

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
PHONE (208) 478-3700
FAX # (208) 237-0797



FORT HALL BUSINESS COUNCIL
P.O. BOX 306
FORT HALL, IDAHO 83203

May 12, 2006

VIA OVERNIGHT EXPRESS MAIL

Attention: Section 1813 ROW Study
Office of Indian Energy and Economic Development
1849 C Street, N.W.
Mail Stop 2749-MIB
Washington, DC 20240

Re: Section 1813 Study of Energy Rights of Way on Tribal Lands

Dear Sir/Madam:

On behalf of the Shoshone-Bannock Tribes of the Fort Hall Reservation, located in southeast Idaho, we submit the following information in connection with the study of the energy rights-of-way on tribal lands which the Departments of Energy and Interior (collectively the "Departments") are conducting pursuant to Section 1813 of the Energy Policy Act of 2005.¹

On January 20, 2006, initial comments were submitted on our behalf by the Sonosky, Chambers, Sachse, Endreson and Perry Law firm. We incorporate those comments by reference here. In addition, on March 7-8, 2006, we participated in the first scoping meeting held in Denver, Colorado, and provided and submitted into the record a power point presentation to the Departments regarding our position on Section 1813, and set forth some basic information about the Fort Hall Reservation and history of the rights-of-way impacting our lands.

As we stated at the first scoping meeting, we do not agree that the case study approach is the best means to gather the necessary information requested by the Congress. Moreover, the approach cannot be fairly representative of the thousands of energy rights-of-way over tribal lands. We also reiterate here that the Department should seek additional time from Congress to undertake a comprehensive study of all rights-of-way over tribal lands for transportation of energy. The importance of completing a comprehensive study which is representative of all tribes is imperative given the efforts by energy companies to seek legislation that would permit them to condemn all tribal lands for their rights-of-way. Such legislation if enacted would be

¹ Pub. L. No. 109-58, tit. XVIII, 119 Stat.594, 1127-28.

devastating to tribal sovereignty and self-determination, and a breach of the federal trust responsibility to tribes.

Finally, we object to the tribal consultation process proposed by the Departments. At the April 18-20, 2006 second scoping meeting in Denver, the Departments announced that they plan to complete the draft study on July 1. July 1 is a Saturday, and the beginning of Fourth of July holiday. Five days after that weekend, on July 10, the Departments have scheduled the first of five consultation meetings in Phoenix, Arizona. Between July 11 and July 19, the Departments plan to hold tribal consultations in Albuquerque, Morongo, Billings and Portland. The time to review and comment on the draft study is far too short. Tribes will have very little time, less than a week, to review the draft study and prepare their comments for the consultation meetings. This is patently unfair to tribal governments. The expedited meetings by the Departments do not amount to true consultation as required and intended by the numerous Executive Orders on government-to-government consultation.

Section 1813 requires the Departments to analyze four study areas concerning rights of way on tribal lands.² The Departments have announced May 15, 2006 as the deadline for submission of information and comments regarding the study being conducted pursuant to Section 1813.³ The primary purpose of our letter is to provide the Departments with an analysis of the first study area – historic rates of compensation paid for energy rights of way on Tribal lands located on the Fort Hall Reservation. While we address primarily the first study area in this letter, we believe that the four study areas are interrelated and impact particularly tribal self-determination. The power point presentation of March 7 and Sonosky memorandum set forth our position on the three other study areas.

DISCUSSION

I. Study Area One – Historical Rates of Compensation to Tribes

The Congress has requested data and information relating to the basic historic rates of compensation received by Indian tribes and individuals Indians. In addition to this data, the Departments must recognize that any discussion of rights-of-way must be understood in the context of the history, economics and geography of Indian reservations. Moreover, the Departments should consider the actual process of securing the rights-of-way and other critical issues relating to the rates. These issues have affected the historical rates and continue to impact the present day negotiations with energy companies and compensation received.

Accordingly, we begin with background information about the Shoshone and Bannock peoples and the Fort Hall Reservation (Section A). The second part (Section B) provides a discussion of the data on the compensation rates paid to the Shoshone-Bannock Tribes for the majority of existing rights-of-way on the Reservation. The third section (Section C) describes

² 119 Stat. at 1128.

³ Federal Register Notice, April 28, 2006, Department of Energy.

the process used to secure the rights-of-way by energy companies and how that process has changed over the years. The final portion (Section D) provides a review of issues relating to rights-of-way and energy companies, which are relevant to the historic compensation inquiry.

Finally, in order to fully understand the impact of historical rates of compensation paid by energy rights of way on tribal lands, the Departments must recognize that each tribe is unique. Tribes have unique histories, land characteristics, cultures and people, cultural resources, sacred rights, and treaties and agreements entered into with the United States. Additionally, each Indian tribe has different relationships with the various energy companies that have built rights-of-way across their tribal lands. Indeed, the Shoshone-Bannock Tribes have different working relationships with each energy company on the Fort Hall Reservation.

A. Historical and Present Factual Background of the Shoshone-Bannock Tribes and the Fort Hall Reservation

1. Establishment of the Fort Hall Reservation

The Fort Hall Reservation (“Reservation”) is the home of the Shoshone and Bannock Tribes. On June 14, 1867, a President Andrew Johnson issued an Executive Order designating the Fort Hall Reservation for various Boise and Bruneau Bands of Shoshone who occupied the area from time immemorial.⁴ Over the following 40 year period, the federal government negotiated numerous treaties with various Shoshone and Bannock bands to relocate them to the Fort Hall Reservation. These Tribal Shoshone and Bannock bands were forcibly removed to the Reservation and their descendants reside at Fort Hall today.

The site for the Reservation was selected in 1866 by Idaho Territorial Governor David Ballard because it contained abundant natural resources (water resources, game, fisheries, timber) to subsist the Indians while facilitating their introduction to the civilized arts.⁵ “The area inhabited and occupied by the Shoshone nation or tribe of Indians became part of the states of Wyoming, Colorado, Utah, Idaho and Nevada.”⁶ “During and prior to 1863 the Shoshone Tribe of Indians and the affiliated bands of Bannock, from time immemorial, roamed over, lived upon, occupied, and used a territory of the approximate areas above mentioned as their home and for their support and livelihood, by hunting and gathering roots, berries and nuts.”⁷ The

⁴ Executive Order by President Andrew Johnson, 1 Kappler 835 (June 14, 1867).

