

Impact of Power Lines Examined From Air

by Cynthia Stowell

Resource people for the B.I.A. and the Tribes were given a bird's eye view of power transmission installations in Idaho, Washington and Oregon in a speedy air tour conducted by the Bonneville Power Administration Friday morning, August 18.

BPA will begin construction next year of a double circuit line through the northern part of the reservation, widening the existing John Day-Marcola right of way. The project was given a green light in February when the Tribes accepted \$4.5 million in compensation for land and timber in the right of way.

The purpose of last week's air tour was to show local officials what to expect in terms of environmental impact during and after installation of the towers and lines.

Disruption was minimal along Idaho's Little Goose-Lower Granite line, just widened and completed this summer. The rather barren terrain was altered only by access roads and the actual tower sites (less than 1/4 acre). Such was also the case on the Ash line in eastern Washington and the east portion of the new Slatt-Marion line, which is marching southwest toward the reservation.

Impact on the reservation will be greater since the entire right of way is timbered.

Not only will the existing path be widened by 117.5 feet but tall trees beyond the opening that pose threats to the lines and towers will be removed (see diagram).

No additional access to the right of way should be required, said BPA civil engineer Lewis Bohl, who led the tour. But B.I.A. Timber Sale Administrator Bob Bolton felt that access to some logging units might be altered, although no major interference to logging is expected.

Bolton's major concern is the "inherent conflicting land use" that the power lines represent.

Wildlife biologist Terry Luther wondered if the expanded right of way will destroy the migratory patterns of wild animals temporarily or permanently. Bohl said he expected that the wildlife had adapted to the exist-

ing line and that after a period of interruption they would probably adapt again.

Construction schedule

The section of the Slatt-Marion line traversing the reservation will be the last link of the 500 kv line to be constructed.

The remainder of 1978 will be spent on design and ground survey work, with clearing beginning in 1979. Bohl said every effort would be made to avoid construction when the ground is wet and easily damaged.

Towers 185 feet in height and strung with double-circuit transmission lines will be erected adjacent to the 150-foot wide corridor that cuts through the northwest corner of the reservation. The project is due for energization in October 1980, said Bohl.

BPA has yet to meet with the Tribal Council on a plan for the disposal of the 224 acres of timber. Initial discussion has indicated the possibility of Warm Springs Forest Products Industries buying the timber for its use.

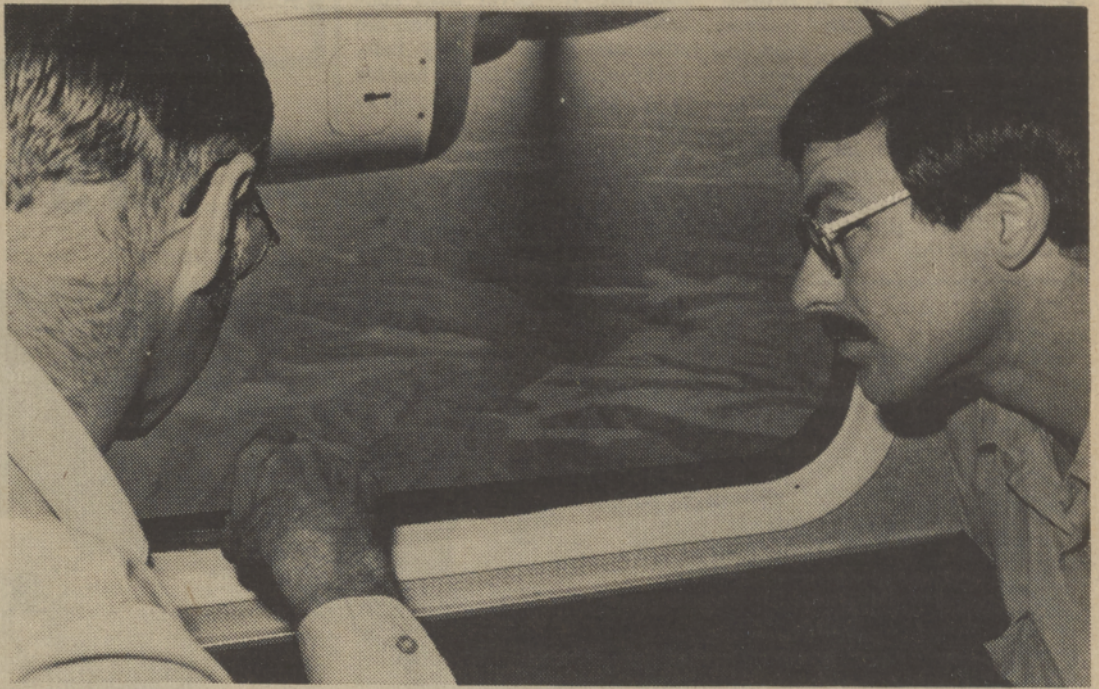
Before any clearing is done, an archaeological survey of the right of way will be performed to locate and protect any artifacts

