

Van Ness Feldman helps tribal clients negotiate beneficial business relationships with energy and mineral resources companies based on mutual respect and a full understanding of each party's needs, rights, and responsibilities.

## Alaskan & Indian Enterprises

### *Rights of Way Across Reservation Lands*

For some energy and mineral resources companies and tribal communities, the issue of rights of ways across reservations causes polarization and controversy. Innovative approaches, implemented by the right intermediary, enable the parties to find common ground and reach successful closure within desired timeframes. Such solutions can also contribute to a tribe's financial well-being by placing the tribe in a position of ownership rather than as a passive lessor. Further, certain projects on tribal lands are eligible for favorable tax treatment, and tribal sovereign status can help expedite environmental clearances required to develop projects on rights of way.

### *Government Contracting*

Businesses owned 51% or more by Indian tribes and Alaska Native Corporations are able to obtain sole-source contracts from federal agencies, using special rights provided to them under the U.S. Small Business Administration's 8(a) program. This opens up opportunities for creative joint ventures between tribal firms and the private sector to access government contracts outside the competitive processes.

### *Tribal Employment Rights*

Over 150 tribes have enacted Tribal Employment Rights Ordinances to promote the employment of Indian workers and businesses on projects occurring on their reservations and have established Tribal Employment Rights Offices (TEROs) to enforce those Ordinances. When energy companies engage in business activities on reservations, they need to understand the TERO program and the responsibilities it imposes.

### *Leasing of Alaskan Native Lands*

Alaskan Native Corporations are subject to special regulations with respect to leases for resource development.