⁵ B. Madsen, *The Northern Shoshoni* 49-51(2000).

⁶ *Northwestern Band of Shoshone Indians v. United States*, 95 Ct. Cl. 642, 644 (1942).

⁷ *Id.*

Shoshone and Bannock considered the current location of the Reservation along the Snake River as their home, spending several months of each annual migration in that locale.⁸

The Second Treaty of Fort Bridger was one of several treaties concluded by the Indian Peace Commission established by the Act of June 20, 1867 by Congress.⁹ On July 3, 1868, the Eastern Shoshone and Bannock Tribes concluded the Second Treaty of Fort Bridger (“Treaty”).¹⁰ By Article 2 of the Treaty (15 Stat. 674), the United States guaranteed the creation of separate reservations for the exclusive use and occupancy of the signatory tribes. In return the Tribes ceded millions of acres of their original lands. Article 2 defined a tract of land, known as the Wind River Reservation in Wyoming, as a reservation for the Eastern Band of Shoshone. Article 2 also provided that a separate reservation would be established for the Bannock Tribe (also known as the “Mixed Bands of Shoshones and Bannocks”).

Pursuant to this guarantee, and the Executive Order of 1869¹¹, the Fort Hall Reservation was established as a “permanent home” for the Shoshone and Bannock Tribes’ exclusive use and benefit. The Shoshone-Bannock Tribes are successors in interest to the signatories of the Treaty. Article 2 of the Treaty set apart the approximately 1.8 million acre Reservation “for the absolute and undisturbed use and occupation of the Shoshone Indians.” Article 4 of the Fort Bridger treaty reserved the Reservation as a “permanent home” to the signatory tribes.¹² One of the United States’ purposes in setting aside the Fort Hall Reservation was “to protect . . . [the Tribes] rights and to preserve for . . . [them] a home where . . . [their] tribal relations might be enjoyed under shelter of authority of the United States.”¹³ However, when the Reservation was initially surveyed in 1873, the federal surveyor erroneously cut off from the Reservation an area “thirty

⁸ See *Shoshone Tribe v. United States*, 11 Ind. Cl. Comm. at 404 (finding that before 1868 “Shoshone and Bannock Bands . . . preferred the country along the Snake River and its tributaries in southeastern Idaho” as their “home-base or area of greater attachment”).

⁹ *Proceedings of the Great Peace Commission of 1867-1868, With an Introduction by Vine Deloria, Jr. and Raymond DeMallie* (Washington: The Institute for the Development of Indian Law 6 (1975).

¹⁰ Treaty with the Eastern Shoshoni and Bannock, July 3, 1868, 15 Stat. 673, 2 Kappler 1020.

¹¹ Executive Order by President Ulysses S. Grant, 1 Kappler 76 (July 30, 1869). President Grant’s 1869 Executive Order designated the same lands set aside for the Boise-Bruneau Bands under the 1867 Executive Order as the reservation secured to the Bannocks and Mixed Bands by Article 2 of the 1868 Treaty.

¹² 15 Stat. 673.

¹³ *Ward v. Racehorse*, 163 U.S. 504, 509 (1896).

by fifty miles in extent along its eastern border” thus reducing the Reservation to about 1.2 million acres instead of the 1.8 million acres contemplated in the 1867 Order.¹⁴

Beginning in the early 1870’s, white settlers threatened the Tribes’ undisturbed use of Reservation land¹⁵, and the Utah and Northern Railroad illegally entered the Reservation by constructing roads, building shops and cutting timber. Earlier the Congress had granted the railroads a right of way across public domain by the two acts, however, this right did not extend to reservation lands (the Fort Hall Reservation) withdrawn from the public domain by the United States.¹⁶

In 1885, the Office of Indian Affairs was “embarrassed” that the Utah and Northern Railway Company railroad was illegally using 2,126 acres of land for a north-south line across the Reservation.¹⁷ Rather than the remove railroad right-of-way and white settlers who were building shops and homes at the junction (known as Pocatello Station) of the Utah and Northern Railway, the United States sought to resolve the trespass by the railroad with a right-of-way of land from the Tribes. Following a cession agreement with Tribal leaders, Congress enacted the Act of September 1, 1888, (“Act of 1888”),¹⁸ which approved the right-of-way for Utah Northern and established the townsite of Pocatello.

In the Act of February 23, 1889, the United States sought to resolve further unlawful encroachment on Tribal lands by white settlers by seeking a large land cession from the Tribes. This cession reduced the southern part of the Reservation by 239,837 acres. Finally, the Congress passed the Act of June 6, 1890, again reducing the southern boundary of the Reservation by another 418,560 acres. The present Reservation of 545,000 acres is what remains of the original 1.8 million acre reserve.

The original vast cessions of land by the Tribes under the Treaty were premised on federal promises that the Tribes could continue their way of life on a homeland of smaller size, free from intrusions of the majority society. However, this undisturbed life only lasted a few years before encroachment by trespassers began on the Reservation. It is no wonder that the Tribes since the early 1900’s have actively resisted any further reduction of their lands and have

¹⁴ B. Madsen, *The Northern Shoshoni* 77, 107 (2000).

¹⁵ *Id.* at 109.

¹⁶ *Id.* at 111-112.

¹⁷ *Id.* The first illegal right-of-way across the Fort Hall Reservation occurred in the late 1870’s by the Oregon Shortline Railroad. In 1882, the Congress passed an act approving a right-of-way for which the Tribes were to receive \$6,000 per year for twenty years for the railroad to receive an east-west right-of-way.

¹⁸ The Act of September 1, 1888, ch. 936, 25 Stat. 452, 1 Kappler 292.

ensured that the landbase remain in Tribally owned or trust status. Furthermore, Tribal leaders have vigorously sought to protect and preserve the reservation homeland for future generations.

