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Via Facsimile to (202)208-4564

January 9, 2006

Office of Indian Energy and Economic Development
MS 2749, ATTN: Section 1813 Study
1849 C. Street, N.W.
Washington, DC 20240

**Re: Comments of the White Mountain Apache Tribe on the Section 1813
Workplan**

To Whom It May Concern:

The White Mountain Apache Tribe respectfully provides the following comments on the Section 1813 workplan:

1. Pre-scoping Discussions

It is the Tribe's position that all tribes currently involved in energy rights-of-way negotiations are integral to the Section 1813 process and should be encouraged to participate.

The Tribe requests that it be allowed to have a representative participate in the working groups that are formed for the Section 1813 tasks. The Tribe has been increasingly active in utility-related matters during the last six years and is keenly interested in the Section 1813 process.

In addition, Arizona tribes such as the Navajo Nation, Hopi Tribe, Gila River Indian Community, Ak-Chin Indian Community, Tohono O'odham Nation and the Fort Mojave Indian Tribe all have extensive experience with utility issues and have staff who can offer important input into this process as it advances. These governments also need to be invited to participate.

2. Historic Data Collection

(a) The Tribe notes that Section 1813(b)(1) of the Energy Policy Act of 2005 provides for "an analysis of historic rates of compensation paid for *energy rights-of-way* on tribal land" [italics added]. The Tribe objects to the study of rights-of-way being restricted to pipelines. All energy rights-of-way categories should be included in the study scope.

(b) The Tribe also notes that data collected needs to remain associated with the comprehensive terms within which transactions were conducted. That is, compensation packages could have included benefits in a form other than direct compensation for "right-of-way" access. Total compensation needs to be identified so that an accurate measure of historic pricing is obtained.

(c) The Tribe also comments that all data collected for the study should remain confidential to the tribes to which it relates unless such data is not confidential in nature or the affected tribe has no objection to its release.

3. Two-Day Scoping Meeting

Again, working group participation should include tribes currently negotiating energy rights-of-way, those with utility expertise and other interested tribes.

Again, the Tribe requests that it be allowed an opportunity to participate in the scoping meeting proposed, as well as the working groups formed from those meetings.

4. Workshops with Working Groups

The Tribe supports the process of conducting workshops, as long as a broad array of tribal representatives are allowed to participate.

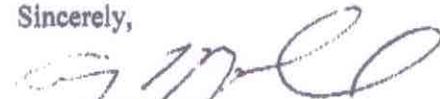
5. Draft Report

The Tribe requests that the draft report be presented far enough in advance of the August 7 Congressional deadline to allow for meaningful review and comment.

6. Regional Consultation Meetings

The Tribe requests that consultation meetings be held sufficiently in advance of the August 7 deadline to allow for meaningful comment and dialogue, as well as adequate consideration by DOE and DOI of the input offered at those meetings.

Sincerely,



Amy T. Mignella
Special Counsel
White Mountain Apache Tribe

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FACSIMILE TRANSMITTAL SHEET

TO:	Bob Middleton	FROM:	White Mountain Apache Tribe
COMPANY:	Office of Indian Energy and Econ. Development	DATE:	1/9/2006
FAX NUMBER:	202-208-4564	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:	202-219-0740	SENDER'S REFERENCE NUMBER:	
RE:	Section 1813 comments	YOUR REFERENCE NUMBER:	

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

See attached.

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