



Department of Energy
Washington, DC 20585

Dear Tribal Leader:

This letter and enclosure follows up on our letter of April 14, 2006, at which time we announced five Tribal information meetings on the designation of energy corridors on Federal lands as outlined in Section 368 of the Energy Policy Act of 2005 (EPAct). In short, the enclosed "Tribal Information Update" describes the meetings, provides the latest version of the preliminary draft energy corridor maps, and advises the procedure for initiation of Tribal consultation with us on concerns or questions you might have on the above.

For those of you who attended the Tribal information meetings, thank you very much for your participation and contribution toward ensuring that we carry out the provisions of Section 368 as well as possible. If you did not attend, please note the background information below and in the enclosure, especially the latest maps and the Tribal consultation process.

The EPAct, P.L. 109-58, Section 368, directs the Secretaries of Agriculture, Defense, Energy and the Interior to prepare a Programmatic Environmental Impact Statement (PEIS) to evaluate issues associated with the designation of energy corridors on federal lands in the eleven Western States.

The Project Team for the PEIS is composed of representatives from the four Federal agencies and senior staff of Argonne National Laboratory, the contractor assisting us with the preparation of the PEIS. Argonne will provide technical assistance and administrative support to the Tribal consultation process. Comments from Tribal leaders and their constituents will be collected by Argonne and then forwarded to the federal agencies for their response.

As described in the enclosure, please bring your interest in consultation or any questions you might have to the attention of Ms. Janet Lyons, Government-to-Government Meetings, West-wide Corridor Study, Argonne National Laboratory, Building 900, 9700 South Cass Avenue, Argonne, IL 60439-4832. Ms. Lyons' phone number is 630-252-4587 and her e-mail address is JLyons@anl.gov.

Your interest in the "Section 368" Project and participation in the consultation process is greatly appreciated.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kevin M. Kolevar".

Kevin M. Kolevar
Director, Office of Electricity Delivery
and Energy Reliability

encl.: Tribal Information Update



Tribal Information Update

Summary of the Tribal Information Meetings

Background

The Energy Policy Act (EPA Act) was signed into law in August 2005. Section 368 of EPA Act (provided as an Appendix) directs the Secretaries of Agriculture, Defense, Energy and the Interior to prepare a Programmatic Environmental Impact Statement (EIS) to evaluate issues associated with the designation of energy corridors on Federal lands in the eleven Western States. "Energy corridors" should be suitable for any combination of one or more electricity transmission lines and oil, gas, and hydrogen pipelines. The Project Team for the EIS is composed of representatives from the four Federal agencies and senior staff of Argonne National Laboratory, the contractor assisting with the preparation of the EIS. Also participating on the Team as cooperating agencies are the Fish and Wildlife Service and the State of California Energy Commission.

A 60-day public scoping period for the EIS started with the publication of the "Notice of Intent" in the Federal Register on September 28, 2005, and ended on November 28, 2005. Public scoping meetings were held in each of the 11 Western states during the period of October 25, 2005, to November 3, 2005. The scoping report is available on the EIS web site at www.corridoreis.anl.gov, along with a great deal of other information on the "Section 368" project.

On April 14, 2006, Mr. Kevin M. Kolevar, Director, Office of Electricity Delivery and Energy Reliability of the Department of Energy wrote to you, on behalf of the Project Team, extending an invitation to you or your designated representative(s) to meet with us at any of five public Tribal information meetings. Included with the letter was the most recent working draft of the preliminary map of energy corridors. With this Update, we are now providing the most recent version of this map which was released on June 9, 2006, and also 11 individual State maps. PDF-format downloadable electronic copies of these maps are available on our web site at <http://corridoreis.anl.gov/eis/pdmap/index.cfm>.

