

Original survey error causes McQuinn Strip conflicts

In 1871, a survey of lands set aside by treaty showed the northern boundary of the Warm Springs Reservation to be much further south than the agreement stated. The western boundary was also affected. The Warm Springs Indians protested but it took 100 years for the boundary dispute to be settled.

The passage of Public Law 92-427 set both northern and western boundaries to the place agreed upon in the 1855 treaty signed at The Dalles, Oregon. It restored ownership of 61,360 acres of land which were included in Mt. Hood and Willamette National Forests, and it put another 17,251 acres of pri-

vately owned land inside the reservation.

The McQuinn strip, named after surveyor John A. McQuinn who validated the Warm Springs Tribes' claim annulled the original survey done by T. B. Handley.

The mistake in the original survey is attributed to a discrepancy in the location of the Mutton Mountains. The Treaty states that the northeast corner of the Reservation is in the middle of the Deschutes River "opposite the eastern terminus of a range of highlands usually known as the Mutton Mountains." At the time of the signing, the name Mutton Mountains was applied to one ridge and by the time the 1871

survey was carried out, it referred to another ridge. The surveyors started their surveys at different points, McQuinn's start being the correct one.

Handley did not bother to talk with the Indians before he began his survey, whereas McQuinn did. McQuinn also referred to a sketch made at the time the treaty was signed.

Although the McQuinn survey showed the error, white people who occupied land south of the McQuinn line protested the change. A commission, appointed in 1890, was organized to make a study. The commission recommended the Handley line and in 1894 Congress adopted it as official.

Warm Springs Reservation white residents continued to protest. In 1917 Congress appropriated \$5 thousand for another study.

United States surveyor French Mensch said the McQuinn line was correct but with settlers occupying the land south of the line it would be difficult to move the Reservation boundary. Tribal leaders rejected the suggestion given by Mensch for cash compensation.

Congress authorized the Confederated Tribes of Warm Springs in 1930 to take their case to the U.S. Court of Claims. In 1941 that court accepted the McQuinn line as correct except for a triangle of land in the northeast corner, approximately 8,000 acres. The court determined the value of the land included on the McQuinn strip and the small triangle plot to have an 1855 value of \$80,295 plus interest totaling \$241,084.

