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Office of Public Affairs
Washington, DC 20585

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Tuesday, May 15, 2007

U.S. Departments of Interior and Energy Release Report on
Indian Land Rights-of-Way Study

WASHINGTON, DC – The U.S. Department of the Interior (DOI) and the U.S. Department of Energy (DOE) (Departments) today delivered to Congress and sent to the Federal Register the Indian Land Rights-of-Way Study required by Section 1813 of the Energy Policy Act of 2005 (EPACT). The study provides analyses and recommendations on energy rights-of-way (ROWs) negotiations on tribal lands.

The study recommended that grants, expansions, or renewals of energy ROWs on tribal lands should continue to be based on terms negotiated between the two parties. In the event that negotiations are not successful, evaluation by Congress on a case by case basis may be needed. The Departments found that the negotiation processes for establishing or renewing ROWs on tribal land could benefit from mutually agreed-upon practices, procedures and actions. These include the following: the development of comprehensive ROW inventories for tribal lands, the development of model or standard business practices for energy ROW transactions, and a broadened scope of energy ROW negotiations.

The Indian Land Rights-of-Way Study examined recommendations for determining fair and appropriate compensation to Indian tribes for grants, expansions, and renewals of energy ROWs on tribal land; historic rates of compensation paid for energy ROWs on tribal land; assessments of the tribal self-determination and sovereignty interests; and an analysis of relevant national energy transportation policies relating to grants, expansions, and renewals of energy ROWs on tribal land.

Section 1813 of the EPAct required the Departments to jointly conduct a study on the grants, expansions, and renewals of ROWs on tribal lands. The Departments consulted with Indian tribes, the energy industry, appropriate government entities, and affected businesses and consumers during the course of the study and conducted case studies based on energy ROWs on tribal lands. The Departments held public meetings and received more than 250 written comments. This extensive public and tribal consultation provided the Departments with the essential

information needed to study and report on the issues requested by Congress in Section 1813.

For information about section 1813 and to view the full report and Federal Register Notice, visit: <http://1813.anl.gov>
<<http://1813.anl.gov/>> .

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