



SUMMIT LAKE PAIUTE TRIBE
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SUMMIT LAKE PAIUTE COUNCIL
Chairman: Warner Barlese • Vice-Chairperson: Lorrain Watson
Secretary/Treasurer: Jerri Lynn Barlese • Council Member: Jesse Strout • Council Member: Ernie Barlese

October 28, 2008

via FEDERAL EXPRESS
Tracking Number 8653 4724 7661

Joseph T. Kelliher
Chairman, Federal Energy Regulatory Commission
888 First Street, N.E.
Washington, DC 20426

Re: FERC Docket No. PF08-9000, Ruby Pipeline Project, Reply to Commission's Reply to My Letter

Dear Chairman Kelliher,

The Summit Lake Paiute Council ("Council"), the governing body of the federally recognized Summit Lake Paiute Tribe, representing 120 tribal members, hereby responds to the Commission's response (see Letter, Patricia A. Schaub, Acting Director, Office of External Affairs, dated September 17, 2008) to my letter, dated August 16, 2008.

As the enclosed Summit Lake Paiute Council Resolution, No. SL-39-2008, in part, states, the Council believes that Executive Order 13175 required FERC to consult with Tribes, on a government-to-government level, specifically the Tribes impacted by the Ruby Pipeline Project, prior to the FERC adopting the policy set forth in Ms. Schaub's letter. The Council believes that FERC's unilateral policy development was a commitment of federal resources that are now irretrievable.

If agencies and departments are free, unilaterally, to develop policies impacting Tribes what is the purpose of Executive Order 13175 and its declarations.

The Council believes that FERC should re-consider its policies as set forth in Ms. Schaub's letter thereby affording Tribes at least participation at the table of FERC policy development.

Sincerely,

Warner Barlese
Chairman, Summit Lake Paiute Council
WB/rej

Visit the Tribe's web site (www.summitlaketribe.org) it is updated every several days

RESOLUTION OF THE SUMMIT LAKE PAIUTE COUNCIL
SUMMIT LAKE PAIUTE TRIBE
OF THE
SUMMIT LAKE PAIUTE RESERVATION, NEVADA

RESOLUTION NO.: SL -39- 2008

TITLE: Opposing the Planned Route of the Ruby (Natural Gas) Pipeline Construction Project

WHEREAS, the Summit Lake Paiute Tribe, is a modern entity of the Northern Paiute People known, in English, as Lake Trout and Wild Onion Eaters who, for thousands of years, controlled 2,800 square miles of land in and around Summit Lake as a tribe with sovereign, unlimited, powers and laws (customs, traditions, usages, etc.); and,

WHEREAS, in 1964, and after much consideration, the members of the Lake Trout and Wild Onion Eaters organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, adopting, for certain sovereign purposes, the name "Summit Lake Paiute Tribe" with a tribal constitution titled "Articles of Association," the latter which was approved by the Secretary of the U.S. Department of the Interior on January 8, 1965; and,

WHEREAS, the Summit Lake Paiute Tribe's Articles of Association grant to the Summit Lake Paiute Council (see Article II, Section 1) certain sovereign powers, including the power to improve the welfare and education of tribal members and to take such action as is necessary to carry into effect any of the Council's powers and duties (see Article II, Section 1 (k)); and,

WHEREAS, a combination of companies has formed a corporation know as "Ruby Pipeline, LLC" for the purposes of constructing a natural gas pipeline from Wyoming to Oregon through the traditional territory of several tribes, including northern Northern Paiute Nation tribes; and

WHEREAS, the proposed route of Ruby Pipeline LLC is in the small space between the Sheldon Antelope Refuge and the Summit Lake Reservation (see Map of Proposed Route (23 July 2008) (black line route) (appended)) contains important, historic, tribal cultural and other resources of the Summit Lake Paiute Tribe; and,

