

The Great Spirit created Man and Woman in his own image. In doing so, both were created as equals. Both depending on each other in order to survive. Great respect was shown for each other; in doing so, happiness and contentment was achieved then, as it should be now.

The connecting of the Hair makes them one person; for happiness or contentment cannot be achieved without each other.

The Canyons are represented by the purples in the middle ground, where the people were created. These canyons are Sacred, and should be so treated at all times.

The Reservation is pictured to represent the land that is ours, treat it well.



The Reservation is our heritage and the heritage of our children yet unborn. Be good to our land and it will continue to be good to us.

The Sun is the symbol of life, without it nothing is possible - plants don't grow - there will be no life - nothing. The Sun also represents the dawn of the Hualapai people. Through hard work, determination and education, everything is possible and we are assured bigger and brighter days ahead.

The Tracks in the middle represent the coyote and other animals which were here before us.

The Green around the symbol are pine trees, representing our name Hualapai - PEOPLE OF THE TALL PINES -

HUALAPAI NATION
OFFICE OF THE CHAIRMAN

Charles Vaughn
Chairman

P.O. Box 179 • Peach Springs, Arizona 86434 • (928) 769-2216
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Aaron D. Mapatis
Vice Chairman

January 31, 2007

VIA FACSIMILE

Attention: Section 1813 ROW Study
Office of Indian Energy and Economic Development
1849 C. Street Northwest
Washington, DC 20240
Fax: 202/ 208-4564
IEED@bia.edu

RE: Section 1813 ROW Draft Report to Congress

Dear Sir/Madam:

On behalf of the Hualapai Tribe, I submit the following comments with respect to the DOE/DOI 1813 ROW Study Draft Report to Congress.

The Hualapai Reservation is situated in Arizona and encompasses a million acres along 108 miles of the Colorado River and the Grand Canyon. The headquarters of the Hualapai Tribe is located at Peach Springs, Arizona. Due to our location, we have an active relationship with parties holding existing rights-of-way over our lands as well as parties seeking rights-of-way.

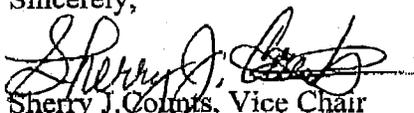
The requirement of tribal consent for the grant or renewal of rights-of-way across tribal lands is a critical component of tribal sovereignty, and should in no way be diminished. The ability of our Tribe to negotiate rights-of-way agreements for itself is fundamental to our self-determination and firmly rooted in federal law. We urge you to bring these issues of sovereignty and self-determination within the scope of Congressional consideration.

We respectfully request that you submit to Congress the enclosed Supplemental Statement of Tribal Principles as an addendum to your revised Draft Report to Congress, which you submitted to Congress December 21, 2006.

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Letter to Office of Indian Energy

The Hualapai Tribe is available to provide further information as requested and reserves the right to provide additional comments as it determines necessary. Thank you for your consideration of these serious matters.

Sincerely,


Sherry J. Counts, Vice Chair
Hualapai Tribe

INDIAN TRIBES – PARTNERS IN AMERICA’S ENERGY FUTURE
SECTION 1813 RIGHT-OF-WAY STUDY – TRIBAL PRINCIPLES

1. **Tribal Sovereignty and Consent.** 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.
2. **Conditions to Consent.** The tribal consent requirement includes the power of tribes to place conditions on the use of tribal lands, including conditions related to tribal jurisdiction, preservation of environmental and cultural resources, duration of use, and compensation.
3. **No Negative Effects.** 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.
4. **Preservation of Tribal Jurisdiction.** 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.
5. **Restricted Duration of Rights-of-Way.** 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.
6. **Negotiated Compensation.** 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.
7. **National Security.** 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.
8. **Industry Partnerships – Best Practices.** 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.
9. **Appropriate Deference.** 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.
10. **Allottee Experience.** The creation of a federal administrative valuation process for fixing tribal right-of-way compensation would be an affront to tribal sovereignty and, as shown by the disastrous federal management of Indian allottee resources, would be a mistake.

**HUALAPAI TRIBAL COUNCIL
RESOLUTION NO. 37-2006
OF THE GOVERNING BODY OF THE
HUALAPAI TRIBE OF THE HUALAPAI INDIAN RESERVATION**

**Supporting Tribal Sovereignty, the Continuation of Tribal Consent
Of Indian Energy Rights of Way and the Incorporation of the
Statement Of Principles in the Section 1813 Right-of-Way Study**

WHEREAS, the Hualapai Tribe is a federally recognized Indian tribe; and

WHEREAS, the Constitution and By-Laws of the Hualapai Indian Tribe, provides that the governing body of the Hualapai Indian Tribe is the Hualapai Tribal Council and sets forth the powers of the Tribal Council exercised in this Resolution; and

WHEREAS, Section 1813 of the Energy Policy Act of 2005 requires the Departments of Energy and Interior to prepare a study on the compensation practices and policy implications associated with the issuance of tribal consent for energy-related rights-of-way crossing tribal lands ("Right-of-Way Study"); and

WHEREAS, the Right-of-Way Study is a matter of great importance to the Tribe and to all tribes and may have significant implications regarding future legislation and tribal sovereignty; and

WHEREAS, under longstanding law, the consent of the governing body of a tribe must be obtained as a condition for the grant or renewal of a right-of-way across tribal lands; and

WHEREAS, the tribal consent requirement is a critical aspect of tribal sovereignty that allows tribal governments to negotiate acceptable terms, including those related to duration and compensation, for the use of tribal lands; and

WHEREAS, the Tribal Council has reviewed the attached statement of principles and has determined that these principles should be incorporated in the Right-of-Way Study and maintained as a matter of federal law and policy.

NOW, THEREFORE BE IT RESOLVED, that the Tribal Council hereby approves the attached statement of principles and authorizes distribution of this Resolution as an official policy statement of the Tribe.

BE IT FURTHER RESOLVED, that the Tribal Council directs that a copy of this resolution be forwarded to the Departments of Energy and Interior for inclusion in the record related to the Right-of-Way Study.

CERTIFICATION

I, the undersigned as Chairman of the Hualapai Tribal Council hereby certify that the Hualapai Tribal Council of the Hualapai Tribe is composed of **9** members of whom **8** constituting a quorum were present at a **Special Council Meeting** thereof held on this **25th day of May 2006**; and that the foregoing resolution was duly adopted by a vote of **8 – in favor, 1 – excused**, pursuant to authority of Article V, Section (a) of the Constitution of the Hualapai Tribe approved March 13, 1991.



Charles Vaughn, Chairman
HUALAPAI TRIBAL COUNCIL

ATTEST


Adeline Crozier, Assist. Secretary
HUALAPAI TRIBAL COUNCIL