

April 28, 2006

David Meyer
Department of Energy
Office of Electricity Delivery &
Energy Reliability
1000 Independence Ave SW
Washington, DC 20585

Darryl Francois
Office of Indian Energy &
Economic Development
1849 C Street NW MS 2749 MIB
Washington, DC 20240

RE: Section 1813 of the Energy Policy Act of 2005

Dear Mr. Meyer and Mr. Francois:

The Tribes of the Mni Sose Intertribal Water Rights Coalition strongly support Section 1813 of the Energy Policy Act of 2005, which requires that the Departments of Energy and Interior prepare a study on energy-related rights-of-way that cross tribal lands.

The Mni Sose Intertribal Water Rights Coalition, a tribally chartered organization composed of the Tribes in the Missouri River Basin, was instrumental in bringing low-cost, federally generated hydropower to the Basin Tribes, beginning on January 1, 2001. Due to the extensively detailed process involving Western Area Power Administration, which began in 1990, the Basin Tribes are well versed in energy issues including their rights associated with energy. As a result, the Tribes are part of the energy industry and are willing and able to manage the resource on their tribal lands.

Given that various energy companies are lobbying for empowering the Secretary of the Interior with the authority to condemn tribal lands for energy rights of way, Section 1813 of the Energy Policy Act is a matter of great importance to all Tribes. Any change to the current right to consent to the use of tribal lands would be a breach of Federal treaties and would go against the Federal government's trust responsibility to the Tribes.

The most important possession Tribes own is their land. The most important element of tribal sovereignty is the control Tribes exercise over their homeland. The potential for elimination of tribal rights-of-way consent is an assault to their established sovereignty.

The Mni Sose Coalition is very adamant about maintaining tribal rights-of-way and is willing to discuss the issue with you further if you so desire. I can be contacted at 605-343-6054 or mnisose@qwest.net.

I thank you for taking the time to digest my comments.

Sincerely,

Antione Provost
President