WHEREAS, the alternate routes for the Ruby Pipeline are through the Sheldon Antelope Refuge or, apparently, along the railroad right-of-way on the edge of the Black Rock Desert High Rock Canyon Emigrant Trails National Conservation Area (NCA) (see Map of Proposed Route (23 July 2008) (red and black and blue and black lined routes, respectively) (appended)); and,

WHEREAS, the is also the National Energy Corridor as an alternative route for the Ruby Pipeline Project; and,

WHEREAS, while the Council recognizes the national need for natural gas the proposed route, the commitment of FERC (Federal Energy Regulatory Commission), BLM (Bureau of Land Management) and other federal resources without complying with the government-to-government consultation requirements of Executive Order 13175 (November 6, 2000) (codified at 65 F.R. 67249-67252 (November 9, 2000)) (e.g., creating the unilateral policy allowing FERC staff to conduct Executive Order 13175 government-to-government consultations without any northern Northern Paiute Nation Tribe consultation) would render the commitment of such federal resources irretrievable; and,

WHEREAS, as proposed, the Ruby Pipeline Project would cause irreparable harm to the culture and spirituality of the Summit Lake Paiute Tribe and its members; and,

WHEREAS, as proposed, the Ruby Pipeline Project would constitute a taking, in violation of the U.S. Constitution, of tribal member rights, at all usual and accustomed places, to hunt, fish, gather traditional foods and medicine, and participate in religious and spiritual ceremonies, said rights not being compensated by the federal government when northern Northern Paiute Nation Tribes sued the United states before the Indian Claims Commission; and,

WHEREAS, as proposed, the Ruby Pipeline Project has the great potential for interfering with, diminishing (e.g., One Mile Spring), or taking water rights of the Summit Lake Paiute Tribe,

NOW THEREFORE, BE IT RESOLVED that the Summit Lake Paiute Tribal Council does hereby oppose the proposed route of the Ruby Pipeline Project for the following reasons: the proposed path within the Tribe's 2,800 square miles of traditional territory, and the path immediately north of the Reservation, contains important, historic, tribal cultural and other resources of the Summit Lake Paiute Tribe; FERC's development of unilateral policies making government-to-government consultations convenient for its staff contrary to Executive Order 13175 renders the commitment of such federal resources irretrievable; it would cause irreparable harm to the culture and spirituality of the Summit Lake Paiute Tribe and its members; it would constitute a taking of tribal member rights, at all usual and accustomed places, to hunt, fish, gather traditional foods and medicine, and participate in religious and spiritual ceremonies; and, it has the great potential for interfering with, diminishing, or taking water rights of the Summit Lake Paiute Tribe.

