

January 19, 2006

**Sent by U.S. Mail and Email (IEED@bia.edu)**

Attention: Section 1813 ROW Study  
Office of Indian Energy and Economic Development  
1849 C Street, NW  
Mail Stop 2749■MIB  
Washington, DC 20240

**Re: *Public Comment About Congressionally Mandated Study of Energy Rights-of-Way on Tribal Lands, 70 Fed. Reg. 77,178***

TO WHOM IT MAY CONCERN:

Our firm is writing in response to the above-referenced Notice on behalf of our oil and gas pipeline clients, which operate pipelines including some across Tribal Lands as defined in the Energy Policy Act of 2005. These clients desire to have input into the study and report mandated by Section 1813 of the Energy Policy Act of 2005, through these public comments and the proposed work plan described at 70 Fed. Reg. 77,179.

The Section 1813 requires both an examination of historical methods of compensation rates for rights-of way crossing Tribal lands and recommendations regarding future methods of compensation for expansion of rights-of-way on Tribal Lands. Given the recent discussions and debates over the energy policies of the United States, including refining capacity and petroleum and natural gas transportation issues, that were prompted by rising energy costs and well-publicized natural disasters, these recommendations will likely affect the direction and development of energy policy.

In this regard, to the extent that historical information will be used to formulate future standards for compensation for rights-of-way crossing Tribal Lands, the concept of ■compensation• must nevertheless be fully developed and understood. Foremost, compensation as it relates to the Section 1813 study and report comprises more than the purchase price of rights-of-way for new pipelines. Of course, the purchase of these rights-of-way is a significant factor in the compensation equation, but so, too, is the compensation paid in ■damages• for access to existing pipeline rights-of-way necessitated by the ongoing obligation to maintain pipeline infrastructure and integrity. Failure to take into account this less obvious element of compensation has potentially adverse effects to Tribes, the energy industry, the general public and the United States' energy policies.

January 19, 2006  
Page 2 of 2

This being said, representatives of one or more of the firm's oil and gas pipeline clients may be willing to contribute input to the Section 1813 report during the applicable stages of the proposed work plan with regard to historical compensation methods for rights-of-way and recommendations for future compensation for rights-of-way acquisition, expansion and renewals.

Should you have questions regarding any of the above, please do not hesitate to contact me at your convenience. Thank you for your attention to this matter.

Very truly yours,

JOYCE, PAUL & McDANIEL, PLLC

Chris A. Paul

CAP:sd