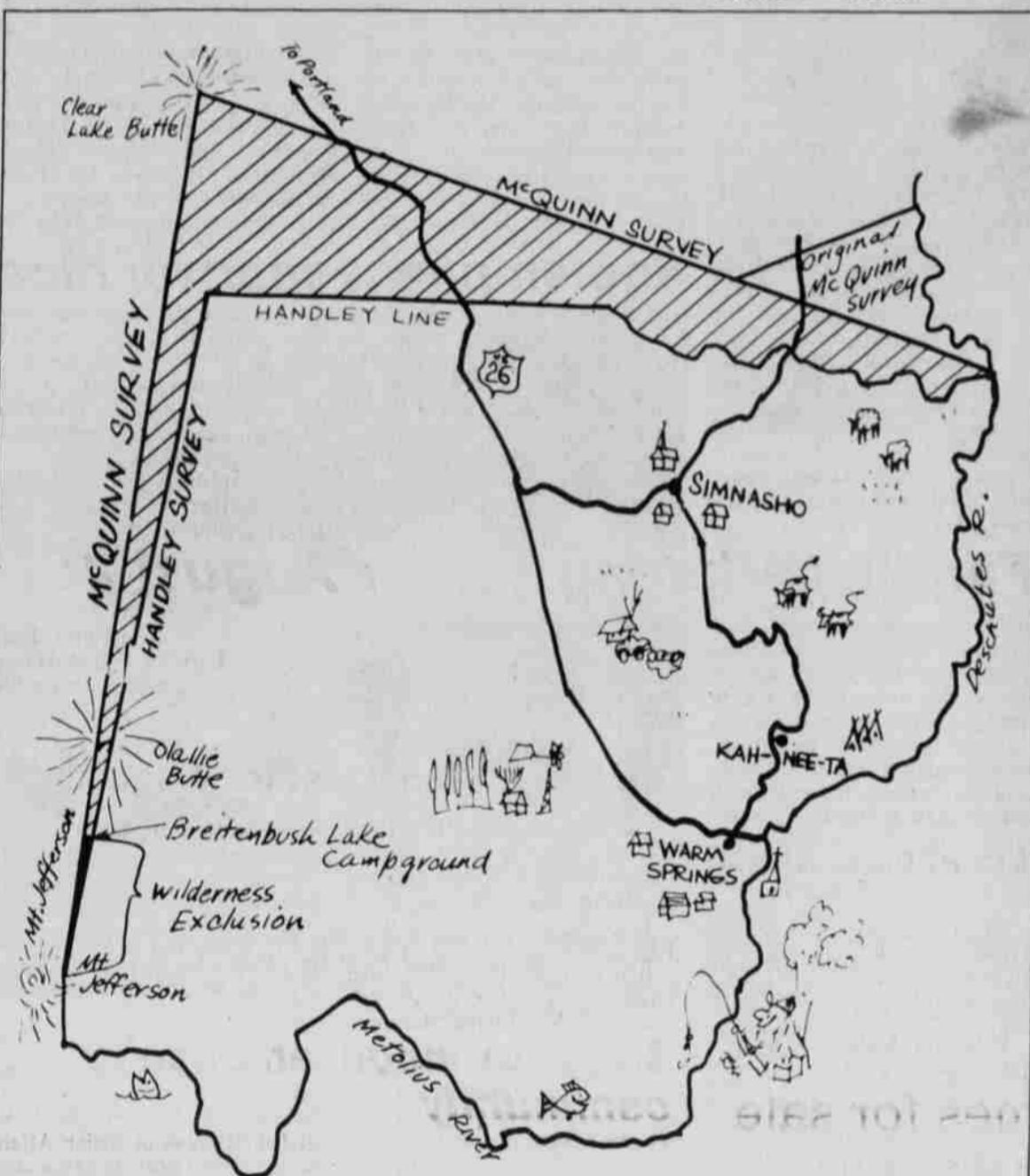
An identical bill introduced to the Senate Interior Committee by Sens. Mark Hatfield and Bob Packwood and the House Interior Committee was approved on July 26. On August 2, the full Senate passed the bill and only House approval remained.

The Agriculture and Interior Departments, fearing it would establish an undesirable precedent, published administrative opposition in the House Republican Conference Legislative Digest. But the House ignored the statement and passed the bill unanimously on September 7, 1972.

On September 21, President Richard Nixon signed the bill. The small triangular portion in the northeast corner was excluded, but the remainder of the land claimed since the 1855 Treaty was restored to the Warm Springs Tribes.

The Tribes continue to purchase fee patent lands located within the McQuinn strip.

Information provided by *A History of the McQuinn Strip* by Gordon MacNab, published November 22, 1972.



The McQuinn Strip is approximately 61,360 acres starting in the mid-channel of the Deschutes River, running northwesterly to the seven and one-half mile post of the McQuinn Survey in 1887, then following the McQuinn line northwesterly to its thirty mile point at Little Dark Butte in the Cascades, thence following the McQuinn survey southwesterly in a direct line to the summit of Mt. Jefferson, thence northeasterly and easterly on the line of the 1894 act. But any lands within the Mt. Jefferson Wilderness Area are excluded from the McQuinn Strip.

The McQuinn Strip Act

The 1972 Act defining the McQuinn survey line as the northern boundary of the Warm Springs Reservation makes the following provisions:

Shares of counties in receipts from national forests shall not be affected. The act provides that counties with land in the McQuinn Strip may continue to count those acres in computing their shares of national forest revenue.

Commercial timber shall continue to be sold by oral auction until January 1, 1992 and the Confederated Tribes shall not bid, buy or remove timber until that date.

Existing livestock grazing permits shall be honored until January 1, 1992.

All lakes shall be open to public fishing and have appropriate access. A right-of-way up to 200 feet in width for the Pacific Crest Trail shall continue to be held by the Secretary of Agriculture for administration under the National Trails Systems Act.

The U.S. Forest Service may use without charge all fire lookout stations and the land and improvements at Bear Springs Ranger Station.

