

January 18, 2006

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Office of Indian Energy and Economic Development
1849 C Street NW Mail Stop 2749
Washington, DC 20240
Attention: Darryl Francois
Section 1813 ROW Study

Dear Sirs:

This comes as a letter from land owners on the Nez Perce Indian Reservation who are heirs to trust land which has been encumbered by energy companies for many years, and for which I / we seek justice. Thus, I am very concerned and interested in Section 1813, Rights-of-Way (ROW) Study being initiated by the Department of Interior and Energy. I / We also recognize that the Nez Perce Tribe, through the tribal governing body, the Nez Perce Tribal Executive Committee (NPTEC), has already submitted comments pursuant to your Federal Register solicitation. There is an extremely short time frame for local review and comment that I / we feel that the NPTEC letter did not satisfactorily address for the four points of issue. Because the issues at hand are pervasive in Indian Country trust lands, and complex in scope, the short time frame is simply not enough time to prepare a satisfactory draft report in the spirit of the original intent for the ROW Study. Further, I / we feel that the time frame, between May and mid-July 2006 for presentation of a draft report in three regional consultation meetings is unrealistic.

Section 1813 of the Energy Policy Act of 2005 (Public Law 109-58) directs that the Department of Interior and Energy conduct a study of energy-related rights-of-way on tribal and allotted lands. The Act further requires that this study address four subjects: 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 application for ROW's on tribal and allotted land; 4) and, an analysis of relevant national energy transportation policies.

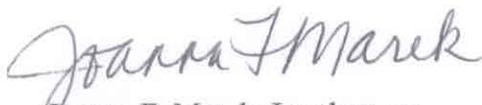
The collection of information and data from a historical context surely can not be achieved without contact with that land owners and the tribe, where affected, to achieve a thorough analysis, and from which to make recommendations for fair and appropriate compensations. The land ownership on the Nez Perce Reservation is checker boarded, and not without some conflict. The trust lands are also owned by heirs, numerous and with highly fractionated interests. There are many instances of rights-of-way trespass by large Energy companies and the NPTEC has wisely approved a method where land issues can be litigated in the tribal courts. The BIA regional staffs in Albuquerque, NM, have not been able to address the issue because of a deep backlog of pending cases. Case Study done by a Department of Energy Laboratory will not provide sufficient basis from which wise recommendations can be made. It is my / our view that the energy companies

have run roughshod over heir ship interests in their negotiation of rights-of-way through Indian country.

The Notice mentions that the Act has specific requirements and a congressionally mandated deadline for the submission of a final report. The proposed beginning describes a "pre-scoping" contact through phone calls to tribal leaders, members of the energy industry, appropriate government entities and affected business consumers to discuss the various aspects of the report called for by the study...this ostensibly leading to subsequent stages of the work plan. Where does the consultation describe landowner interests' discussion? The tribal leaders who step forth for consultations surely will not have a grasp of the universe of issues affecting all the stake holders. More time is needed for consultation, notwithstanding the fast track on which this initiative rides.

I / We hope that you will take my / our review and comment seriously, and as not in conflict with the remarks submitted by the NPTEC. The Study will not alleviate the immediate needs for conflict resolution currently in progress on our reservation. Thank you for your interest and attention to these serious issues.

Sincerely,

A handwritten signature in cursive script that reads "Joanna F. Marek".

Joanna F. Marek, Landowner
PO Box 465
Lapwai, ID 83540

Cc; Thomas Nelson, Attorney / emailed
NPTEC, Land Commission /emailed
Congressional Delegation, Idaho