Five Tribal Information Meetings were convened as follows:

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|----------------------------|--------------|
| 1. Portland, Oregon | May 9, 2006 |
| 2. Sacramento, California | May 12, 2006 |
| 3. Las Vegas, Nevada | May 15, 2006 |
| 4. Albuquerque, New Mexico | May 23, 2006 |
| 5. Denver, Colorado | May 25, 2006 |



The meetings were intended to provide an opportunity to discuss any concerns you might have regarding these corridors. We assured you that the Federal agencies will engage in government-to-government consultation at the local level on issues with Tribal implications.

The list of attendees follows as an appendix.

Conduct of the Meetings

Each of the meetings was a little bit different, depending on the people present. In general, however, they all commenced with local Federal agency staff welcomes (from the Bureau of Land Management or the U.S. Forest Service), general introductions, a review of the provisions of Section 368, the status of the corridor designations, and the EIS process. In some of the meetings a PowerPoint presentation was shown, which is provided here as an appendix.

All of the meetings had a lively discussion among the attendees regarding computer-projected views of the Geographic Information System (GIS) data that were available and considered to develop the preliminary draft corridors. Several important issues raised by Tribal representatives that were relatively common to all of the meetings are summarized and commented upon below.

Summary of the Major Issues Raised

- **Tribal consultation:**
 - Many of the Tribal attendees stated that they did wish to commence government-to-government consultation, but some said they would decide subsequent to receipt of this Update and the June 9 map. Some of the attendees requested a 45-day review period prior to consultation.
 - The procedure that we are suggesting for implementing consultation is described below in the “Tribal Consultation Process” section.

- **EPAct coordination:**
 - An often-heard concern was that some Tribes were being contacted separately by the Department of Energy (DOE) for consultation on other sections of EPAct, specifically Section 1813 and to a lesser extent Section 1221.
 - The staff of the DOE Office of Electricity Delivery and Energy Reliability (OE) has met internally to address and resolve this issue. Measures are being taken to ensure greater coordination among the staff working on these sections, both amongst themselves and also with the Tribes.



- **Ancestral and treaty lands:**
 - Concern was expressed that energy corridor designation, in addition to circumventing Tribal lands, should be sensitive also to ancestral lands that may fall beyond Tribal land boundaries, and to existing treaties with governmental entities that provide for Tribal rights on federal lands.
 - The Team appreciates having these concerns brought to its attention, and is initiating procedures to address them in the form of a GIS layer for those areas where treaty rights exist.

- **Some other issues:**
 - Some questions were asked about such concerns as condemnation of Tribal lands, whether there would be compensation by the Federal government, Tribal access to the energy corridors, and potential economic benefits for the Tribes.
 - It's important to note that the Federal government is not proposing to actually build or authorize the construction of any real-life energy transmission projects. Once an energy corridor is designated on Federal land, any private or public party may apply at any time to the pertinent Federal agency(ies) to use the corridor for whatever energy purpose. It would be up to the applicant to negotiate any access across private or Tribal lands with the land owners; the Federal government would not be involved. Also, the proposed specific project would be subject to environmental review additional to that contained in the EIS pursuant to the National Environmental Policy Act (NEPA); the level of environmental review could be an Environmental Analysis or even an Environmental Impact Statement, depending on the significance of possible environmental impacts.

Tribal Consultation Process

A great deal of consideration was devoted to how the Tribal consultation process would function subsequent to the Tribal information meetings. A few Tribes expressed an interest in commencing the consultation process as soon as possible, but many of the attendees wanted to wait for the June 9 release of the preliminary energy corridor map, after which time they request 30 to 45 days to review the map prior to initiating consultation.

Because of the potentially large number of consultation requests, it was generally agreed that the following process would be instituted:

1. This newsletter would be issued to the entire Bureau of Indian Affairs list of Tribes in the Western States and to all of the attendees at the information meetings, along with the June 9 preliminary energy corridor map and the 11 individual State maps.



