



UTE MOUNTAIN UTE TRIBE

P.O. Box 248
Towaoc, Colorado 81334-0248
(970) 565-3751

August 31, 2006

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

RE: Ute Mountain Ute Tribe's Comments on Section 1813 Rights-of-Way Study

Dear Mr. Cason and Mr. Kolevar:

This submission, on behalf of the Ute Mountain Ute Tribe ("Tribe"), is in response to the Department of Energy's and Department of Interior's ("Departments") request for comments regarding the Study being conducted pursuant to Section 1813 of the Energy Policy Act of 2005 ("Study"). Section 1813 of the Energy Policy Act of 2005 requires the Departments jointly conduct a Study of issues regarding energy rights-of-way on tribal land.

In passing Section 1813, Congress identified four findings to be included in the Study. One of these mandated findings, 1813(b)(2), is for the Departments to make "recommendations for appropriate standards and procedures for determining fair and appropriate compensation to Indian tribes for grants, expansions, and renewals of energy rights-of-way on tribal land;"

On page 27. of the Draft Report to Congress, the Departments find,

"... that under existing law and regulations, difficulties arise in ROW negotiations from time to time that are sometimes very significant to the parties. At the same time, however, it appears unlikely that these difficulties could lead to significant cost impacts for energy consumers or to significant cost impacts for energy consumers or to significant threats to the physical delivery of energy supplies to market areas."

In light of these findings, the only possible recommendation from the Departments is for Congress to "elect no change; allowing ROW negotiations to continue

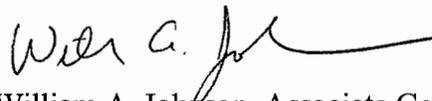
under current laws, regulations, practices, and procedures.” Congress is seeking recommendations from the Departments, not options. By not providing recommendations, the Departments are failing in their congressionally mandated obligation. The Reports own findings necessitate a recommendation to Congress of “no-action.”

Indian tribes place significant cultural and spiritual significance on their lands. Unlike private landowners, Tribes provide essential governmental services to individuals, both native and non-native. Tribes rely on the money raised from the use of their lands, including compensation received from rights-of way, to pay for these services.

The tribal consent requirement for rights-of-ways is a critical aspect of tribal sovereignty, allowing tribes to negotiate acceptable terms relating to tribal jurisdiction, environmental protection, and cultural concerns, as well as compensation. The right to determine who will be on our lands and under what conditions they may remain is of paramount importance to the Ute Mountain Ute Tribe!

If you have any questions regarding these comments of the Ute Mountain Ute Tribe, please contact William A. Johnson at (970) 564-5642.

Sincerely,



William A. Johnson, Associate General Counsel
Office of the General Counsel, Ute Mountain Ute Tribe

cc: Manuel Heart, Chairman, Ute Mountain Ute Tribe
: Prisslena Lopez, Councilwomen, Ute Mountain Ute Tribe