2. Present Fort Hall Reservation

The Fort Bridger Treaty and subsequent agreements reserved to the Tribes their governmental authority and ownership of part of their aboriginal lands, which were guaranteed to them by the United States. The title to the reserved lands was then and remains in held in trust by the United States for the benefit of the Tribes.

Cession agreements with the United States reduced the Fort Hall Reservation to the present day size of approximately 545,000 acres or 870 square miles.¹⁹ In 1911, Congress enacted allotment legislation to provide allotments to Tribal members and the Lemhi Band of Shoshone who were removed from north central Idaho to the Fort Hall Reservation. The Reservation was allotted to provide allotments to all Tribal residents of the Reservation.

Of the some 545,000 acres, about 97% of the land is Tribal land or held in trust by the United States for the benefit of the Tribes or its individual members.²⁰ The remaining 3% of the Reservation land is fee land held by individual Tribal members, the Tribes, and non-Indians. This fee land is scattered throughout the Reservation. And, since the 1986 figures used in the case FMC v. Shoshone-Bannock Tribes, the Tribal ownership of lands has increased and the limited amount of non-Indian owned land on the Reservation has decreased.

The Reservation is blessed with an extensive biodiversity that includes: rangelands, croplands, forests, streams, three major rivers (Snake, Blackfoot, and Portneuf), reservoirs, springs, ground water, and wetland areas, an abundance of medicinal and edible plants, wildlife (elk, deer, moose, bison, etc.), various species of fish, birds, and other animal life essential to the sustenance of the Tribes. The culture and continued existence of the Shoshone and Bannock people depend on these vital Reservation resources.

3. The Reservation Population

The Shoshone and Bannock people are comprised of several related bands whose aboriginal territories include land in what are now the states of Idaho, Wyoming, Utah, Nevada, Colorado, Washington, Oregon, and parts of Montana and California. The current Tribal enrollment is 4,791 members.²¹ Today, the Tribes' territory forms a large cohesive geographic area that supports a population of approximately 3,724 Tribal members (65% of the total

¹⁹ See FMC v. Shoshone-Bannock Tribes et al., 905 F.2d 1311, 1312 (9th Cir.), *cert. denied*, 499 U.S. 943 (1991).

²⁰ *Id.*

²¹ Shoshone-Bannock Tribal Enrollment Office Membership Roll, May 4, 2006.

Reservation population) and 2,145 (35% of the total Reservation population) non-Indians.²²

4. The Tribal Government

The Shoshone and Bannock Tribes, collectively, are a single federally recognized Indian tribe, organized under a Constitution and Bylaws adopted pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934.²³ The Tribal Constitution and By-Laws were adopted and approved by the Secretary of the Interior on April 30, 1936. The Tribes are successors in interest to the signatories of the Fort Bridger Treaty with the Eastern Band of Shoshone and Bannock Indians. The Tribal membership also voted to charter Shoshone-Bannock Tribes, Inc., which established a federally chartered corporation under Section 17 of the Indian Reorganization Act on April 17, 1937, for the purpose of engaging in business and economic matters.

5. Economy

The 2000 Census shows that Indian households on the Reservation are living and functioning decades behind all U.S. households in terms on employment, income and utility services that are available. The statistics show that 12.6 percent of Reservation residents lack plumbing facilities, kitchen facilities and telephone service.²⁴ Over 18.5 percent of families fall below the poverty level, 23.6 percent of individuals, and 38.2 percent of families with female householder are below the poverty level.²⁵ Further, the average percentage of individuals unemployed on the Reservation is 49.2 percent, with 53.2 percent of males and 46.6 percent of females unemployed.²⁶

The major economic resource on the Reservation is agriculture. Indeed, an overwhelming majority of the Reservation lands has been converted to agriculture use and this has had a major impact on the quality and function of Reservation life. Approximately, 22% or 120,828 acres of the 544,000-acre Reservation is currently under agriculture production.²⁷ In

²² U.S. Department of Commerce, U.S. Census Bureau, Census 2000, Profile of General Demographic Characteristics.

²³ 48 Stat. 984, 25 U.S.C. § 461 *et seq.*

²⁴ U.S. Department of Commerce, U.S. Census Bureau, Census 2000, Profile of Selected Housing Characteristics.

²⁵ *Id.* Profile of Selected Economic Characteristics.

²⁶ *Id.*

²⁷ Bureau of Indian Affairs, Fort Hall Agency Data, Tech Services Office, 1997.

1997, The Bureau of Indian Affairs estimated that 532 of the 619 reservation farm operators were non-Indians. Leasing of Tribal and allotted lands to non-Indian farmers has long been an economic practice at Fort Hall.

Energy transmission lines impact the income of the Tribes and individual Tribal members by reducing the farm efficiency on agricultural lands of the Reservation. Lands with transmission lines require that additional pivots and hand pipes to be used for irrigation which affect the labor and production costs. For example, the rental rates on agricultural leases are reduced by \$20 – 30 per acre per year with a transmission line on the land.²⁸ Over a twenty year period the Tribes or allottees lose income amounting to \$64,000 to \$96,000.²⁹

B. Historically, the Rates for Rights-of-Way Were Undervalued

In this section, the Tribes provide a review of the data relevant to the majority of energy rights-of-way crossing the Reservation. There are many types of rights-of-way crossing the Fort Hall Reservation including natural gas transmission pipelines, electricity transmission line, electricity distribution lines, transit lines, access roads and lanes amounting to hundreds of miles of land encumbered by the energy industry. There are 22 energy rights-of-way – 19 electric transmission lines and 3 natural gas pipelines. For purposes of this letter, we have concentrated on the natural gas pipelines, and electric transmission lines.

The sources of the information and data are from the Bureau of Indian Affairs Fort Hall Agency Realty Office, Fort Hall, Idaho, and the Shoshone-Bannock Tribes.³⁰ The information relating to acres, linear miles, breakdown of Tribal and allottee lands³¹ impacted by the rights-of-way was gathered from the rights-of-way maps produced by the particular energy company and approved by the Bureau of Indian Affairs. It has been a difficult challenge to research and compile this report in the short amount of time established by the Departments. The Tribes

²⁸ 2001 estimate by the Bureau of Indian Affairs Portland Regional Office Appraiser.

