

Sac and Fox Nation

Route 2, Box 246

Stroud, OK 74079



Principal Chief KAY RHOADS
Second Chief DARRELL L. GRAY
Secretary GEORGE THURMAN
Treasurer MICHAEL W. HACKBARTH
Committee Member AUSTIN GRANT

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To Whom It May Concern:

The Sac and Fox Nation of Oklahoma have great concern regarding the right-of-way study on tribal land with a final report forwarded to Congress. It appears to be an attempt by private industry to ignore the status of Tribal Governments and allow the Secretary of Interior to condemn tribal lands without tribal consent.

This right-of-way study addresses four areas:

1. An analysis of 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 right-of-way on tribal land, and
4. An analysis of relevant national energy transportation policies.

Under current law, 25 U.S.C. §324 and 25 C.F.R. §169, the Secretary cannot approve and grant right-of-ways on tribal land without consent of tribal officials. By giving authority to the Secretary to condemn tribal lands infringes on the self-governance status of the tribes and ignores the government to government relation granted to Indian Nations. The fact this study is going to assess our performance already demonstrates the blatant disrespect for Tribal Governments' self determination and sovereignty and ultimately jeopardizes the right of government to government relations.

What right does private industry have to judge us!? It is well known that private companies with the assistance of the Bureau of Indian Affairs have historically undervalued these rights of ways and will continue to do this without input from tribal governments. You have to commend the Navajo Nation for taking their stance against these companies. What is "fair market value" anyway? Isn't this just part of supply and demand, and now Tribal governments are going to be told what is fair and appropriate compensation? Because Tribal governments are now recognizing the value of the land and are in charge of their own destiny, Industry, with their billions of dollars, lobby the Federal Government to undermined the authority and sovereignty of the tribes.

Last but not least, what about this analysis of relevant national energy transportation policies? Is this analysis relevant because it's referring to a public need? Well if it is, it won't be free to the public! Is this analysis relevant because it is referring to *Homeland Security*? All I can say is no one knows more about *Homeland Security* than Native Americans. We've been fighting terrorism since 1492! Thank you Colleen Lloyd for your creative inspiration regarding your classic saying, it fits well into this last paragraph.

The Sac and Fox Nation oppose the study being proposed by the Energy Policy Act of 2005.

Sincerely,

Kay Rhoads, Principal Chief
Sac and Fox Nation