

PUBLIC MEETING FOR
PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT,
SALT LAKE CITY, UTAH

-ooOoo-

HELD BY: : **REPORTER'S TRANSCRIPT**
MEETING DATE:
: October 26, 2005
MEETING TIME: 2:00 p.m.
Bureau of Land Management :
U.S. Department of Energy
U.S. Forest Service

MODERATOR:
Scott Powers, BLM

-ooOoo-

ORIGINAL

Reporters, Inc. 10 West 100 South, Suite 250 . Salt Lake City, Utah 84101
(801) 746-5080 phone (801) 746-5083 fax . 1-866-310-DEPO www.reportersinc net



1 realize the fate that eventually the corridor does not
2 exist when federal land interfaces with state, local,
3 and private urban development. That has always been an
4 issue. A perfect example right here locally is the
14:37:27 5 canyon utility corridor that comes over the mountain
6 near Bountiful and Centerville. It's a designated
7 corridor over Forest Service lands. You get to the
8 bottom of the mountain and there is no corridor. So
9 that's an example of the type of things we need to look
14:37:39 10 at in this process because a 50-mile corridor doesn't
11 get you from Wyoming to California.

12 We will be filing formal written comments
13 prior to November 28th. I appreciate the opportunity.
14 I am also taking the opportunity to speak in Las Vegas
14:37:55 15 on some more site-specific issues there. Thank you.

16 Oh, and Mr. Fisher and any other members of
17 the DEQ are more than welcome to come look at the
18 reclamation and re-vegetation of the Kern River
19 Pipeline. We are very proud of it. UTO4

14:38:10 20 MR. POWERS: Thank you very much. Mr. John
21 Jurrius with the Ute Indian Tribe.

22 MR. JURRIUS: Good afternoon. If the panel
23 would allow me, I represent the Northern Ute Indian
24 Tribe. It would be appropriate to allow our Chair to
14:38:34 25 open for me, if that would be acceptable to the panel?

1 MR. POWERS: Absolutely.

2 MR. JURRIUS: Thank you.

3 MADAM CHAIR: Good afternoon and greetings
4 from the Northern Ute Tribe in northeastern Utah.

14:38:56 5 Members of the -- distinguished members of the panel,
6 here, we do appreciate the opportunity to address you
7 this afternoon concerning the corridor act that has been
8 proposed here and we will offer our comments.

9 We are land managers and stewards of
14:39:16 10 approximately four million acres within our exterior
11 boundaries of the Uintah and Ouray Reservation in
12 northeastern Utah. And while we support national
13 interests, we do not support the partitioning of our
14 lands without direct negotiations. And we do not -- we
14:39:36 15 cannot allow the federal government to create corridors
16 without our direct involvement. And we do support the
17 development because on our reservation now we are right
18 in the midst of really developing our energy resources
19 for the benefit of our tribal membership, and we do
14:39:57 20 represent over 3,100 tribal members who live on the
21 reservation.

22 We are currently negotiation and entering
23 into joint ventures for pipelines, for example, with
24 Questar, because we know the importance of the natural
14:40:14 25 gas to be moving toward the marketplaces. And so at

1 this time, I'll defer the rest of this time to our
2 advisor, Mr. John Jurrius. Thank you.

3 MR. JURRIUS: Thank you, Madam Chair.

4 Distinguished panel, I might offer a few comments in
14:40:34 5 regards to Section 368. Again, as the Chair has said,
6 the Northern Ute Tribe represents approximately four and
7 a half million acres of land holdings in eastern Utah.
8 To give you some proximity of that land, it stretches
9 from the Colorado summit -- the Colorado border to
14:40:54 10 Daniel's Summit. It straddles from the high Uintah
11 Summit north of Vernal and Roosevelt to Green River,
12 Wyoming, on the south.