²⁹ This loss of income is calculated using a 160 acre allotment multiplied by \$20.00 and then by 20 years which equals \$64,000; and multiplying the 160 acres by \$30.00 and then 20 years.

³⁰ Many rights-of-way files were missing from the Bureau of Indian Affairs Fort Hall Agency Office and could not be located during the review. Also, during our research we noted many inconsistencies in Bureau records and numbers relating to the grant of easement, appraisals and payment vouchers.

³¹ As stated earlier, the majority of lands impacted by the energy right-of-way are trust lands. The trust lands are tribal and allotted lands held in the name of the United States for the Tribes and individual Indians. The federal government is a trustee of these lands and must manage them in the best interests of the Tribes. In addition to the trust lands there are some Tribal fee lands that are owned in fee simple by the Tribes. These Tribal fee lands are going through the process set forth in 25 C.F.R. Part 151 to place them into trust status.

invite the Departments or its contractor out to Fort Hall to verify the data if there are any questions.

A review of the historical data, and grants of easements demonstrate that the rights-of-way across the Reservation were grossly undervalued by the United States. The compensation to the Tribes and allottees on every rights-of-way negotiated by the Bureau of Indian Affairs of the Department of Interior was minimal compared to the acreage being acquired and length of time granted. As discussed in section C, prior to 1948, the Bureau of Indian Affairs did not seek tribal consent, and the federal government, as represented by the Bureau of Indian Affairs, was negotiating on behalf of the tribes. This federal government practice of not securing tribal consent continued well into the 1970's. The energy companies have made significant past profits from Indian lands by paying less than fair market value for tribal rights-of-way.

The historical records also show that the Bureau of Indian Affairs required the companies to pay only damages to the Tribes and allottees for the rights-of-way across the Reservation. The federal regulations provide that consideration (compensation) for any rights-of-way is to be paid and a deposit must be made for damages that may result due to the survey or construction and maintenance activity of the energy companies.³² The Bureau of Indian Affairs' records demonstrate that the evaluation by the Bureau of Indian Affairs was limited to damages that would occur to the surface use by companies. The payment schedule records verify this value in terms of per poles located on the Tribes' lands or potential crop value damage. There are no Bureau of Indian Affairs' records showing any additional monies or consideration was paid for the rights-of-way grants. Where there are records of appraisals for the rights-of-way the reports are based on some portion of the land value and not the economic value to the company or the benefit to the development of the region. The Bureau of Indian Affairs failed the Tribes in negotiating such abhorrently low deals based on damages and neglecting to obtain any compensation as required by the federal regulations.

There are numerous examples in which the monies (damages) paid to the Tribes were unconscionable. We have compiled the available data and information in three tables illustrating the woefully inadequate values paid the Tribes, the year the grant was approved, the term of years for the right-of-way, and the size of the rights-of-way. These tables are attached and incorporated into this letter for the Departments' review and consideration. A few selected rights-of-way will be highlighted and described in more detail in this section.

1. Utah Power Transmission Line

One of the earliest rights-of-way constructed on the Fort Hall Reservation was on November 17, 1941 by the Utah Power Company. This transmission line, running south – north, was known as the Ananconda – Grace line, was approximately 26 miles long and located on the eastern side of the Reservation. Both Tribal and allotted lands were impacted. The term of the grant was for 50 years. The Superintendent of the Bureau of Indian Affairs was solely responsible for conducting the negotiations and discussions with the Utah Power. The

³² 25 C.F.R. §§ 169.12 – 14.

consideration for the right-of-way was based only upon damages. Damages were assessed based upon the number of poles at \$6.00 per pole located on the Tribal or allotte's land, and a proposed \$5.00 per mile rental charge. The Tribes received a total of \$177.00 and the allottees received a total of \$123.89. The Bureau of Indian Affairs records do not confirm that the Tribes ever received the \$5.00 annual rental fee.

The transmission line expired in 1991. Despite this expiration the Utah Power never sought a renewal of the right-of-way, but rather continued to utilize the line for 10 years, and earning substantial profits. The Tribes informed them that the line was expired, but the Bureau of Indian Affairs did not take any action to force the company to comply. In 2001, the Utah Power Company was seeking to merge with another company and the Idaho Public Utilities Commission held a hearing on the merger, at which the Tribes testified that the company was in trespass. Within one week after the hearing, the company filed a renewal application due to the merger being placed in jeopardy. The renewal agreement was approved in 2001 after a brief period of negotiations.

2. Salt Lake Pipeline Company

The Salt Lake Pipeline Company now known as the Chevron Oil Company, completed construction of its pipeline on the Reservation on November 13, 1963. There is nothing in the records showing that the Tribes consented to the construction or were notified by the Bureau of Indian Affairs. The initial application for the pipeline was approved on August 31, 1964. This right-of-way illustrates the practice of the federal government to permit the energy company to build its pipeline and then seek approval of its application. The negotiations were handled strictly by the Superintendent of the Bureau of Indian Affairs. An appraisal was completed for the lands based upon the property value and only damages paid to the Tribes and allotted. The Tribes were paid for a 50 year grant term a total of \$575.00. The pipeline covers 9.61 miles and the corridor is 33 feet wide.

3. Idaho Power Company

The Idaho Power Company has constructed approximately a dozen major transmission lines that criss-cross the Reservation amounting to over 206 miles. The company secured two 80 foot wide perpetual rights-of-way in 1980. One of the earliest completed constructions was on March 1, 1943 and the right-of-way (American Falls – Pocatello Line #409 (Brady Fremont)) was not approved until three years later on December 17, 1946. The Tribes received for this 18 mile right-of-way a mere \$193.00. The consideration was based upon damages only – a per pole assessed based upon the damage to the surface area. The Superintendent was strictly responsible for the negotiations and approval of the grant.