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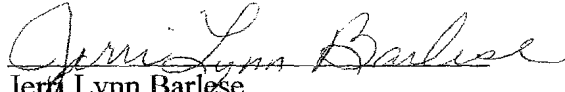
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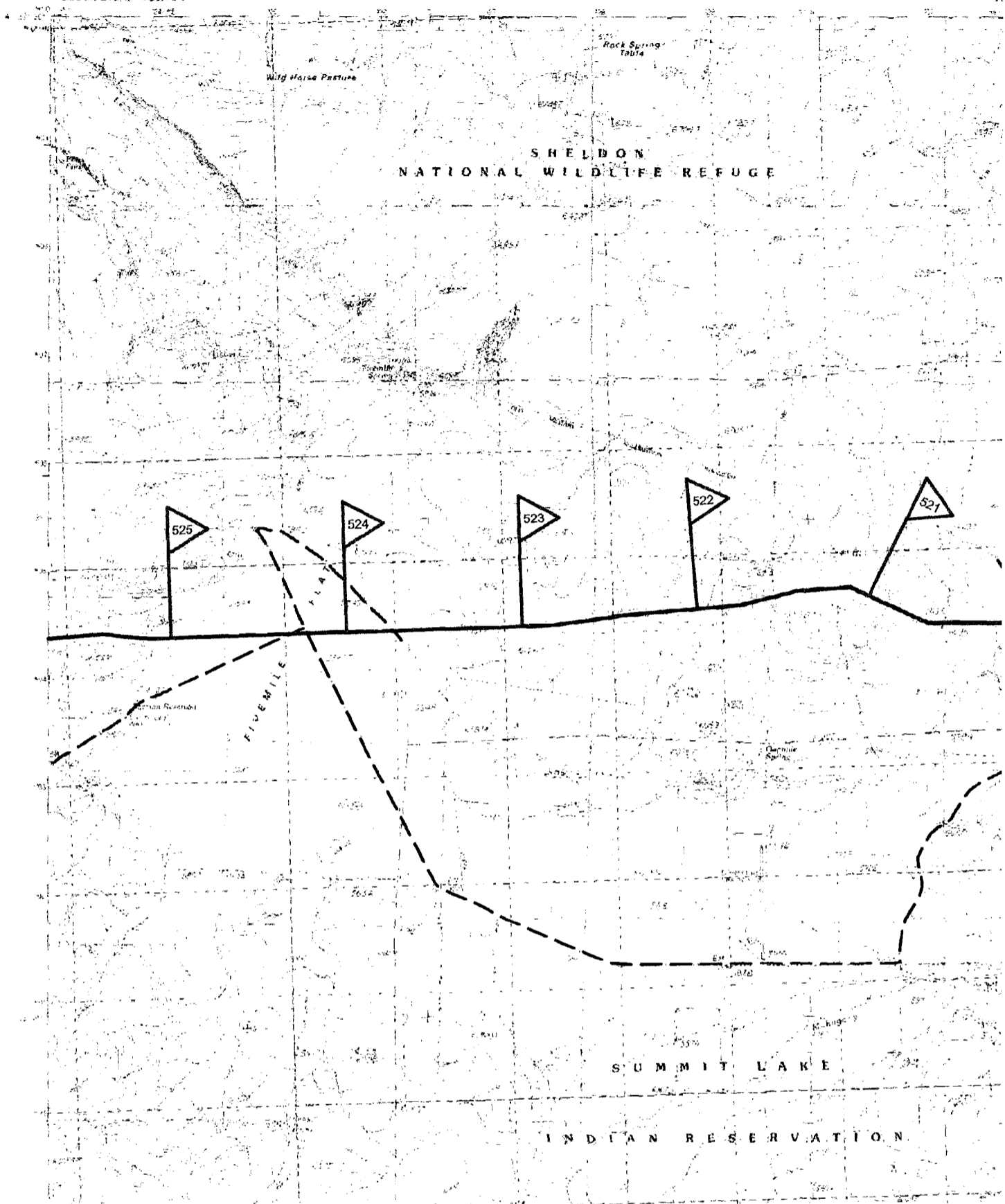
CERTIFICATION