State game laws shall be enforced under a cooperative agreement between the Tribes and the Oregon State Game Commission for ten years and may be renewed for another ten at the commission's option. However, the Sunflower Flats area west of the Simnasho-Wapinitia Road shall be closed to hunting unless the commission and the Tribes jointly decide otherwise.

All public campgrounds shall be managed and maintained by the Tribes in perpetuity, with access on the same basis as comparable Forest Service campgrounds.

An adequate fence for control of livestock shall be placed by the Tribes at the north boundary; and the Tribes shall pay half the cost of fencing any fee patent lands within the McQuinn Strip if the owner wants to fence it.

The Water Right Agreement of 1971 between the Confederated Tribes and the Juniper Flat District Improvement Co., shall apply to the McQuinn Strip lands.

The Tribes are authorized to make rules and regulations and to enter into such contracts as are desirable in carrying out the provisions of the act.

Trap provides information on salmon

In 1975 the Research and Development Section of the Oregon Department of Fish and Wildlife began a study of fall chinook salmon in the Deschutes River. The goal of the study was defined as obtaining information necessary to make recommendations for managing hatchery and wild stocks.

An adult migrant fish trap located above Sherar's Falls was installed in 1977 as part of this ongoing study to: 1. describe life history of the fall chinook; 2. estimate harvest and abundance; and 3. determine rearing and release schedule for hatchery chinook salmon to maximize return of adults. Costs for operation and maintenance of the trap are shared by the State and the Confederated Tribes of Warm Springs.

Fish are trapped above the ladder at Sherar's Falls between 5:00 p.m. and midnight from June 15 to October 31, the "peak movement period" for fall chinook, says Warm Springs fisheries biologist Mark Fritsch. The fish are measured and tagged after which they are released back into the river.

In addition to the trap, population estimate data is collected by means of a carcass survey. Between October 15 and December salmon carcasses are recovered between

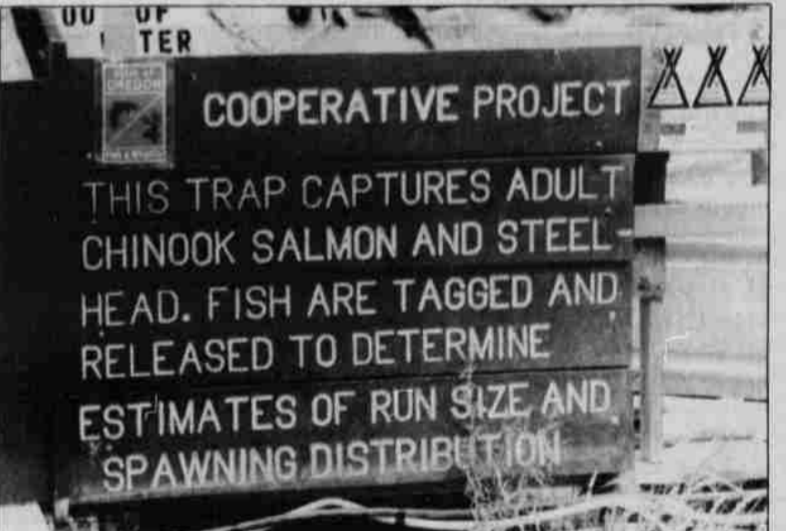
Trout Creek and Pelton Reregulating Dam. These are counted and inspected for tags.

A helicopter flight to count redds in the spring helps to complete the population estimates.

According to Fritsch, data indicates that more fish are spawning below Sherar's Falls than above. Last year 65 percent of the fall chinook spawned below while in the past a greater number were counted above the falls.

"We'd like to determine the reason," says the biologist. The reason could range from harvest strategies, poor habitat above the falls, no annual "flush and flow" which are naturally created by tributaries entering the river below Sherar's Falls, or even two separate races of salmon.

Research is scheduled to continue as Tribal Natural Resources biologists and ODFW biologists look for answers.



Sign explains purpose of the Sherar's Falls trap to the public.