This line expired in 1996. It was renewed in 2005 along with four other transmission lines – Pocatello Don, Don Goshen, American Falls – Don and Brady – Kinport. The original amounts received on these other respective lines were as follows: \$147.00 for allottees on the

Pocatello – Don line in 1949; \$4,035 for the Tribes and allottees in 1953; and \$475.00 for the Tribes and \$2,045 for the allottees on the American Falls – Don and Brady – Kinport in 1951. Again, the Superintendent conducted the negotiations with the company. In 2005, the Idaho Power and the Tribes and allottees successfully reached an agreement to renew the five rights-of-way. The negotiations lasted eight years.

C. Process of Acquiring the Rights-of-Way at Fort Hall

The process used to secure existing energy rights-of-way is described in this section. This process has changed over the years and there is a direct correlation between the process used and the historic rates of compensation paid for such rights-of-way.

1. Original Bureau of Indian Affairs Rights-of-way process

The majority of original energy rights-of-way at Fort Hall were constructed in the 1940s on the Reservation. At that time the Bureau of Indian Affairs assumed full control of processing the application, negotiating the easement grant and approving the grant. There was no involvement by the tribal government or individual tribal members in the negotiation process.

In 1948, a comprehensive Indian land rights-of-way law was passed known as the general Indian Right-of-Way Act.³³ In 1951, the express consent requirement applicable to all tribes was added to the federal regulations. Prior to 1951 and prior to the 1948 Act, however, the regulations included earlier versions of a consent provision. Since 1938, the regulations have required that all applications for rights-of-way across land belonging to Indian Reorganization Act tribes be “presented to” the tribe’s governing body.³⁴ In addition, at least since 1938 the regulations have strongly recommended that applications for “all railroad rights-of-way and other more than ordinary importance” be submitted to the governing body of any tribe and have instructed the superintendent to “take up” and “thoroughly explain” the issues of compensation and damages with individual Indian landowners.

The second published edition of the regulations was issued in 1949. Like the 1938 regulations, the 1949 version does not contain an express consent requirement, but does require that applications be “presented” to the tribes and makes this presentation mandatory for Indian Reorganization Act tribes. In 1951, part 256 was amended to include the present day express consent requirement.³⁵ Section 256.3(a) stated:

No right-of-way shall be granted over and across restricted lands belonging to

³³ See 25 U.S.C. §§ 323-328.

³⁴ 25 C.F.R. § 256.83 (1938). The 1938 C.F.R. incorporates regulations issued by the Secretary in 1928 concerning rights-of-way over Indian lands.

³⁵ 16 Fed. Reg. 8578, 8579 (August 25, 1951).

a tribe, nor shall any permission to survey or to commence construction be issued with respect to any such lands, without the prior written consent of the tribal council.

When the next version of the C.F.R. was published in 1958, the right-of-way regulations were renumbered as Part 161 and the consent requirement was retained. The consent provision remains identical (although renumbered in 1982) in the most recent version of the C.F.R.³⁶ Under the regulations, tribal consent was required for rights-of-ways and fair market value was established as the minimum compensation for all tribal rights-of-way. Despite this federal law and regulations, the Bureau of Indian Affairs' practice of not obtaining Tribal consent continued into the 1970's.

At Fort Hall, approximately ten rights-of-way were negotiated by the Bureau of Indian Affairs, between 1940 to 1960, without Tribal consent.³⁷ Such action is in violation of the federal regulations.³⁸ For some rights-of-way the Fort Hall Business Council, governing body of the Tribes, passed a Resolution accepting the amount recommended by the Bureau of Indian Affairs. The Tribes, however, were not involved in the negotiations, but rather it was presented with a damages number from the Bureau of Indian Affairs. The Bureau of Indian Affairs' files show in some instances it sought the consent of individual landowners. This action was during a time when many of the allotments were still held by the original allottee and there were very few signatures or consents that needed to be obtained by the Bureau of Indian Affairs. However, the landowners were not involved in any negotiations. The Superintendent or the Realty staff prepared a consent form and took the form out to the allottee's home and had them place their thumbprint on the document. The document was witnessed by an Indian interpreter who accompanied the Superintendent since most Tribal members did not speak English and required an explanation in Shoshone or Bannock. Again, this demonstrates the lack of involvement of the Tribes and Tribal members in the ongoing rights-of-way process despite the regulations requiring the landowners be informed and the damages be "thoroughly explained" to them prior to consent.

Indeed, it was a common practice of the Bureau of Indian Affairs to permit the energy company to begin construction of the rights-of-way prior to securing an easement grant. This resulted in the energy company building its infrastructure on Tribal and allotted lands, and

³⁶ 25 C.F.R. § a69.3(a) (2004).

³⁷ This statement is based upon the Bureau of Indian Affairs' files not containing any correspondence to the Tribal governing body nor the file containing a Tribal Resolution approving the particular right-of-way. The following rights-of-way did not have Tribal authorization: Idaho Power Company's American Falls-Pocatello, Fort Hall-Pingree, Pocatello-Blackfoot, American Falls-Don, Don-Goshen, Blackfoot-Aiken (46KV), Blackfoot-Aiken (138KV), Goshen-Blackfoot; Intermountain Gas Company and Northwest Pipeline.

³⁸ 25 C.F.R. §169.3 (a) states, "No right-of-way shall be granted over and across any tribal land, nor shall any permission to survey be issued with respect to any such lands, without the prior written consent of the tribe."

undertaking capital expenditures prior to the Tribal government being notified of the rights-of-way. The energy company's rights-of-way application and approval was a mere formality since the Bureau of Indian Affairs had already permitted the energy company to enter the Reservation and establish its pipelines and transmission lines.

For example, Idaho Power Company entered the Reservation (without Tribal consent) and completed construction of its power transmission line on May 9, 1956. It did not secure approval of its application for a right-of-way until eleven years later on August 22, 1967.³⁹ Idaho Power also built another line on March 1, 1943, but did not secure approval of its right-of-way until three years later on December 17, 1946.⁴⁰ Similarly, the Chevron Gas Company (formerly the Salt Lake Pipeline Company) entered the Reservation and completed construction of its pipeline on November 13, 1963. It secured approval of its application to build the pipeline one year later on August 31, 1964.⁴¹ And, on December 20, 1960, Utah Power Company completed construction of a 230KV transmission line and secured approval of its application on October 15, 1962.⁴²

The federal regulations provide that a majority (over 50%) of the landowners may consent to the rights-of-way crossing their land if there is more than one person owning the land.⁴³ The original practice of the Bureau of Indian Affairs was to gather thumbprint consents from the original allottees on their parcel of land. This was relative easy for the Bureau of Indian Affairs to accomplish since they were sole owners of land. However, as the allotments became divided and owned by numerous owners, the Bureau of Indian Affairs began the practice of obtaining the consent of 51% of the total landowners on the right-of-way rather than obtaining 51% of the landowners of each parcel of land as required by the regulations. Often landowners of a particular allotment did not consent to the offer of compensation by the energy company. However, when the BIA totaled all the landowners consenting on the particular right-of-way they amounted to more than the 50%.

