

Fond du Lac Reservation Business Committee

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February 1, 2007



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

Chairman
Vacant

Dear Sirs:

Secretary/Treasurer
Ferdinand Martineau, Jr.

The Fond du Lac Band of Lake Superior Chippewa offers the following comments regarding the draft *Report to Congress: Energy Policy Act of 2005, Section 1813*, as issued by DOI and DOE on December 21, 2006. Section 1813 mandates a study and report to Congress on issues relating to granting, expansion, and renewal of energy rights of way on and across Indian tribal lands. The Fond du Lac Band was represented at each of the three scheduled meetings regarding the 1813 Study.

Dist. I Councilman
Eugene Reynolds

Dist. II Councilperson
Sandra M. Shabiash

Dist. III Councilman
Roger "Bouda" Smith, Sr.

The Fond du Lac Band is pleased with the manner in which DOI and DOE have managed the public meetings and comments concerning the 1813 Study, and that the Departments' findings were ultimately favorable to tribal interests. It continues to be the Band's view that the Study and Draft Report do not support the claims made by the energy industry. Particularly, the principal claims that the tribal consent requirement is driving up energy and transmission costs and undermining national security were entirely discredited.

Although the Fond du Lac Band generally supports the Draft Report, there is one point made in the Report that the Band feels still threatens tribal sovereignty, that is that "Congress could on a case by case basis authorize condemnation of tribal lands for public necessity" (Section 7.5, p. 44). The Band believes that any departure from the tribal consent requirement would undermine the ability of the tribes to manage and regulate their own lands in accordance with their own laws. This would violate the promises set forth under our treaties and federal common law that the federal government must deal with the tribes in a way which places tribal interests first, and support the preservation of tribal prerogatives over tribal affairs.

Thank you for your consideration of these views of the Draft Report.

Sincerely,

Eugene Reynolds

Vice-Chairman

Fond du Lac Band of Lake Superior Chippewa