

January 9, 2006

OFFICE OF INDIAN ENERGY  
AND ECONOMIC DEVELOPMENT  
MS 2749, ATTN: Section 1813 Study  
1849 C Street, N.W.  
Washington, D.C. 20240

**Re: Comments on Section 1813 Study**

Dear Sirs:

This letter is written pursuant to your invitation dated December 15, 2005, initiating consultations between Tribal governments and the DOI/DOE for the advisory study related to P.L. 109-58. The Agua Caliente Band of Cahuilla Indians wishes to submit the following initial comments towards the Section 1813 study and the proposed work plan.

1. Grants of right-of-way to private and quasi-private entities need to be revised to protect long term sovereign interests of Indian Nations regarding:
  - a. Reversionary term
  - b. Compensatory format
  - c. Renewal considerations
  - d. Trespass at non-renewal
  - e. Non-assignability
  - f. Use bonding
2. Terms of grant need to be revised to protect development interest for coterminal Tribal and Allottee land use.
3. The appropriateness of affording eminent domain capacity to unregulated for-profit right-of-way acquisition within dependent sovereignties should be revisited.
4. Provisions to provide independent, preliminary realty assessment to Tribal Governments and individual Allotees in advance of commencement of NEPA reviews should be incorporated into the consent procedures.

5. Provisions for Tribal Government assessment of impacts to Reservation interest, separate from impacts to Allotted interest, needs to be included in the consent process for transmission lines, distribution lines and other non-service specific right-of-way over individually Allotted land.
6. Provisions for trust-to-trust transfer of beneficial interest and reversionary interest directly to Tribal Government needs to be incorporated into the grant provisions for public roadway and combined use utility right-of-way grants.

The Agua Caliente Band of Cahuilla Indians is very interested in the structure and direction of the proposed study and request that we receive copies of all meeting notices and communications related to the progress of the study process.

Thank you for your attention to this matter.

Sincerely,

Thomas J. Davis, AICP  
Chief Planning & Development Officer  
**AGUA CALIENTE BAND  
OF CAHUILLA INDIANS**

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