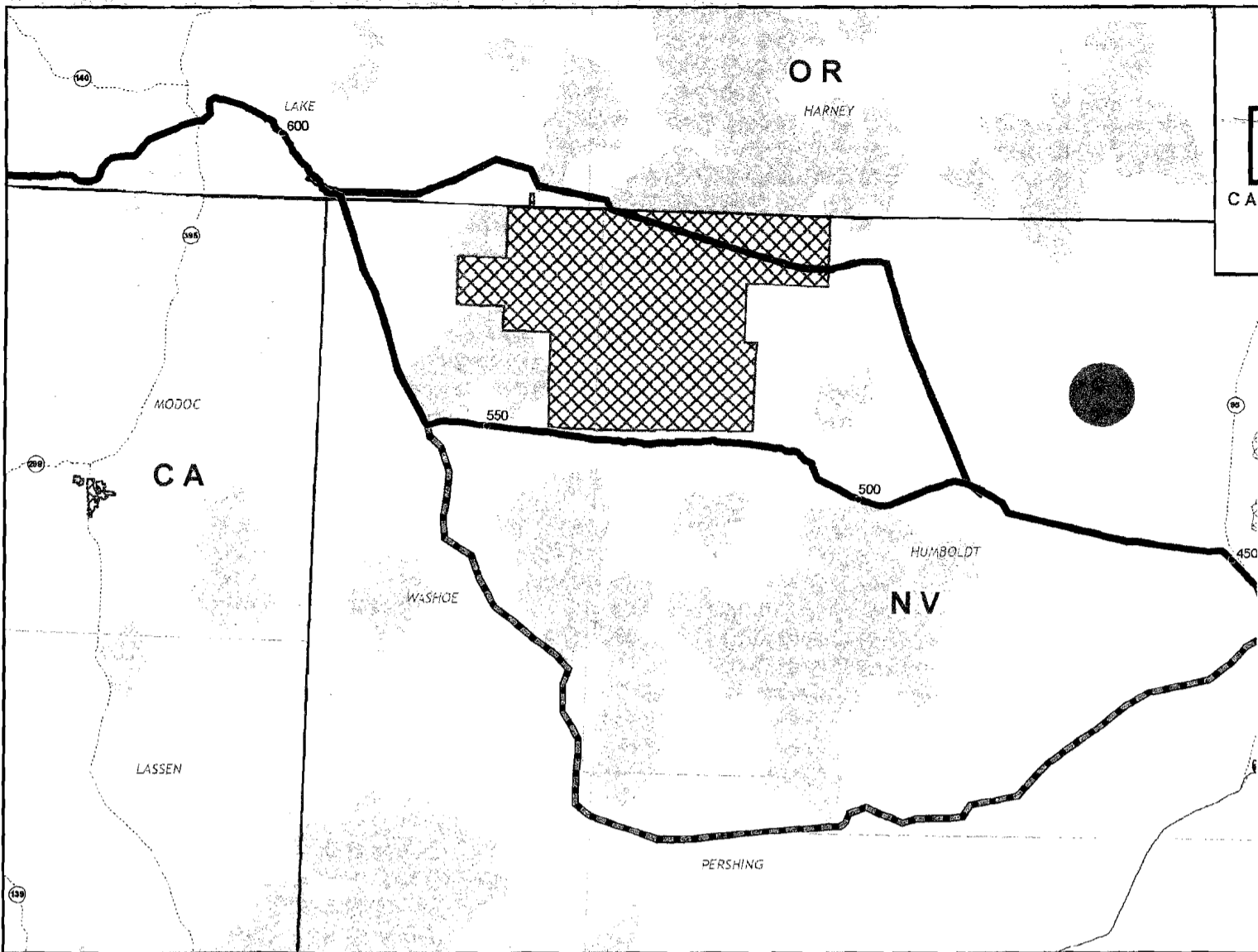
I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby certify that the above Resolution, No. SL 39-2008, was brought before the Summit Lake Paiute Council at a duly held meeting on the Summit Lake Reservation on the 18th day of October, 2008, a quorum present, with the following votes to enact the Resolution: 4 FOR, 0 AGAINST; and, 0 ABSTAINING, with Council Chairman Warner Barlese presiding and not voting, and that this Resolution has not been rescinded, revoked or amended.

October 18, 2008

Date


Jerri Lynn Barlese
Secretary/Treasurer
Summit Lake Tribal Council





• Mile Post

— Proposed Route (23 July 2008)

— Sheldon Alternative

— Black Rock Alternative

★ City

□ State Boundary

□ County Boundary

— Interstate

⋯ Highway

Federal Lands

- Forest/Park Service
- Department of Defense
- Bureau of Land Management
- Fish and Wildlife Service
- National Park Service
- Bureau of Indian Affairs
- Bureau of Reclamation

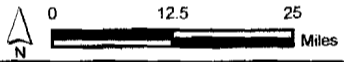
● Highest Priority Conservation Sites (approx.)

□ WSA Managed by BLM

▨ Wilderness Area, USFS

▩ National Wildlife Refuge

○ Lake



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Rt