



**RESOLUTION OF THE  
WHITE MOUNTAIN APACHE TRIBE OF THE  
FORT APACHE INDIAN RESERVATION**

**(Authorizing Comments on Department of Energy Rights-Of-Way Study)**

**WHEREAS**, on August 8, 2005, the Energy Policy Act of 2005 was enacted into law; and

**WHEREAS**, Section 1813 of that law provides that the Departments of Energy and Interior will conduct a “study of issues regarding energy rights-of-way on tribal land;” and

**WHEREAS**, that Section also provides that these agencies must deliver a report on their findings to Congress by August 7, 2006, including:

- (1) “an analysis of historic rates of compensation paid for energy rights-of-way on tribal land;
- (2) recommendations for appropriate standards;
- (3) procedures for determining fair and appropriate compensation to tribes for grants, expansions, and renewals of energy rights of ways on tribal lands; and
- (4) an analysis of relevant national energy transportation policies relating to grants, expansions, and renewals of energy rights-of-way on tribal land.”

**WHEREAS**, certain industry representatives seek to eliminate the current valuation methodologies that require a minimum valuation based on fair market value plus severance damages and also want to eliminate the need for tribal consent on the premise that continuing these procedures is contrary to national security interests; and

**WHEREAS**, numerous tribes have met and discussed the need to submit statements to the Departments of Energy, Interior and Congress supporting the current system of valuation and requirement for tribal consent; and

**WHEREAS**, these tribes have drafted a set of principles to be submitted to the Departments of Energy and Interior and to Congress or for tribal use in formulating specific resolutions in support of the rights-of-way procedures currently in place; and

**WHEREAS**, the Departments of Energy and the Interior are accepting comments on this study through May 17, 2006; and

**WHEREAS**, Tribal staff have followed the study process and have provided a set of comments on the Tribe’s behalf, as attached and incorporated by reference; and

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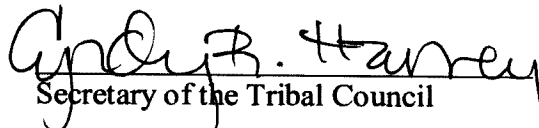
**WHEREAS**, this study process represents a significant threat to tribal jurisdiction over all rights-of-ways on Indian lands and as such, compels action from the Tribe.

**BE IT THEREFORE RESOLVED** by the Tribal Council of the White Mountain Apache Tribe that:

1. The Tribal Realty Specialist and Tribal Attorney or his designee is hereby authorized to finalize the attached set of comments on the Tribe's behalf.
2. The Chairman of the Tribal Council, or in his absence the Vice-Chairwoman, is hereby authorized to sign comments for the Tribe and submit said comments to the appropriate points of contact in the U.S. Departments of Energy and Interior, and the U.S. Congress.

The foregoing resolution was on May 10, 2006, duly adopted by a vote of SIX for and ZERO against by the Tribal Council of the White Mountain Apache Tribe, pursuant to the authority vested in it by Article IV, Section 1 (a), (b), (i), (k), (s) and (u) of the Constitution of the Tribe, ratified by the Tribe September 30, 1993, and approved by the Secretary of the Interior on November 12, 1993, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984).

  
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Chairman of the Tribal Council

  
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Secretary of the Tribal Council