



Nez Perce

TRIBAL EXECUTIVE COMMITTEE
P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

January 11, 2006

Director
Office of Indian Energy and Economic Development
1849 C St., NW
Mailstop 2749-MIB
Washington, D.C. 20240

RE: The Nez Perce Tribe's Comments on the Section 1813 ROW Study

Dear Director:

Thank you for the opportunity to comment on the development of the Department of Interior's energy rights of way study on Indian lands. Like many Indian tribes around the country, the Nez Perce reservation is heavily checkerboarded with non-Indian fee lands, as well as with various easements and rights of way owned by non-Indians over Tribal property. Many of these easements and rights of way were obtained many years ago through less than honorable means. As such, any study that will examine energy rights of way in Indian country is of interest to the Nez Perce Tribe.

One issue that affects the Nez Perce Tribal community is that many tribal members do not know whether the energy companies actually have an easement across their property. In many instances, the parcel of land will have been in the Tribal member's family since the time of allotment with no record of any conveyance, yet, the local energy companies argue that they have a valid easement to use the property. One question that needs to be answered by the study is whether energy companies have actually paid for the use of tribal property, either by purchasing an easement or right of way, or by renting the property. It is the Tribe's feeling that in many situations on the reservation, no form of payment has been made to the individual tribal land owners whose property is being utilized by the energy companies.

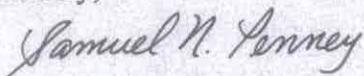
The Nez Perce Tribe requests that the Departments of Interior and Energy formally consult with the Tribe on the development of this study. During such consultation, the Nez Perce Tribe would like to see a summary of the records on energy rights of way over tribal lands held at the local Bureau of Indian Affairs agency. The Tribe is interested to see whether there is documentation of all existing rights of way, whether the records indicate if payments have been

made, and whether the BIA knows about the energy leases and/or easements across individual tribal members' property.

Lastly, the Tribe requests that the Department of Interior explore the option of returning unused or retired energy rights of way across Indian lands to the original owners. Since there is a serious question about whether many of the rights of way were validly obtained, and whether proper payments have been made, this seems like a logical step in the direction of fixing the inequitable errors from the past.

Thank you again for the opportunity to comment on the development of the ROW study. I look forward to staying involved in this process. If you have any questions, or comments, please contact Ryan Sudbury in our Office of Legal Counsel at (208) 843-7355.

Sincerely,



 Rebecca Miles, Chairman
Nez Perce Tribal Executive Committee