2. At their convenience, Tribes that wish to enter into government-to-government consultation would so advise the Project contractor, Argonne National Laboratory (Argonne) of the U.S. Department of Energy, as follows:
 - Ms. Janet Lyons
 - West-wide Government-to-Government Meetings
 - Building 900
 - Argonne National Laboratory
 - 9700 South Cass Avenue
 - Argonne, IL 60439-4832
 - Tel. 630-252-4587
 - JLyons@anl.gov
3. In turn, Argonne would document the Tribal request and advise the Project's Tribal Working Group, comprised of Bureau of Land Management (Department of the Interior), U.S. Forest Service (Department of Agriculture), and DOE personnel.
4. The Tribal Working Group will immediately notify their respective local offices in the vicinity of the Tribe, who would then contact the Tribe to arrange the commencement of government-to-government consultation.
5. As the consultation process progresses, the local Federal staff will keep the Tribal Working Group informed, which will then advise the Project Team of issues or concerns that require their attention for response or remediation, as appropriate.

APPENDICES

1. Section 368 of EPAct
2. Attendees list
3. Pell PowerPoint presentation
4. June 9-release energy corridor map (complete with introduction), along with eleven individual State maps.

Appendix 1; Section 368 of the Energy Policy Act

SECTION 368. ENERGY RIGHT-OF-WAY CORRIDORS ON FEDERAL LAND.

(a) WESTERN STATES.—Not later than 2 years after the date of enactment of this Act, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, and the Secretary of the Interior (in this section referred to collectively as “the Secretaries”), in consultation with the Federal Energy Regulatory Commission, States, tribal or local units of governments as appropriate, affected utility industries, and other interested persons, shall consult with each other and shall—

(1) designate, under their respective authorities, corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o));

(2) perform any environmental reviews that may be required to complete the designation of such corridors; and

(3) incorporate the designated corridors into the relevant agency land use and resource management plans or equivalent plans.

(b) OTHER STATES.—Not later than 4 years after the date of enactment of this Act, the Secretaries, in consultation with the Federal Energy Regulatory Commission, affected utility industries, and other interested persons, shall jointly—

(1) identify corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in States other than those described in subsection (a); and

(2) schedule prompt action to identify, designate, and incorporate the corridors into the applicable land use plans.

(c) ONGOING RESPONSIBILITIES.—The Secretaries, in consultation with the Federal Energy Regulatory Commission, affected utility industries, and other interested parties, shall establish procedures under their respective authorities that—

(1) ensure that additional corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land are promptly identified and designated as necessary; and

(2) expedite applications to construct or modify oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities within such corridors, taking into account prior analyses and environmental reviews undertaken during the designation of such corridors.

(d) CONSIDERATIONS.—In carrying out this section, the Secretaries shall take into account the need for upgraded and new electricity transmission and distribution facilities to—

(1) improve reliability;

(2) relieve congestion; and

(3) enhance the capability of the national grid to deliver electricity.

(e) SPECIFICATIONS OF CORRIDOR.—A corridor designated under this section shall, at a minimum, specify the centerline, width, and compatible uses of the corridor.

Appendix 2; Attendees at the Tribal Information Meetings

PLEASE NOTE: Names and affiliations are spelled as best as can be determined from sign-in sheets. We regret any errors, and would appreciate being advised of corrections.

PORTLAND, OREGON; 9 MAY 2006

| | |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Department of Energy U.S. Forest Service | Dr. Jerry Pell Marsha Butterfield Gary Harris |
| Bureau of Land Management | Cathy Harris Bob DeViney Leslie Frewing-Runyon Maya Fuller |
| Argonne National Laboratory | Dr. John Krummel |
| Yakama Nation | Elmer Ward Ruben Bending Rocco Clark, Jr. HollyAnna Pinkham Anna Ward |
| Warm Springs Tribe | Patricia Goudy Jim Noteboom Robert Brunoe Jim Manion Ron Suppah Delvis Heath Reuben Henry Joe Moses Stanley Smith Clay Courtright |
| Coeur d'Alene Tribe Confederated Tribes of the Umatilla Indian Reservation | Bill Quaempts |

