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### FAX TRANSMITTAL

**TO:**

**The Office of Electricity Delivery and Energy Reliability  
Room 8H-033  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585**

**FAX: (202) 586-1472**

**FROM: The Southern Ute Indian Tribe**

**RE: Preliminary Draft Corridor Map Comments**

**DATE: 7/7/06**

**Number of pages including cover sheet: (3)**

Included in this fax transmission, please find a letter from Clement J. Frost, Chairman of the Southern Ute Indian Tribe, containing the comments of the Southern Ute Indian Tribe to the Preliminary Draft Corridor Map published June 9, 2006.



**SOUTHERN UTE INDIAN TRIBAL COUNCIL**

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**VIA FEDERAL EXPRESS AND FACSMILE  
(202) 586-1472**

July 10, 2006

Office of Electricity Delivery and Energy Reliability  
Room 8H-033  
U.S. Department of Energy  
1000 Independence Avenue, S.W.  
Washington, DC 20585

**Re: Preliminary Draft Corridor Map Comments of the Southern Ute Indian  
Tribe – Corridor Designation on Federal Lands – Programmatic  
Environmental Impact Statement**

Dear Sir or Madam:

On behalf of the Southern Ute Indian Tribe, we thank you for the opportunity to comment on the Preliminary Draft Corridor Map published on June 9, 2006. On November 28, 2005, the Tribe submitted scoping comments on the Programmatic Environmental Impact Statement and a copy of those comments is attached hereto for your reference.

As stated in our scoping comments, the Southern Ute Indian Tribe is a federally recognized Indian tribe, organized under the Indian Reorganization Act of 1934, whose Reservation is located in southwestern Colorado. The Southern Ute Indian Reservation contains approximately 710,000 acres of land, and, since the 1950s, natural gas exploration and development has been widespread within the boundaries of the Reservation. As a result of that energy development, several thousand well pads are located on the Reservation, and roads and gathering pipelines crisscross much of the land of the Tribe and its neighbors.

Unfortunately, the Colorado-specific Preliminary Draft Corridor Map ("Map") does not show the location of the proposed corridor across the Southern Ute Indian Reservation with enough specificity to allow the Tribe to fully analyze the proposed location. The Map shows a proposed corridor running through the west half of the Southern Ute Indian Reservation but we are unable to determine the exact location of the proposed energy corridor due to the scale of the Map as published. A more detailed map is needed so that the Tribe can compare the location of the proposed corridor to the location of existing pipeline and transmission line rights-of-way on the western side of the Reservation. We respectfully request, therefore, that a map be provided

Office of Electricity Delivery and Energy Reliability

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showing the location of the proposed energy corridor across the Reservation with a greater level of specificity and that the Tribe be allowed a reasonable time to supplement these comments based on more specific information provided concerning the location of the proposed corridor.

Without more specific information regarding the location of the proposed corridor, we are unable to formulate precise comments. We can, however, say that the location of the proposed corridor on the western half of the Reservation, as opposed to the eastern half, is preferable since the western half of the Reservation already is the location of numerous energy rights-of-way. The location of the proposed corridor along pre-existing energy rights-of-way would be preferable to the Tribe. Currently, several major interstate pipelines and electric distribution and transmission facilities cross the western half of the Reservation.

The primary concern of the Tribe, regardless of the precise location of the proposed energy corridor, is the exercise of the Tribe's right to grant or withhold consent to encumbrances on Reservation lands. The Tribe remains extremely active in regulating the use of its lands. As a result of its organization under the Indian Reorganization Act (25 U.S.C. § 476), the Tribe has certain powers recognized and vested by Congress, including the power "to prevent the sale, disposition, lease, or encumbrance of tribal lands, interests in lands, or other tribal assets without the consent of the tribe." As stated in our scoping comments, nothing in Section 368 of the Energy Policy Act of 2005 amends pre-existing statutes that require tribal consent for the issuance of rights-of-way crossing their lands. The study of Indian Land Rights-of-Way authorized in Section 1813 of the Energy Policy Act of 2005, implicitly recognizes that tribal lands are not subject to such disposition without tribal consent. The Tribe monitors the oil and gas activities on its lands and will withhold its consent to proposed activities when they appear to be adverse to the Tribe's interests. The Tribe is less likely to withhold its consent, however, to new encumbrances that are located in areas where oil and gas activity or electric transmission line rights-of-way already exist. It would make little sense to designate a corridor in an area where the Tribe may not grant consent to rights-of-way within that corridor.

The Southern Ute Indian Tribe appreciates the opportunity to comment on the Preliminary Draft Corridor Map for energy corridor designation on Federal lands and respectfully requests that more specific information be provided regarding the location of the proposed corridor across the Reservation and that we be provided an opportunity to supplement these comments based on that information.

Sincerely,



Clement J. Frost, Chairman  
Southern Ute Indian Tribe

cc: Maynes Bradford Shipps & Sheftel, LLP