



Salt River
PIMA-MARICOPA INDIAN COMMUNITY
10005 E. OSBORN RD. / SCOTTSDALE, ARIZONA 85256-9722 / PHONE (480) 850-8000

January 19, 2006

Office of Indian Energy and Economic Development
ATTN: Section 1813 ROW Study
1849 C Street N.W.
Mail Stop 2749-MIB
Washington DC 20240

Dear Sir or Madam,

The Salt River Pima-Maricopa Indian Community (SRP-MIC) strongly opposes the aggressive time frame outlined in the "Public Comment About Congressional Mandated Study of Energy Rights-of-Way on Tribal Lands" as published on Thursday, December 29, 2005 in the Federal Register. First and foremost, the accelerated timeframe for comment (21 days) undermines the government-to-government relationship between the SRP-MIC and the United States and negates the opportunity for meaningful consultation and negotiated rule-making. Specific comments are included in this letter and are memorialized in the attached SRP-MIC resolution no. SR-2460-06, dated January 18th, 2006.

While Section 1813 of the Energy and Policy Act of 2005 (P.L. 109-58) specifically mandates the Secretary of the Department of Energy (DOE) and the Secretary of the Department of Interior (DOI) to conduct a joint study of issues regarding energy rights-of-way on tribal land, the SRP-MIC strongly opposes any potential report findings or recommendations that would authorize and support the unilateral condemnation of tribal lands by the United States for the purposes of facilitating energy rights-of-way as any such proposal would undermine the fundamental principles of tribal sovereignty and self-determination.

The SRP-MIC also opposes the proposed use of the DOE National Laboratory to prepare an analysis of historical rates of compensation for pipelines across Indian lands. The DOI is the most appropriate federal agency to develop and study the past rates of compensation of rights-of-way on tribal lands. Furthermore, the Secretary of the DOI has the duty to protect and make decisions in the best interests of Indian tribal governments pursuant to the United States' special government-to-government relationship with the SRP-MIC and any other American Indian Band, Tribe or Nation.

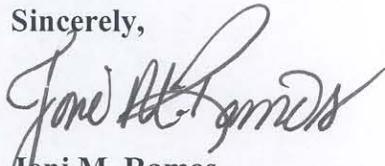
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Sovereign Indian tribes and the United States of America share a unique trust relationship, which is embodied in the Constitution of the United States, numerous court opinions, statutes, executive orders, and federal agency policies. In 2000, Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments” mandated Executive Branch agencies to consult with Indian tribes when formulating and implementing policies or other actions that have a substantial direct affect on any Indian tribe. Executive Order 13175 recognizes the need to work with Indian tribes on a government-to-government basis and ensures “meaningful” and “timely” tribal input when formulating policies that have tribal implications.

The limited comment response time and the proposed limited consultation with sovereign Indian tribes regarding the congressional mandated study of energy rights-of-way on tribal lands severely restricts the SRP-MIC’s ability to provide an adequate response to an issue that could have an extremely detrimental affect to the Community’s limited resources and adversely impacts the fundamental principles of the unique trust agreement and government-to-government relationship between the SRP-MIC and the United States of America.

The SRP-MIC reserves the right to provide further comment to the Energy Right-of-Way on Tribal Lands Study and any findings and recommendations of the study after the SRP-MIC has had adequate time to review the impacts of such study and provide more deliberate comments on this significant issue. If you need additional information or further clarification of comments, please feel free to contact Jacob Moore, Special Assistant on Congressional & Legislative Affairs at (480) 850-8137.

Sincerely,



Joni M. Ramos
President

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY**

10,005 East Osborn Road
Scottsdale, AZ 85256

RESOLUTION NO: SR-2460-06

A RESOLUTION OF THE SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY'S COUNCIL OPPOSING THE UNITED STATES DEPARTMENTS OF THE INTERIOR AND ENERGY'S IMPLEMENTATION OF SECTION 1813 OF THE ENERGY AND POLICY ACT OF 2005.

WHEREAS, The Salt River Pima-Maricopa Indian Community Council ("Council") has the authority pursuant to Article VII, Sections 1(h) and (j) of the Constitution of the Salt River Pima-Maricopa Indian Community (SRPMIC) to consult and negotiate with any federal, state and local government and to advise and recommend to the United States Government; and

WHEREAS, The SRPMIC continues to develop and strengthen its status as a self-governance tribe through Public Law 93-638, as amended, and other federal laws and regulations; and

WHEREAS, Sovereign Indian tribes and the United States of America share a unique trust relationship, which is embodied in the Constitution of the United States, numerous court opinions, statutes, executive orders, and federal agency policies; and

WHEREAS, Through the implementation of former President Nixon's Self-Determination Policy and the enactment and implementation of the Indian Self-Determination and Education Assistance Act (25 U.S.C. Sec. 450 et seq.) and similar legislation, the United States of America has recognized the need to work with Indian tribes on a government-to-government basis and to support Indian tribal self-determination and self-governance; and

