

# New Mexico Federation of Labor

*Daniel Rivera, Executive Director*  
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Mr. David Meyer  
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Mr. Bob Middleton  
U.S. Department of Interior  
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Mail Stop 2749-MIB  
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Dear Gentlemen:

Attached please a copy of a Resolution for the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) to support Indian Tribes of the United States against the Energy Policy Act of 2005: Section 1813, Indian Land Rights of Way.

This resolution was voted on unanimously by the the delegates of the New Mexico Federation of Labor, AFL-CIO at the June 24, 2006 COPE Convention in Las Cruces, New Mexico and presented to President Joe Shirley of the Navajo Nation after his keynot speech to the delegates.

Please know that the AFL-CIO and all affiliated unions have in their membership proud members of Native American Tribes. Therefore the New Mexico Federation of Labor, AFL-CIO proudly supports our Native brothers and sisters in their endeavor to voice their displeasure in the Energy Policy Act Section 1813: Indian Lands Rights-of -Way Study and we ask your consideration in listening to our strong concerns.

Sincerely,

Christine Trujillo, President  
New Mexico Federation of Labor, AFL-CIO

CC: AFL-CIO President John Sweeney  
AFL-CIO Secretary Treasurer Richard Trumpka  
AFL-CIO President Linda Chavez Thompson  
Affiliated AFL-CIO labor unions

Resolution for the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) to support Indian Tribes of the United States against the Energy Policy Act of 2005: Section 1813, Indian Land Rights of Way.

WHEREAS, The secretary and the secretary of the Interior shall jointly conduct a study of issues regarding energy rights-of-way on tribal land (as defined in section 2601 of the Energy Policy Act of 1992 (as amended by section 503)) (referred to in this section as "tribal land"))

WHEREAS, The power of tribes to prevent third parties from using tribal lands without tribal consent is a critical element of tribal sovereignty that has been established in Federal law and policy for over 200 years. The tribal consent requirement to the use of tribal lands should be honored and preserved.

WHEREAS, The tribal consent requirement includes the power to tribes to place conditions on the use of tribal lands, including conditions relating to tribal jurisdiction, preservation of environmental and cultural resources, duration of use and compensation.

WHEREAS, Adherence to the tribal consent requirement has resulted in greater energy production in Indian country and lower energy costs to consumers. The tribal consent requirement for rights-of-way has not had a noticeable negative effect on the availability or cost of energy to consumers.

WHEREAS, No right-of-way agreement or other business arrangement that permits third-party use of tribal land should reduce the sovereign power of a tribe over its lands or the activities conducted on its lands in the absence of the specific consent of the tribe.

WHEREAS, Federal law and policy should not be changed to require perpetual rights-of-way or automatic renewals of rights-of-way because such changes would deprive tribes of management and control of their lands.

WHEREAS, Tribes should continue to have the right to negotiate compensation for the use of tribal land that gives tribes a fair share of the economic benefits produced by use of their lands. Such revenues sustain tribal governments and cultures.

WHEREAS, Indian nations are an integral component of energy security of the United States, not a threat to that security. History demonstrates that tribes have permitted critical energy facilities to be used pending compensation negotiations even in cases where tribal rights-of-way have expired.

WHEREAS, Federal law and policy should provide positive incentives to tribes and industry to foster partnerships and the mutual alignment of economic interests related to energy development, transmission and distribution.

WHEREAS, As reflected in the **Indian** Tribal Energy Development and Self Determination Act of 2005, deference to tribal decision-making should remain a fundamental component of Federal Indian energy policy.

WHEREAS, The creation of a Federal administrative valuation process for fixing tribal right-of-way compensation would e an affront to tribal sovereignty and, as shown by the disastrous Federal management of Indian allotted resources, would be a mistake.

THEREFORE, BE IT RESOLVED, that the New Mexico Federation of Labor and it's affiliated unions stand in support of all Indian Tribes across this United States of America.

BE IT FURTHER RESOLVED, A copy of this resolution to the U.S. Department of Interior and the U.S. Department of Energy for inclusion in the record related to the Study of Energy Rights-of-Way under Section 1813 of the Energy Policy Act of 2006.

BE IT FURTHER RESOLVED, that the Executive Board of the New Mexico Federation of Labor, AFL-CIO adopt this resolution and will forward a copy to the national and international union presidents and to the officers of the AFL-CIO.

A handwritten signature in black ink, appearing to read 'Christine Trujillo', written in a cursive style.

Christine Trujillo, President  
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