

# THE COUNCIL OF LARGE LAND BASE TRIBES

222 North 32<sup>nd</sup> St – Suite 401, Billings, MT 59101 Ph: (406) 252-2550, Fax (406) 254-6355

## RESOLUTION OF THE COUNCIL OF LARGE LAND BASED TRIBES RESOLUTION # 2007-17-02

A Resolution of the Council of Large Land Based Tribes to Oppose the Departments of Energy and Interior's Study of Energy Rights-of-Way in Accordance With Section 1813 the Energy Policy Act of 2005.

**WHEREAS**, the Council of Large Land Based Tribes consists of Tribes with existing Energy Rights of Ways, some of which are up for renewal; and

**WHEREAS**, the Council of Large Land Based Tribes recognizes that Section 1813 of the Energy Policy Act of 2005 replaces earlier proposals to Congressionally authorize the Secretary of Interior to condemn Indian lands for energy rights of ways; and

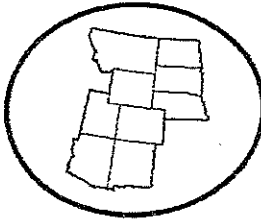
**WHEREAS**, the Council of Large Land Based Tribes has reviewed the draft study released by the Departments of Interior and Energy including the finding that Indian Energy ROW negotiations do not adversely affect either national energy transportation or the ultimate energy consumer in significant rate increases; and

**WHEREAS**, the draft study did not substantiate the existence of insurmountable ROW negotiation problems, the Department originally provided options to Congress for consideration including:

- Do nothing and allow ROW negotiations to continue as is.
- Establish a legislative clarification of tribal consent providing that tribal consent is required from all tribes for an energy ROW across tribal lands, not just those organized under the Indian Reorganization Act (IRA).
- Require binding valuation to resolve any impasse in negotiation.
- Specifically authorize condemnation of tribal lands for public necessity.

**WHEREAS**, the Departments of Interior and Energy do not indicate that any major legislative action is required and they caution that legislative action would impact the long-standing federal policy of encouraging Indian self-determination and sovereignty, and

**WHEREAS**, the Council of Large Land Based Tribes unanimously conclude that the study mandated by Section 1813 of the Energy Policy Act of 2005 does not warrant any change in the current law and policy requiring Tribal consent prior to the grant of any right of way across Indian Country; and



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**WHEREAS**, numerous tribes actively protested the final two options at several hearings held by the Department of Interior; and

**WHEREAS**, in reaction to tribe's efforts to oppose options negatively impacting tribal sovereignty, the Department of Interior made positive changes but did not completely eliminate condemnation of tribal lands for public necessity as an option.

## **NOW THEREFORE BE IT RESOLVED THAT:**

The Council of Large Land Based Tribes opposes any consideration of options other than do nothing. The Council of Large Land Based Tribes strongly feels that ROW negotiations between Tribes and the energy industry continue in accordance with current law.

## **BE IT FURTHER RESOLVED THAT:**

The Council of Large Land Based Tribes supports language in the final draft of the Section 1813 ROW Study that treaties between the United States and tribes recognize the inherent authority of tribes to govern activities on tribal lands regardless of whether a tribe is organized under the Indian Reorganization Act.

## **CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Council of Large Land Based Tribes at a duly called meeting in Washington, D.C., at which a quorum was present and the same was passed by CONSENSUS this 17th day of January, 2007.

Carl E. Venne, President  
Council of Large Land Based Tribes