SACRAMENTO, CALIFORNIA; 12 MAY 2006

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|----------------------------------------------------------------------|-------------------------------------------------------------------|
| Department of Energy U.S. Forest Service | Dr. Jerry Pell Mike Chapel Dan McCarthy |
| Bureau of Land Management | Duane Marti James Haerter Ken Wilson |
| Department of Defense Bureau of Indian Affairs | Gary Munsterman James Fletcher Troy Burdick Clay Gregory |
| California Energy Commission California Public Utility Commission | Jim Bartridge Billie Blanchard |

| | |
|----------------------------------------|-------------------------------------------------------------------------|
| Native American Heritage Commission | Larry Myers Darcie Houck |
| Argonne National Laboratory | Bob Moore |
| Susanville Indian Reservation | Teresa Dixon Melany Johnson |
| Morongo Band of Mission Indians | Ralph Hitchcock Karen Woodward Karl Munsey Melissa Schlichting |
| Agua Caliente Band of Cahuilla Indians | Margaret Park |
| Pechanga Band of Mission Indians | Donald Clary |

LAS VEGAS, NEVADA; 15 MAY 2006

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|----------------------------------------------------------|----------------------------------------------------------------------------------------|
| Department of Energy U.S. Forest Service | Dr. Jerry Pell Marsha Butterfield Stephanie Phillips Dale Kanen Diana Yupe |
| Bureau of Land Management Argonne National Laboratory | Jerry Cordova Bob Moore |
| Fort Mojave Indian Tribe | Linda Otero Nora McDowell |
| Barona Tribal Government | Sheilla Alvarez Kathy Clenney |
| Kaibab Band of Piute Indians Hualapai Tribe | Daniel Bullets Charlie Vaughn |


ALBUQUERQUE, NEW MEXICO; 23 MAY 2006

| | |
|---------------------------------------------|--------------------------------------------------------------------------------------------|
| Department of Energy U.S. Forest Service | Julia Souder Marsha Butterfield Juddu G. Propper |
| Bureau of Land Management | Ed Singleton Jerry Cordova Dave Simons |
| Argonne National Laboratory | Dr. John Krummel |
| Sonosky Chambers Navajo Nation | Gary Brownell Christopher L. Clark Deschene Ronail P. Maldonado Frank Dayish, Jr. |
| Diné Power Authority | Steven C. Begay Margaret Schaff |
| Pueblo of Laguna Pueblo of Isleta | Jim Hooper Jr. Antonio Chewiwi Jr. Nick Padilla |
| Pueblo of Santa Clara | J. Robert Benavides Gilbert Gutierrez |
| Pueblo of Santa Ana | Joseph Mark Chavarria Sean Flynn |

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|------------------------|--------------------|
| Pueblo of Sandia | Alex A. Puglisi |
| | Michael Ferguson |
| Pueblo of Acoma | Laura Watchempino |
| | Petuuche Gilbert |
| Pueblo of Zuni | Clayton Seoutewa |
| | Arlen Quetawki Sr. |
| Ute Mountain Ute Tribe | William Johnson |
| Yavapai-Apache Nation | Jamie B. Navennia |

DENVER, COLORADO; 25 MAY 2006



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|-------------------------------------------------------|---------------------|
| U.S. Forest Service | Marsha Butterfield |
| | Michele O'Connell |
| | Alan Stanfill |
| | Susan Johnson |
| | Jim Bedwell |
| Bureau of Land Management | Scott Powers |
| | John Lancelot |
| | Tamara Gertsch |
| | Dan Haas |
| Argonne National Laboratory | Dr. Ihor Hlohowskyj |
| Crow Tribe | William C. Watt |
| | Cedric Black Eagle |
| Colorado Commission of Indian Affairs | Corrine Lindsey |
| Rosebud Sioux Transit (RST) Tribal Land Enterprise | Rose Corridor |