WHEREAS, Beginning with former President Reagan's consultation memorandum in 1984 and culminating in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments" ("Consultation Order"), Executive Branch agencies are required to consult with Indian tribes when formulating and implementing policies or other actions that have a substantial direct effect on any Indian tribe; and

WHEREAS, The Consultation Order and earlier executive orders and memoranda require that all Executive agencies ensure that there is "meaningful" and "timely" tribal input when formulating policies that have tribal implications; and

WHEREAS, The Secretary of the Department of the Interior ("Secretary") published in the Federal Register a Request for Comments regarding Section 1813 of the Energy Policy Act of 2005 (P.L. 109-58) ("the Act") because Section 1813 of the Act requires the Secretary and the Secretary of the Department of Energy to provide Congress with a study (the Study") regarding energy rights-of ways on tribal lands, specifically addressing the following four areas: 1) an analysis of the historical rates of compensation, 2)

recommendations for appropriate standards to determine fair and appropriate compensation, 3) an assessment of tribal self-determination and sovereignty interests implicated by applications for rights-of-way on tribal land, and 4) an analysis of relevant national energy transportation policies; and

WHEREAS, The Secretary has the duty to protect and make decisions in the best interests of Indian tribal governments pursuant to the United States' special government-to-government relationship with the SRPMIC and any other American Indian Band, Tribe or Nation; and

WHEREAS, the SRPMIC is concerned that the aggressive time-frame outlined in the Federal Register Notice dated December 29, 2005 lacks the appropriate and necessary time needed for review and meaningful consultation and negotiated rule-making with the SRPMIC or any other American Indian Band, Tribe or Nation; and

WHEREAS, The SRPMIC opposes any potential findings or recommendations of the Study that would authorize and support the unilateral condemnation by the United States of tribal lands for the purposes of facilitating energy rights-of-way as any such proposal would undermine the fundamental principles of tribal sovereignty and self-determination; and

WHEREAS, The SRPMIC opposes the use of the Department of Energy National Laboratory to prepare an analysis of historical rates of compensation for pipelines across Indian lands as the Department of the Interior is the most appropriate federal agency to develop and study the past rates of compensation of rights-of-way on tribal lands; and

WHEREAS, the SRPMIC reserves the right to provide comment to the Study and its scope, findings, and/or recommendations until the SRPMIC has had adequate time to review the scope of the Study and the impacts of such findings and recommendations; and

WHEREAS, It is in the best interests of the SRPMIC and its citizens to have meaningful participation and consultation in developing the scope, findings, and/or recommendations of the Study because the rights-of-way process and legal framework are imperative to SRPMIC's sovereignty and preservation of their tribal land base; and

NOW THEREFORE BE IT RESOLVED THAT The Salt River Pima-Maricopa Indian Community ("SRPMIC") strongly opposes the aggressive time frame outlined in the "Public Comment About Congressionally Mandated Study of Energy Rights-of-Way on Tribal Lands" as published on Thursday, December 29, 2005 as this timeframe lacks appropriate time necessary for meaningful consultation and negotiated rule-making between the Departments of the Interior and Energy with the SRPMIC or any other American Indian Band, Tribe or Nation, and any half-hazard attempt at insufficient consultation and negotiated rule-making undermines the government-to-government relationship between the Community and the United States.

BE IT FURTHER RESOLVED THAT The SRPMIC reserves the right to provide comment to the study required in Section 1813 of the Energy Policy Act of 2005 (P.L. 109-58) (hereinafter "the Study") and its scope and any findings and/or recommendations

developed by the Study after the SRPMIC has had adequate time to review the impacts of the Study and is able to provide more thoughtful comments on this significant issue.

BE IT FURTHER RESOLVED THAT The SRPMIC opposes any potential report findings or recommendations that would authorize and support the unilateral condemnation by the United States of tribal lands for the purposes of facilitating energy rights-of-way as any such proposal would undermine the fundamental principles of tribal sovereignty and self-determination.

BE IT FUTHER RESOLVED THAT The SRPMIC also opposes the use of the Department of Energy National Laboratory to prepare an analysis of the historical rates of compensation for pipelines across Indian lands as the Department of the Interior is the most appropriate federal agency to develop and study the past rates of compensation for rights-of-ways on Indian and tribal lands.

BE IT FINALLY RESOLVED THAT The Salt River Pima-Maricopa Indian Community Council authorizes the President or Vice-President to take all steps reasonable or necessary to carry out the intent of this resolution.

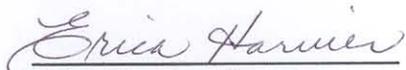
CERTIFICATION

Pursuant to the authority contained in Article VII, Section 1(h) of the Constitution of the Salt River Pima-Maricopa Indian Community which was ratified by the Tribe on February 28, 1990, the foregoing resolution was adopted this 18th day of January, 2006, at a duly called meeting held by the Community Council in Salt River, Arizona at which a quorum of 6 members were present, by a vote of 6 for; 0 against; 0 abstaining; and 3 excused.

**SALT RIVER PIMA-MARICOPA
INDIAN COMMUNITY COUNCIL**


Jon M. Ramos, President

ATTEST:


Erica Harvier, Secretary