or historical sites that might exist, said Bohl. He also noted that if at any point during construction an object of interest is

unearthed, operation will stop and the situation investigated further.

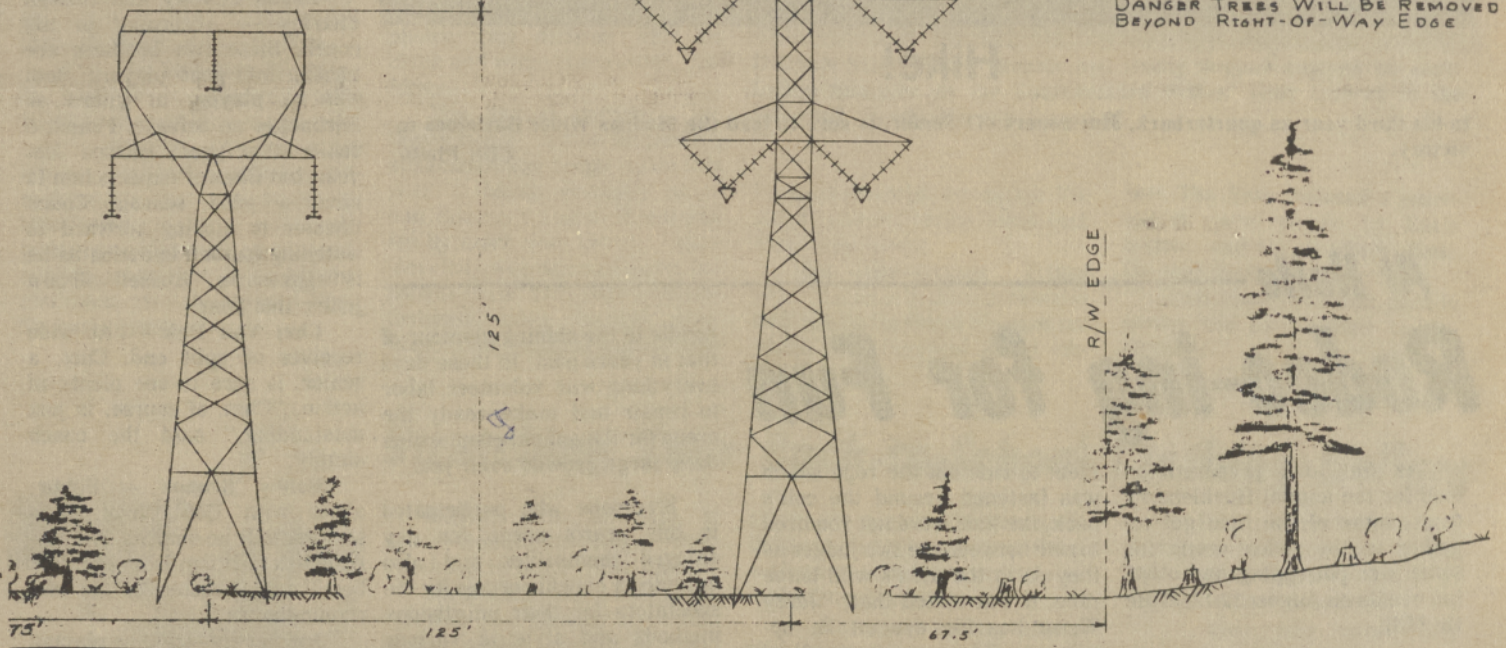
Bohl expects that the BPA

archaeologist will want to talk with people who are knowledgeable in local history before the initial walking survey is begun.