**Section 368 of the
Energy Policy Act of 2005**

Jerry Pell, PhD
Project Manager
Permitting, Siting and Analysis
Office of Electricity Delivery and Energy Reliability
U.S. Department of Energy
Washington, DC

Tribal Information Meetings
May 2006
Portland, Sacramento, Las Vegas,
Albuquerque, Denver




Section 368
**Energy Right-of-Way Corridors on
Federal Lands**

(a) WESTERN STATES

**Not later than 2 years after the date of
enactment of this Act [8 August
2005], Secretaries of Agriculture,
Commerce, Defense, Energy, and the
Interior, are required to:**


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(a) WESTERN STATES continued

- Designate corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land in the eleven contiguous Western states;
- Perform any environmental reviews required to complete the designation of such corridors;
- Incorporate the designated corridors into the relevant agency land use and resource management plans.

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Section 368
**Energy Right-of-Way Corridors on
Federal Lands**

(b) OTHER STATES

**Not later than 4 years after the date of
enactment of this Act ... in States
other than those described in
subsection (a).**

*[We will not discuss this
provision here.]*

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Section 368

Energy Right-of-Way Corridors on Federal Lands

(c) ONGOING RESPONSIBILITIES

The Secretaries, in consultation with FERC, affected utility industries, and other interested parties, shall establish procedures ... that:


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(c) ONGOING RESPONSIBILITIES continued

- Ensure that additional corridors for oil, gas, and hydrogen pipelines and electricity transmission and distribution facilities on Federal land are promptly identified and designated as necessary, and
- Expedite applications to construct or modify ... facilities within such corridors, taking into account prior analyses and environmental reviews.

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Section 368


Energy Right-of-Way Corridors on Federal Lands

(d) CONSIDERATIONS

The Secretaries shall take into account the need for upgraded and new *electricity transmission and distribution facilities* to:

1. Improve reliability,
2. Relieve congestion, and
3. Enhance the capability of the national grid to deliver electricity.

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Section 368


Energy Right-of-Way Corridors on Federal Lands

(e) SPECIFICATIONS OF CORRIDOR

A corridor designated under this section shall, at a minimum, specify the

- Centerline,
- Width, and
- Compatible uses of the corridor.


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Implementation

- Agencies are jointly preparing a West-wide Energy Corridor Programmatic Environmental Impact Statement (EIS).
 - DOE lead agency, BLM co-lead agency; USFS, DOD, F&WS are Cooperating Agencies, as is the State of California.
 - DOE's Argonne National Laboratory is preparing the EIS, and providing general admin. support.
 - Substantial stakeholder participation is actively encouraged and solicited throughout the process.


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Planning Requirements

- Provide a comprehensive analysis and identification of West-wide energy corridors;
 - Including best management practices for each corridor.
- Include analysis of alternatives that meets West-wide energy supply and demand needs.
 - Alternatives for the EIS were developed following a 60-day public scoping period.
- Provide a level of analysis and procedure that allows individual BLM and FS land use plans be amended or revised with approval of the respective agency Record of Decisions.


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Tasks Done and Scheduled

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| <ul style="list-style-type: none"> ▪ Public scoping for the EIS ended 28 November 2005 ▪ Created public website www.corridoreis.anl.gov ▪ Internal agency review of alternatives, criteria, and maps through ~May 2006 ▪ Governor review and Tribal Information regional meetings March-May 2006 | <ul style="list-style-type: none"> ▪ Draft PEIS issued for public review and comment in December 2006 ▪ Public hearings ~ 3 weeks after issuance ▪ Final PEIS issued in July 2007 ▪ Agency Records of Decision signed in August 2007 |
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DOE Contact Information on Section 368