13 Our concern with 368 and the corridor
14 process has to do with specific tribal right-of-way
14:41:14 15 laws/acts, and the history of those. I believe the
16 first act that took place was in 1867 -- excuse me,
17 1871, whereby the Secretary was given authority to
18 provide corridors across tribal lands for railroads,
19 telegraph and telephone. Starting in 1899, there
14:41:40 20 started another piecemeal process to provide tribal
21 right-of-ways across reservation lands through March 4th
22 of 1911, which allowed various federal agencies, various
23 states, for the purpose of providing access for roads
24 and other thoroughfare including oil and gas pipelines.

14:42:06 25 However, in 1948 the General Right-of-way

1 Act was passed, 25 USC Section 323 to 328, until at such
2 time no approval of the beneficial owner, either the
3 allottee owner of Indian lands or tribal owner of lands
was required to give consent for use of tribal lands for
14:42:30 5 right-of-way. However, we want to make sure that it's a
6 matter of record, in order for access across tribal
7 lands pursuant to the General Right-of-way Act of 1948,
8 while that authority has been delegated to the Secretary
9 of the of DOI, it explicitly requires that the -- either
14:42:52 10 the beneficial owner, the allottee owner, provide a
11 prior consent and also requires that the Indian
12 organization give prior consent before any corridors can
13 cross those lands.

14 Currently today there exists no right of
15 condemnation for right-of-ways across tribal land. So,
16 we wanted to make sure that as you undertook this
17 study -- and I can't emphasize enough, over the last
18 four years the Northern Ute tribe has opened up, as most
19 of you know if you're from the local area, substantial
14:43:29 20 allotted landholdings to support the national interests
21 of the country and allow development. However, we're
22 awfully concerned by Section 368 that it not be a matter
23 of record of the negotiations and the direct
24 negotiations with Indian tribes in regards to securing
14:43:53 25 access across tribal lands.

1 In addition to that, we have become more
2 concerned because as part of the energy bill, there's a
3 Section 1813 that was also passed. That Section 1813 is
4 a direct assault on the undermining of access across
14:44:15 5 Indian country. It was study initiated -- and we're
6 very concerned that that study will rely heavily on the
7 testimony regarding -- that we're having here today as
8 part of this study. And that study was initiated to
9 study the effects of -- the effects on tribal
14:44:38 10 self-determination when -- in considering right-of-ways
11 across tribal lands.

12 In a simpler definition, the sponsors to the
13 bill hope that this committee or other committees of
14 congress will legislate access across tribal lands
14:44:59 15 versus allow the tribe to negotiate that access as it
16 has done successfully for the last ten years. My tribal
17 plan has been subject since the proclamation of 1861
18 through the Dahl's Act Homesteading to the continual
19 taking of land. We would hope that via this committee,
14:45:21 20 or would it be the section -- the study by Section 1813,
21 that we're not disguising one more taking of tribal land
22 with a 60-foot wide corridor that branches over a
23 hundred plus miles across the reservation.

24 So, we wanted to come before you today to
14:45:40 25 say that we are certainly negotiating with companies,

1 have successfully, the local company being Questar, to
2 provide federal regulated pipelines across the
3 reservation. We believe that is best done between the
4 service provider and the tribe itself, and we also think
14:46:00 5 that's a requirement of law.

6 So we will be submitting written testimony
7 for your consideration. We appreciate the opportunity.
8 We understand the undertaking, but as you take a look at
9 the west, you can't say "west" without saying "Indian
14:46:20 10 reservation," and so there are literally, I believe,
11 almost 30 million acres in the Rocky Mountains owned by
12 tribal allottees and organizations. So thank you very
13 much.

UT05

14 MR. POWERS: Thank you. Mr. James Tucker,
14:46:39 15 Deseret Power.

16 MR. TUCKER: Pleased to be with you today to
17 express concerns that have occurred in my lifetime over
18 the last 30 years of transmission planning. They deal
19 with the notion of trying to compact electric
14:47:07 20 transmission lines into single corridors. Certainly the
21 result that occurred a couple of years ago with the
22 northeast blackout emphasized the notion -- the focus on
23 reliability that occurs when transmission lines are in a
24 single corridor, and subject to the same type of
14:47:30 25 disturbance. Last summer, in St. George -- there's