B.I.A. Forester Bob Bolton and tribal wildlife biologist found the air tour to be a very worthwhile look at power line impact. CDS Photo

THE DIAGRAM SUPPLIED BY BPA BELOW SHOWS THE RELATIVE SIZE AND PLACEMENT OF THE NEW TRANSMISSION TOWERS TO BE CONSTRUCTED ADJACENT TO THE EXISTING JOHN DAY-MARCOLA LINE.



Treaty, Cont'd

lished within one year after the treaty was ratified by Congress. But the tribes and bands had begun to move in 1865 and by the time the treaty was ratified in 1859 they had settled in.

The first Paiutes did not come to the reservation until 1879, when they were released from Vancouver Barracks where they had been held as prisoners of war since 1866. In 1822 additional Paiutes came from the Yakima Reservation and settled in the south part of the Warm Springs Reservation, now the Seekseequa district.

Although the Paiutes were not party to the 1855 treaty, all treaty rights apply to them as well. They now enjoy status as one of the three tribes comprising the Confederated Tribes: Warm Springs (bands of the Walla-Walla), Wasco and Paiute. Surveys

When the treaty was submitted to Congress in 1855, Palmer noted that the map he enclosed was only "approximate to accuracy" since no survey had been done.

The first survey, done in 1871

by T.B. Handley, was never acceptable to the Indian residents. Handley's northern boundary was placed well south of the line agreed upon throwing the western boundary off as well. Apparently the Mutton Mountain reference point for the northeast corner of the reservation had a different meaning in 1855 than it did in 1871.

A resurvey was done in 1887 by government surveyor John A. McQuinn, who found the northern boundary to be where the Indians claimed it was. The disputed land, some 61,000 acres of timber, became known as the McQuinn Strip and the next 100 years were spent fighting for it. (see separate story)

Exclusive use

Boundaries may have been a matter of dispute but the rights of the tribes to exclusive use of the reserved land have not been challenged, until recently proposed legislation.

Exclusive use meant that the Indians would live apart from whites on land closed to white residency unless the permission of both the agent and superin-

tendent was given.

(This stated authority implies that the reservation land was to be held in trust by the Federal government and supervised by its official representatives, although that status was never spelled out specifically in the treaty.)

Even now, non-tribal members technically must be authorized to live on the reservation but the Tribes have chosen not to exercise automatic exclusion or employ a formal entrance system.

A clause in the tribal constitution reserves the right of the Superintendent to remove any undesirable non-members who reside on the reservation. And, of course, desirable or not, none of the over 500 non-members now living on the reservation can own land, participate in tribal government, or otherwise enjoy citizenship rights held by tribal members.

The Tribes have further opened the reservation by allowing public fishing in some streams and lakes and maintaining campgrounds for public use.

While the Tribes retain the right to exercise exclusion, members have been free to live and use resources off the reservation. The 1855 treaty placed no restriction on the movement of Indians and even reserved hunting and fishing rights at all "accustomed stations."

The unfair and discredited Treaty of 1865 deprived the tribes of these rights, setting up a permit system for travel outside the boundaries. But this kink in local treaty history was ironed out as the obviously illegitimate treaty was largely ignored and finally abolished by court action in 1969.

The reservation today

The land shunned by the treaty-signers has turned out to be a valuable asset for the Confederated Tribes. Marketable timber covers about 400,000 acres, extensive rangeland can support thousands of head of cattle, water resources border and traverse the reservation, hot springs support a tribally-owned resort, and there exists a good potential for agriculture.

It is commonly agreed that

the financial and political success of the Confederated Tribes is in large part due to the valuable land base that has been kept intact since the reservation was established. The Dawes Severalty Act of 1887, which carved up many reservations into individually-owned allotments, had little effect on the Warm Springs Reservation. The wisdom of ancestors prevented the alienation (sale to the outside) of such individual allotments and many acres of land have been methodically returned to tribal ownership in recent years.

Of the total reservation acreage of 639,672.22, government land takes up only 16.02 acres and individual allotments comprise 61,168 acres. The rest — 578,488.20 acres — is tribal land, managed exclusively by the Tribes and their federal trustee as they see fit.

Proponents of legislation that would abolish treaties and limit on-reservation water rights face bitter opposition from tribes for whom the loss of a protected land base and resources would be one too many sacrifices.