Recovery pool at Sherar's Falls fish trap is examined for needed modifications by (left to right) Oregon Department of Fish and Wildlife trap operator Jim Burgett, Columbia River Intertribal Fish Commission biologist Doug Hatch, Warm Springs biologist Mark Fritsch and CRITFC biologist Phil Mundy.

Reforestation methods can vary

from Stephen Fitzgerald
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Many people think timber harvesting is just the cutting of trees where they are later taken to the mill. Well cutting trees is only part of the whole process. When foresters plan harvest cutting, they must also decide what is the best way to reforest the site in order to ensure another crop of trees. There are many methods foresters use to reforest (regenerate) stands of trees. These methods are broken into two groups: evenaged systems and unevenaged systems.

Evenage Methods:
Evenage methods produce stands where all the trees are about the same age and are very uniform. These include clearcutting, shelterwood cuts, and seedtree cuts. Each of these methods is explained below.

Clearcutting:
Clearcutting involves cutting all the trees on the site. The site is reforested by either planting with young seedlings, or the area is allowed to reforest by natural seed from the surrounding uncut stand. Because seed production is often unpredictable, most sites are planted to ensure a new stand of trees. This method is very efficient for harvesting, but may be esthetically displeasing. Clearcutting is good for some wildlife species, such as big game, but may be detrimental to other species. Clearcutting is a good method for replacing stands that have high degree of cull (rot and defect), heavy mistletoe, undesirable species composition.

Seed Tree Cut:
A seed tree cut involves harvesting almost all trees on the site. A few large trees are left uniformly across the site to provide seed to establish the new stand. The seed trees are removed 5 to 15 years later, after the site is fully stocked with young seedlings. The primary

disadvantage of seed tree cuts is that natural seeding is often unreliable.

Shelterwood Cut:
Shelterwood cut is similar to the seed tree cut except a few more large trees are left uniformly across the site to provide seed and shelter to the young seedlings below. Once the seedlings have become established beneath (5 to 15 years), the "shelter" trees (sometimes called an overwood) can be removed. The overwood can be removed in one or more success cuts, eventually leaving the seedlings and saplings to make it on their own. This method produces an evenaged stand similar to a clearcut, but the overstory that is left create a more esthetically pleasing landscape and provide more cover for certain species of wildlife. The major drawback to the shelterwood method is that the establishment of seedlings is often spotty, resulting in an understocked stand.

Unevenaged Methods:
Unevenaged harvest methods - sometimes called unevenaged management - create stands that contain trees of all ages - from large trees to young seedlings and saplings. Unevenaged management provides a continuous forest canopy and is esthetically pleasing. There are two methods for creating an all-aged forest.

Individual Tree Selection:
Selecting trees on an individual basis is the main criteria behind individual tree selection. Not only are large, mature removed in this kind of a harvest system, but small trees are thinned out as well to give them room to grow. As trees are removed through successive entries, small openings are created where young seedlings establish. This maintains the continual establishment of trees over time.

Group Selection:
Group selection involves harvesting trees in small groups - from as few as three trees to up to 2 acres in size. This method basically

creates small evenaged groups. This method is easier to carry out in forests because logging activities are more concentrated for efficient skidding and because the larger openings make it easier for some species of trees, such as pines, to regenerate in the openings. To sustain harvesting over the long haul, it's important to have a good arrangement (size and age) of these small groups throughout the stand.

Other definitions
Catface:
A scar on the surface of a log or tree, generally elliptical in shape, resulting from wounds that have not completely healed over.

Conk:
A hard, spore-bearing structure of a wood-destroying fungus, which projects beyond the bark of a tree.

Cord:
A volume measure of stacked wood. A standard cord is 4x4x8 feet or 128 cubic feet of space. Since round wood cannot be stacked to give solid volume, actual wood volume varies between 70-90 cubic feet per cord.

Cruising:
Measuring standing trees to determine the volume of wood on given tracts of land.

Kerf:
Width of a cut made by a saw.

Humus:
The plant and animal residue of the soil that have decomposed to the point where they are no longer recognized.

Gyppo Logger:
A self-employed, independent timber harvesting contractor who is not an employee of the log purchaser.

Cull:
A tree or log of merchantable size rendered unmerchantable because of poor form, large limbs, rot or other defects.