

**** PLEASE FORWARD WIDELY ****

ENERGY BILL NATIVE ACTION ALERT!

7/27/05

Dear American Indians, Alaska Natives, and allies,

American Indian and Alaska Native sovereignty is under attack! As the Bush administration moves America down a backwards path of fossil fuel and nuclear energy dependency, they are planning yet again to sacrifice our homelands and way of life to provide a short term solution to this nations energy dilemma.

Late Monday night, the House-Senate conference committee approved a final version of the energy bill. We expect the bill to cruise through the House very soon, and to come to a vote in the Senate possibly by the end of this week. Within this conference bill is section Title V, otherwise know as the Indian Energy Title. If this legislation is adopted in Congress it promises to eliminate the federal guarantees of public participation and environmental review from energy development decisions in Indian Country. The language also undercuts the federal trust responsibility to Tribes by providing a waiver for the federal government of all liability from energy development.

There are other significant sections in Title V that pertain to Alaska Natives. Title V redefines Alaska Native Corporations as "Tribes" as well as defining Alaska Native Corporate Land as "Indian or Tribal Lands". There has been no adequate consultation with all the Alaska Natives that would be impacted by this proposed section.

PLEASE CALL YOUR U.S. SENATOR'S OFFICE IN DC THIS WEEK!!

ASK THEM TO OPPOSE TITLE V AND THE ENERGY BILL!

FIND YOUR SENATOR'S DC PHONE NUMBER HERE:

http://www.senate.gov/general/contact_information/senators_cfm.cfm

(PICK YOUR STATE AND CALL BOTH OF YOUR U.S. SENATORS)

(Capitol switchboard number below!!!!!!)

The Senate should delay their vote until after the August recess, so they Have time to learn what is actually in the bill.

Your message to your Senators is simple: **No to Indian Energy Title V, and NO to the overall Energy Bill.**

The Energy Bill would:

Title V specifically addresses energy development in Indian Country. Within this section, there are several provisions that would negatively impact American Indian and Alaskan Native Tribes and villages. The energy bill shifts full responsibility to Tribes for exercising regulatory and judicial jurisdiction over major energy-related developments.

● *This legislation potentially affects tribal resources, sovereignty and jurisdiction.*

● *The bill could release the federal government of its traditional “trust responsibility” to ensure the protection of the health, environment and resources of Tribes. The bill undermines federal environmental laws such as National Environmental Protection Act (NEPA) and National Historic Preservation Act (NHPA) for energy development projects on Indian lands, resulting in a rearrangement of the federal-tribal relationship.*

● *This would be problematic enabling tribes to enter into resource agreements with less scrutiny that existing environmental laws would guarantee. This modification would grant tribes the unchecked authority to proceed into sensitive areas without full public environmental review or assessment.*

● *Many tribes have no solid mechanism for accountability to tribal members or adequate structures for environmental impact assessment and protection. This could open up conflicts at the tribal level with questions of capacity, providing administrative procedures and due process to tribal members and non-tribal members living within tribal jurisdictions to be part of the decision-making processes.*

● *The Indian Energy Title V, would amend section 2604 of the Energy Policy Act of 1992 and set precedent by providing an explicit waiver that exonerates the federal government of all liability associated with energy development in Indian Country.*

● *While it is true that some tribes already possess the much necessary experience in managing energy development projects on their lands, there are many other energy and natural resource-rich tribes that remain administratively disadvantaged who may be less than optimally positioned to negotiate fair and equitable energy development agreements.*

The bill defines Alaska Native Claims Settlement Act (ANCSA) Native Corporations as Tribes. The bill defines ANCSA Regional Corporation lands as Indian lands. Several provisions in Indian Energy Title V (Section 503 that amends sections 2601, 2602, and 2603 of the Energy Policy Act of 1992) continue to be of concern to Alaska tribal governments and its people.

● *The provisions make substantial changes that affect the sovereignty of Alaska Native tribes and villages.*

● *ANCSA Corporations should not be defined as tribes, nor should Native Corporation lands be defined to be Indian lands, tribal lands or Indian reservations.*

● *(While the bill rightfully excludes Native Corporations from the definitions of tribes for section*

2604 (leasing, rights-of-ways, and other development), it does define them as tribes for most

purposes. This proposed bill defines Native Corporation lands as Indian lands.)

● *Among the many dangers associated with conferring the status of Indian tribe upon ANCSA Regional Corporations, is the issue of funding. The Indian Energy bill will authorize the Departments of Interior and Energy to provide tribes with grants and loans to build their capacity to manage energy development projects on Indian lands.*

WHAT YOU CAN DO:

The simple message is: call your Senators and tell them:

***“No to Indian energy title V, and NO to the Energy Bill!*”**

202-224-3121. Two working toll-free numbers are: 1-888-355-3588 or 1-877-762-8762.

For more information on the title V of the energy bill, visit:

http://www.ienearth.org/energy_billresources.html or contact: Clayton Thomas-Muller
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