



January 19, 2006

BY EMAIL (IEED@bia.edu)

Attn: Section 1813 ROW Study
Office of Indian Energy and
Economic Development
1849 C Street, N.W.
Mail Stop D2749-MIB
Washington, D.C. 20240

Re: Comments on Process for Implementation of Section 1813, Energy Policy
Act of 2005 -- Energy Rights-of-Way on Tribal Lands

Dear Sir or Madam:

Kinder Morgan Energy Partners ("Kinder Morgan") appreciates the opportunity to comment on the Department of Interior's ("DOI") Notice of Request for Public Comment (the "December 29 Notice") on the above-referenced process. Kinder Morgan has substantial experience in working with tribal governments and the Bureau of Indian Affairs ("BIA") in negotiating and securing rights-of-way on tribal land. We believe our experience provides us with insights that may be helpful in promoting consistency, efficiency, and equity in the right-of-way process.

Kinder Morgan generally supports the DOI's proposed work plan (the "Work Plan") for generating the Section 1813 report to Congress. The Work Plan very appropriately brings together tribal leaders, the energy industry, governmental representatives, and affected business and consumers, to discuss direction and substance for the report. The Work Plan process also appears to provide direction towards balancing the need for equitable compensation with tribal self-determination and related tribal interests, and important energy needs and policies.

We do have two suggestions to offer: First, in paragraph I of the Work Plan, it appears the DOI and DOE will invite appropriate governmental entities to participate in the development of the report to Congress. In this regard, we recommend that the Federal Energy Regulatory Commission and the Federal Department of Transportation be included in the participating governmental entities.

Secondly, in paragraph 6 of the Work Plan, it appears that the DOI and DOE plan to conduct tribal consultation meetings near the end of the Work Plan process to discuss the draft report, and receive written and oral comments on the draft from the tribes. It is not clear whether, in this stage of the process, the energy industry, non-tribal government, and affected businesses will be participating. We think it is critical that these interests be allowed to comment on the draft report at this time, and that such comments be considered, before the report is finalized and delivered to Congress.

We appreciate the efforts of the DOI to put together a plan of action to meet the requirements of Section 1813 of the Energy Policy Act. Kinder Morgan would like to participate as a key stakeholder in the process, beginning with the pre-scoping telephone calls and meetings. We invite the DOI to contact Dave Cornman with Kinder Morgan in this regard, as Mr. Cornman will serve as the point of contact for Kinder Morgan in this process. Mr. Cornman can be reached at 714-560-4914

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ron McClain". The signature is fluid and cursive, with a large initial "R" and "M".

Ron McClain
Vice President – Operations & Engineering
Products Pipelines
Kinder Morgan Energy Partners, L.P.