Office of Electricity Delivery and Energy Reliability

| | |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <p>Julia Souder Phone: 202-586-5461 julia.souder@hq.doe.gov</p> | <p>Dr. Jerry Pell Phone: 202-586-3362 jerry.pell@hq.doe.gov</p> |
|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|

OE website: www.electricity.doe.gov
 Project Web Site: www.corridoreis.anl.gov
 DOE website: www.energy.gov

12

PRELIMINARY DRAFT MAP OF POTENTIAL ENERGY CORRIDORS ON FEDERAL LANDS

The U.S. Departments of Energy, Interior, Agriculture, and Defense (the Agencies) are preparing a draft Programmatic Environmental Impact Statement (PEIS) pursuant to the National Environmental Policy Act to identify the impacts associated with designating energy corridors on federal lands in 11 Western States. Energy corridors may contain oil, gas, and hydrogen pipelines and electricity transmission facilities. The Agencies are preparing the PEIS at the direction of Congress, as set forth in Section 368 of the Energy Policy Act of 2005. On the basis of the information and analyses developed in the PEIS, the Agencies will designate energy corridors by amending their respective land use plans.

Public scoping meetings were held in October and November 2005, and the comments received during scoping have helped the Agencies to identify preliminary energy corridors on federal lands that the Agencies propose to analyze in the draft PEIS. The Agencies are presenting this preliminary energy corridor map to inform the public of their progress and to obtain public comment on the proposed corridor locations. The Agencies encourage your views, criticism, and suggestions about these preliminary energy corridor locations.

The potential energy corridor locations depicted on this map represent ongoing work by the Agencies. **Therefore, the corridor locations shown in this map are subject to change until they are officially established in August 2007.** All officially designated corridors will be in compliance with applicable laws and regulations. The majority of the preliminary energy corridors utilize existing corridors and/or rights-of-way, however, there are a small number of potential new corridor locations.

Comments on the preliminary energy corridor map may be submitted electronically through the public comment form on the West-wide Energy Corridor Programmatic EIS Information Center Web Site at <http://corridoreis.anl.gov>. Written comments can also be mailed or faxed and should be addressed to:

