have separate discussions with Western. Western is pleased to provide for future discussions either at a Western facility or at a location designated by the Tribe.

If you are a U.S. citizen, please be sure to bring an official form of picture identification, such as a driver's license, U.S. passport, U.S. Government ID, or U.S. Military ID, which you will be asked to show prior to signing in at Western. If you are a foreign national and plan to attend, please contact Sylvia Macfarlane at 602-605-2664 or [Macfarl@wapa.gov](mailto:Macfarl@wapa.gov) immediately to obtain the necessary form for admittance to Western.



Information on the BCP Post 2017 marketing effort is available on Western's website at [http://www.wapa.gov/dsw/pwrnkt/BCP\\_Remarketing/BCP\\_Remarketing.htm](http://www.wapa.gov/dsw/pwrnkt/BCP_Remarketing/BCP_Remarketing.htm). If you have any questions, please contact Mr. Mike Simonton, BCP Post 2017 Project Manager, at (602) 605-2675 or [Simonton@wapa.gov](mailto:Simonton@wapa.gov).

Sincerely,

A handwritten signature in black ink that reads "Deborah K. Emler". The signature is written in a cursive style with a large initial 'D'.

Deborah K. Emler  
Assistant Regional Manager  
for Power Marketing

Enclosures





WESTERN AREA POWER ADMINISTRATION  
An agency of the U.S. Department of Energy

# Desert Southwest Region

## Boulder Canyon Project Post 2017

### Tribal Consultation

When: April 5, 2012 @ 9:00 am MST

Where: Western DSW Office

615 S. 43<sup>rd</sup> Ave.

Phoenix, AZ 85009

### Proposed Agenda

1. Introductions
  2. BCP Post 2017 Marketing Background
  3. Hoover Power Allocation Act of 2011 Overview
  4. Potential Marketing Criteria
  5. Anticipated Next Steps
  6. Questions & Discussions
  7. Future Meetings & Consultations
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