Prior to and after 1949, the Bureau of Indian Affairs did not determine whether the compensation to the Tribes was fair and appropriate. In the 1940's to 1976, the energy companies particularly the power companies paid only damages to the Tribes and allottees. No

³⁹ Idaho Power Company Fort Hall – Pingree Line #602.

⁴⁰ Idaho Power Company American Falls – Pocatello Line #409 (Brady – Fremont).

⁴¹ Salt Lake Pipeline Company right-of-way file. The Salt Lake Pipeline Company may have assigned this right-of-way to the Chevron Gas Company. The Bureau of Indian Affairs could not provide proof of the assignment. The Tribes' General Counsel has forwarded a letter asking Chevron to file the assignment documents with the Bureau of Indian Affairs.

⁴² Utah Power Company Brady – Treasureton line.

⁴³ 25 C.F.R. § 169.3(c)(2).

compensation was sought or paid by the companies. As explained earlier, the companies are required to pay consideration and damages, whereas at Fort Hall the companies were only required to pay a limited amount of damages for surface use of the lands. In fact, the grant of rights-of-way should be based upon the fair market value of lands as provided in the federal regulations. For instance, in 1941 the Utah Power Company assessed the damages based upon the number of telephone poles it built on a parcel of land. Each pole was valued at \$6.00. The Tribes in the 1941 received \$177.00 for a 50 year, 26 mile right-of-way crossing their lands.⁴⁴ In 1962, the Bureau of Indian Affairs approved a right-of-way based upon a per telephone pole damages assessment.⁴⁵ Again, in 1976, a per pole damages value was used to calculate the amount due to the Tribes where the allottees received \$2,545.00 for a 50 year right-of-way.⁴⁶

In some instances, the Bureau of Indian Affairs considered the property value of the Tribal lands based upon the appraisal rate for the type of land use (agricultural, grazing, dry farming). The appraisals were prepared by appraisers hired by the particular energy company and submitted to the Bureau of Indian Affairs. The Bureau of Indian Affairs did and does not undertake any independent appraisals, research or investigation to determine the fair market value of the lands as required by the federal regulations. The appraisals do not discuss or consider the past compensation or damages provided to the Tribes. Finally, the Bureau of Indian Affairs does not assess the value of the land for the purpose of an energy transportation corridor. It looks only at the damages to the surface of the land. It has never considered the past compensation received by the Tribes.

2. Renewal and Expansions of Rights-of-way

Unlike the original rights-of-way process, beginning in the 1990s, the Tribes and individual landowners have primarily been responsible for the negotiation of renewal and expansions of rights-of-way on the Reservation. The role of the Bureau of Indian Affairs has been limited to processing the application, obtaining the appraisals from the companies, sending out the consents to landowners and Tribes, and approving the easement grant when the necessary consents are obtained.

The Tribes formed a rights-of-way negotiations team, which is responsible for the negotiation of the renewals. The team is comprised of the Revenue Department staff, attorneys, economist and Council representatives. Since all the rights-of-way contain allottees' lands the individual landowners are actively involved in the process. Frequent meetings are held between

⁴⁴ Utah Power Company Anaconda – Grace line, approved on November 17, 1941. The allottees received a total of \$123.89 for the right-of-way.

⁴⁵ On December 20, 1962, the Utah Power Company's right-of-way was approved based upon a per pole damages value of \$24.75 per pole structure. An appraisal of land was prepared, but was not used in the final assessment. The Tribes received \$2,500.00 and the allottees received \$1,275.00 for a 50 year right-of-way for the Brady – Treasureton line.

⁴⁶ Utah Power Company Goshen – Blackfoot line, approved May 24, 1976.

the allottees and the negotiations team to assess the appraisals, calculate fair market value compensation, and develop the strategy for negotiations. The energy companies meet with the Tribes' team and allottees in meetings to review the proposals for settlement. The process has enabled the Tribes and allottees to be better informed about the rights-of-way process, to be part of the decisionmaking, to participate in bilateral bargaining between the Tribes and company involved and to level the playing field in negotiation of rights-of-way renewals.

Unlike the unfair original damages only values accepted by the Bureau of Indian Affairs, the Tribes sought compensation for the rights-of-way that reflected the uniqueness of the Treaty guaranteed homeland of the Tribes and considered the past inequities. To the Tribes, land is a fundamental attribute of sovereignty, it is a source of family ties and existence, and links the Shoshone and Bannock peoples to the past. The Tribes' land base is the linchpin to other attributes of sovereignty. The Tribal territory forms the geographical limits of the Tribes' jurisdiction, supports a residing population, is the basis of the Tribal economy, and provides an irreplaceable forum for religious practices and cultural traditions premises on the sacredness of land. This unique quality of Tribal lands and self-government has been clearly recognized by treaties with the United States government.

Moreover, it should be emphasized that Indian lands are not marketable like private lands off-reservation, and cannot be sold. The Tribal lands are held in trust by the United States and can only be rented. Because marketability lies at the heart of fair market value, and Indian lands are not marketable, it is clear that conventional market data approach to appraisal is inapplicable to Indian lands.

