

September 1, 2006

Section 1813 ROW Study  
Office of Indian Energy and Economic Development  
Room 20-South Interior Building  
1951 Constitution Avenue  
Washington, DC 20245

Dear Sir or Madam::

The Oneida Tribe of Indians of Wisconsin is a federally recognized Indian Nation of 15,694 members, one-third of who live on or near the 65,000 acre semi-rural reservation. The Oneida Indian Reservation was established by the Oneida Treaty of 1838. There are nine (9) elected officials who oversee the governmental activities of the Nation. One of the many areas established by the Oneida Tribe is the area of Land Management. The main purpose for Land Management is to oversee the care of the land within the reservation boundaries.

On behalf of the Oneida Tribe of Indians of Wisconsin, please accept this as our formal comments. The Oneida Tribe currently has a number of easements with corporations. Some of these easements are with utility companies and energy companies for Rights-of-Ways (ROWs). Many easements for ROWs have existed for many generations. The Oneida Tribe's Land Management Division has an approved procedure in place for granting easements on or through tribal property. Over time we have clearly demonstrated our ability as a sovereign government to negotiate on our own behalf without interference from the federal government.

The Section 1813 study also acknowledges that other tribes can negotiate on their own behalf, yet the study recommends several options that would take our rights away to negotiate. In the "Energy Policy Act of 2005, Section 1813, Indian Land Rights-of-Ways Study" it states, "current policies for granting and renewing energy ROWs are in general working. Only a small number of parties have had a significant problem arriving at ROW agreements." As a result of the study's findings, the very first option is for no change in current law and to allow for ROW negotiations to continue as they currently exist. We support this option as we have repeatedly shown we can successfully negotiate ROWs.

Our concern with this study is even though tribes have demonstrated time and time again successful negotiations on ROWs, the Department of Energy and the Department

of Interior still offer options that would take away our sovereign rights. These rights are established by our treaties with the Federal Government. Well established federal law mandates tribal approval prior to any easements being granted. The idea the Secretary would be able to overturn a tribe's decision to deny such an easement would seriously jeopardize the basic framework fo self-governance and self-determination.

In the news energy companies have reported record earnings quarter after quarter. At the same time they are complaining about Indian Tribes taking advantage of them because of increased fees for ROWs. Some energy companies have even compared tribes to greedy ranchers who hoard property so the can drive up prices for ROWs. In the case of Tribal Governments this could not be further from the truth. Ranchers can buy and sell property anywhere, just pick up and move at anytime, and only have to care for themselves. Tribes are governments that must protect the rights of its citizens. Tribes are where they are because the federal government placed them on reservation with boundaries. As in our situation we have established boundaries and it would take an act of congress to change them. When the Tribe grants an easement it must ensure the easement will not have an adverse impact on Tribal citizens, and on future generations. We seek to improve the quality of life for are citizens, and to create a standard of living on the reservation that provides Oneida Children with a vision for the future. It seems unreasonable for the richest companies in the world to ask this country's historically poorest citizens to bear the burden while at the same time reporting record earnings.

The study also shows there are no significant price increases to the final consumer because of increased ROWs negotiated by tribes. This would appear to be the case on the Oneida Reservation. There is a high number of ROWS running through our reservation and currently we are in the process of negotiating another gas pipeline that would run completely through our reservation. As our reservation consists of little over 100 square miles if the cost of dealing with tribes were so high the energy company could easily by-pass our reservation with no significant increase in cost.

Thank you for your time and consideration.

Sincerely,

Kevin Cornelius, Director of Legislative Affairs  
Oneida Tribe of Indians of Wisconsin