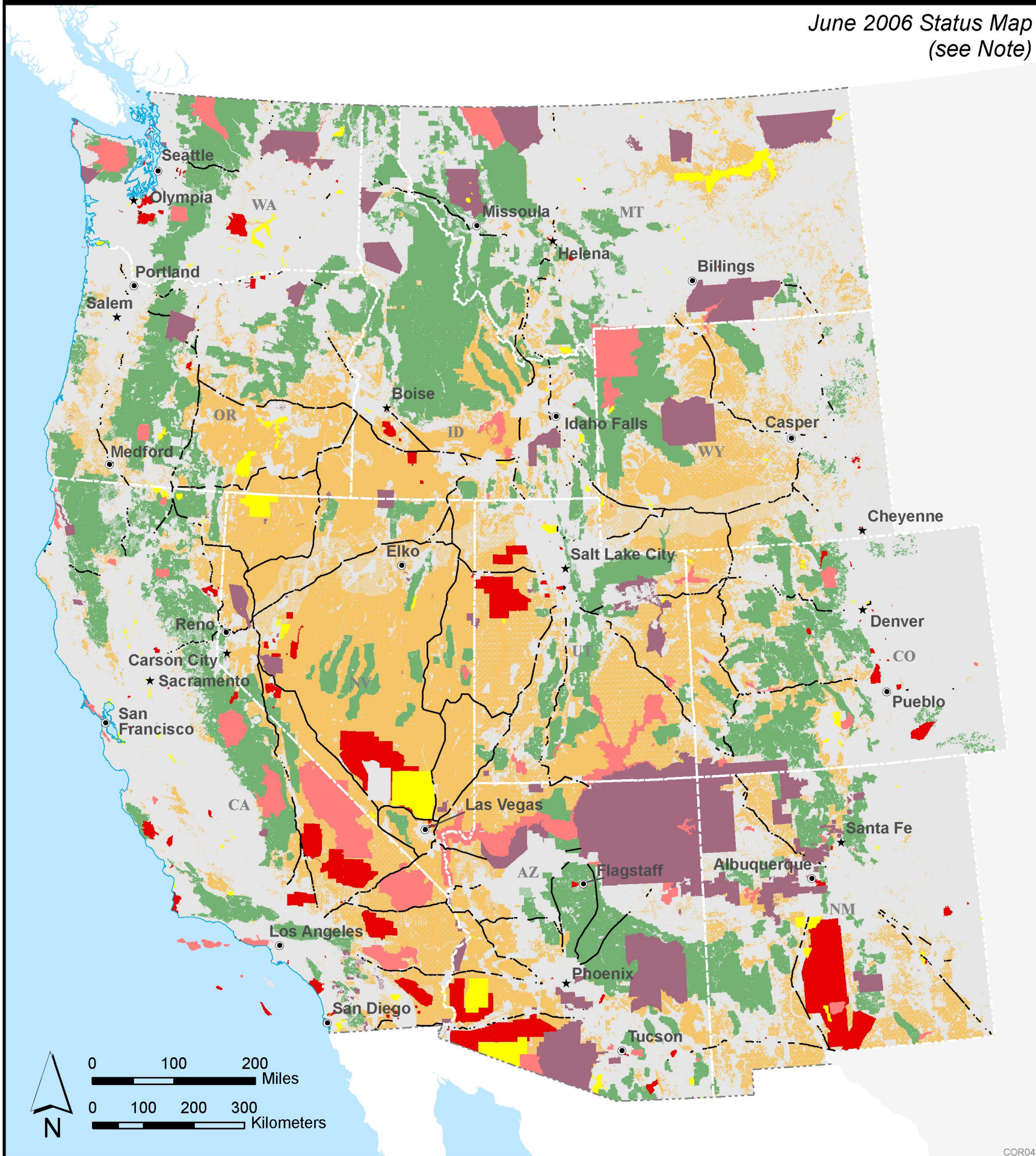
Office of Electricity Delivery and Energy Reliability
Room 8H-033
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585
Fax: (202) 586-1472

The Agencies request that all comments on the preliminary energy corridor map be provided no later than July 10, 2006. The Agencies will review and consider all comments that are received by the deadline in preparation of the draft PEIS. The opportunity for comment provided here is in addition to the opportunity the public will have to comment on the draft PEIS.

More information about the preliminary draft energy corridor map and the West-wide Energy Corridor PEIS is available on the West-wide Energy Corridor Programmatic EIS Information Center Web site at <http://corridoreis.anl.gov>.

Ongoing Work by Federal Agencies on Potential Energy Corridors in the Western States (Preliminary Draft - Subject to Change)

June 2006 Status Map
(see Note)



COR043

Note:

The potential energy corridors depicted on this map represent ongoing work by the Agencies to establish energy corridors in 11 Western states as required by the Energy Policy Act of 2005. The corridors are subject to change until they are officially established in August 2007. All officially designated corridors will be in compliance with applicable laws and regulations. The majority of the preliminary energy corridors utilize existing corridors and/or rights-of-way, but there are a small number of potential new corridor locations. Based upon the information and analyses developed in the West-wide Energy Corridor Programmatic EIS, the Agencies will designate energy corridors by amending their respective land use plans. Corridors shown on this map are not to scale. Widths of 3,500 feet are currently under consideration, but are too small to be clearly depicted on this map.

- Potential Energy Corridor (see Note)
- Orange square: Bureau of Land Management
- Green square: U.S. Forest Service
- Red square: U.S. Department of Defense
- Pink square: National Park Service
- Yellow square: U.S. Fish and Wildlife Service
- Purple square: Tribal Land