Generally, the negotiations have been successful from the Tribes' perspective. Since 1994, the Tribes have successfully concluded rights-of-way agreements with Intermountain Gas Company, Northwest Pipeline Company, Utah Power and Idaho Power Company. These agreements provide certainty and stability to the energy companies over the time periods (20-23 years) they exist. All of these negotiations involved renewal of existing lines on the Reservation. The negotiation time periods for each rights-of-way varied ranging from six months to eight years. At times the negotiations were difficult but the parties worked in good faith to resolve their differences. Each proposed energy right-of-way over Tribal lands had unique characteristics such as whether the particular right-of-way transporting energy: traversed large compact contiguous tracts of land; impacted lands of cultural or religious significance; impacted agricultural lands; provided utility services to reservation residents; involved a large number of individual landowners; and required an environmental assessment.

The end result has been a reversal of the paternalistic practices of the Bureau of Indian Affairs in negotiating rights-of-way on the Reservation and enabled the Tribes and individual Tribal members to achieve a level of economic self-sufficiency unheard of even a generation ago. Today, the Tribes are able to engage in negotiations with the energy industry, secure better deals and more revenues for Tribal governmental services for residents of the Reservation, and provide stability and certainty to the energy industry. The opportunities for tribal self-sufficiency and development of the Tribal economy come from the fundamental sovereign power

of the Tribes to control and regulate land use, including rights-of-way. Any legislation to undermine that power would seriously compromise these important Tribal and federal interests.

D. Critical Issues Affecting Rights-of-Way on Fort Hall Reservation

It is important to consider the numerous areas of noncompliance by energy companies who hold rights-of-way on the Fort Hall Reservation. This review is certainly relevant to a discussion of the historic compensation paid to the Tribes. These issues also raise possible mismanagement by the federal government through the Bureau of Indian Affairs.

1. Use of Tribal lands Without Consent

Federal regulations require that if there is “any change in the size, type, or location of the right-of-way” the renewal application is to be treated as in the case of an original application.⁴⁷ Despite this requirement, the Bureau of Indian Affairs has permitted energy industry to increase pipeline size⁴⁸ and create new locations for its pipeline without a new application and Tribal consent.⁴⁹ Additionally, the Bureau of Indian Affairs has allowed the power companies to increase the amount of transmission voltage through lines without requiring a new application by the company.⁵⁰ The increases in power voltage and gas pipeline size have increased the profits gained by the energy companies, yet they have never compensated the Tribes.

A related matter is the downsizing by Idaho Power Company of a transmission line to a service line. The transmission line right-of-way expired and no renewal was sought by the company. Instead, the company argues that it has downsized the transmission line to a service line and will not be renewing the transmission line. This is a change of use issue and the Bureau of Indian Affairs should require the company to submit an application for downsizing. It has not taken any action to resolve the matter.

New roads to service the numerous rights-of-way have been created by the energy companies across Tribal and allottees lands without consent. These lands are not encumbered in the rights-of-way corridor, but rather cross agricultural and grazing lands without any prior

⁴⁷ 25 C.F.R. §169.19 Renewal of right-of-way grants.

⁴⁸ In 1993, the Northwest Pipeline Company constructed a pipeline parallel to its existing line without the Bureau of Indian Affairs considering the pipeline as new line. The Bureau of Indian Affairs did not obtain consent from the Tribes or allottees, or seek to compensate them.

⁴⁹ In 1993, the Northwest Pipeline Company rerouted its pipeline without any Tribal consent or the Bureau of Indian Affairs requiring them to make application for the reroute.

⁵⁰ In 1973, the Idaho Power Company increased the size of its American Falls – Don (also known as the Brady – Kinport) transmission line from 138KV to 230KV. This was orally approved by the Superintendent without seeking the consent of the Tribes or allottees.

approval.⁵¹ The Bureau of Indian Affairs does not conduct any field inspections to verify the line route is the same as which is portrayed on the maps furnished by the energy companies.

2. Expiration of Rights-of-Way/Trespass

Currently, the federal regulations⁵² do not require the Bureau of Indian Affairs to monitor or establish a process to address the expiration of rights-of-way on the Reservation. There is no database of rights-of-way or timeline that would inform the Bureau of Realty staff about the expired easements. Instead, the Bureau of Indian Affairs relies upon the energy industry to notify them that they wish to renew by filing a renewal application. This means that many rights-of-way have expired long before the renewal application is submitted and before the renewal negotiations have begun. This has caused the Tribes and allottees to lose substantial revenue from expired lines.

For example, the Utah Power Company Anaconda – Grace transmission line expired in 1991 and was not renewed until 2001. The Company continued to utilize the line and gain substantial profit, yet argued that it did not have to renew the line. In 2001, Utah Power was seeking to merge with another company and at the hearing before the Idaho Public Utilities Commission the Tribes testified that the company was in trespass. The next week, the company sought a renewal only because it thought the merger would not be approved. The Bureau of Indian Affairs took no action during the ten year period to inform the company that they needed to submit a renewal application. As of this date there are still a handful of expired rights-of-way on the Reservation.⁵³

Several energy rights-of-way have expired on the Fort Hall Reservation prior to a negotiations beginning on the renewal. In one instance, in 1999, involving the Northwest Pipeline Company, the Bureau of Indian Affairs notified the company they had 30 days to submit a closure plan to the Bureau of Indian Affairs since they had not resolved the expired status and the parallel line it constructed in 1993. The company had failed to acquire consent from the Tribes and allottees. The company filed an appeal of the Superintendent's decision, and both the Regional Director and Interior Board of Indian Appeals upheld the Superintendent.⁵⁴

⁵¹ Idaho Power Company and Utah Power employees have driven over agricultural and grazing lands to access their rights-of-way creating roads and lanes. These access roads should have been included in the grant of easements but were not.

⁵² 25 C.F.R. §169.19 provides “on or before the expiration date of any right-of-way heretofore or hereafter granted for a limited term of years an application may be submitted for a renewal of the grant.”

⁵³ The Fort Hall Agency Realty records show two Idaho Power Company rights-of-way have expired – Gay Mine line and Pocatello Airport line.

⁵⁴ This action and the refusal of the allottees to accept a woefully inadequate settlement offer resulted in the company attempting to condemn allottees' land on the right-of-way in 2003. The

In a second matter involving the Idaho Power Company, the Shoshone-Bannock Tribes asked the Bureau of Indian Affairs to send a notice of trespass to the company. The company secured four separate 50 year rights-of-way in 1946, 1949, 1951 and 1953. The company made application days before the 1996 expiration and then sought to renew its four rights-of-way in one negotiations with the Tribes and allottees. The negotiations lasted eight years at which time all the rights-of-way had expired. The Bureau of Indian Affairs refused to seek any trespass action against the company stating that once the renewal application was made by company it was no longer in trespass. Again, during the eight year negotiations, the company made a substantial profit.

The Tribes have never evicted an energy company with an expired right-of-way or required a company to remove its energy infrastructure from Indian lands. The Tribes wish to be fully compensated for the trespass, but have and will not disrupt the transportation of energy supplies.

II. Conclusion

Historically, from the very beginning, the Fort Hall Reservation was encroached upon by the railroads and white settlers despite the Tribes giving up millions of acres in their treaty negotiations and agreeing to settle upon a smaller reservation where they were promised by the United States that their lands would be for the "absolute and undisturbed use and occupation of the Shoshone and Bannock Indians."⁵⁵ This report documents that historically the Bureau of Indian Affairs has shamefully failed to obtain fair value for Tribal lands. The compilation of rights-of-way records attached to this letter speak for themselves of the deplorable meager amounts the Tribes received for over 50 years.

In virtually all rights-of-way situations on the Fort Hall Reservation the Shoshone-Bannock Tribes and individual Tribal members were grossly underpaid, and laws and regulations for protection of tribal interests disregarded. There has been a long standing practice of permitting the energy companies to construct their pipeline and transmission lines on the Reservation prior to seeking a right-of-way application. As discussed the Bureau of Indian Affairs, as the primary negotiator and approver of the numerous rights-of-way, often failed to obtain Tribal consent to the rights-of-way and sought only damages to the surface of lands rather than seeking compensation, too, as required by federal law. Given these dishonorable practices by our trustee, the energy companies have made major past illegal profits from Tribal land by paying far less than fair market value for Tribal rights-of-way.

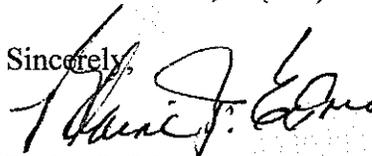
protracted litigation lasted for over two years until the federal judge ordered the company to settle the case with the allottees and Tribes. Northwest Pipeline Company v. 95.02 Acres, CV-01-0628-E-BLW (D. Idaho 2003).

⁵⁵ Article 2, Treaty with the Eastern Shoshoni and Bannock, July 3, 1868, 15 Stat. 673, 2 Kappler 1020.

We would like to conclude by reminding the Departments that in doing this rights-of-way study, you owe a duty of trust and protection to the Shoshone-Bannock Tribes. Most fundamentally, the modern form of the trust obligation is the federal government's duty to exert its authority to the fullest extent possible to protect Tribal lands. This duty means that the Departments are responsible for protecting and preserving the homeland of the Tribes, trust resources and the native way of life. This federal duty to protect the Tribes' interests and ensuring the perpetual availability of a sustained land base is expressed in the Fort Bridger Treaty of 1868 negotiated with the United States. In the earlier periods, federal protection was needed to secure retained Tribal lands against intruding white settlers and the railroads; today, federal protection is needed to shield and preserve the Tribal lands from a taking by private energy companies. Tribal self-determination as envisioned in the Energy Policy Act of 2005 will prove a hollow concept if the energy industry and the federal government exploit it to serve the interests of the majority society at the expense of native nations.

Thank you for the opportunity to provide these comments. Please direct any questions to Jeanette Wolfley, Special Counsel for the Shoshone-Bannock Tribes, at (208) 232-1922.

Sincerely,



Blaine J. Edmo
Chairman

Company Name: NATURAL GAS PIPELINES

EASEMENT	ORIGINAL VALUE	STATUS	DATE	Term of Years	SIZE			
					PIPELINE	Width	Length in Miles	Acres
Salt Lake Pipeline Company (Chevron Oil Company)	Tribal - \$575.00	Constructed	11/13/1963	50 years	8"	33'	9.61	38.43
	Allottees - \$5,349.37	Approved	8/31/1964					
Northwest Pipeline Company (Williams Gas)	\$32,532 (Tribal and Allottees)		1955	20 years	22"	75'	13	93.47
	\$38,069	Renewed	1976	20 years	24"	"	"	"
Intermountain Gas Company	Confidential	Renewed	2004	"	"	"	"	"
	\$5,830.20		1963	20 years	10"	50'	14.8	89.7
	Confidential	Renewed	12/16/1994	20 years	12" North 16" South	"	"	"

Company Name: Idaho Power Company: Electric Transmission

EASEMENT	VOLTAGE	VALUE	STATUS	DATE	TENURE IN YEARS	SIZE		
						WIDTH	LENGTH IN MILES	ACRES
Pocatello Don Don-Subtap Line #409	138 KV	\$147.00		3/17/1949	50	80'	1.51	14.59
		Confidential	Renewed	2005	23			
American Falls-Pocatello Line #409 Brady-Fremont	138 KV	Tribal \$193.00 Allottees \$638.50	Constructed Approved	3/1/1943 12/17/1946	50	40'	10.73	52.03
		Confidential	Renewed	2005	23			
American Falls Pocatello Line #103 Brady-Fremont #103	46 KV	Not Found	Not Found	Not Found	50	40'	12.11	58.73
		\$7,549.74	Renewed	1/30/1974				
Blackfoot - Aiken Line Line #163	138 KV	\$535.50		9/18/1978	50	40'	0.05	0.25
Pingree - Tap	46 KV	\$528.00	Expired	5/17/1949	50	40'	5.203	25.22
			? Service Line					
Fort Hall - Pingree Line #602	161 KV	Tribal \$506.10 Allottees 401.51	Constructed	5/9/1956	50	80'	4.968	48.37
		\$907.61	Approved	8/22/1967				
Pocatello - Blackfoot Line #125	46 KV	\$33,257.53	Constructed	1925	50	40'	22.68	109.96
			Renewed	1/30/1975				

Company Name: Idaho Power Company: Electric Transmission

EASEMENT	VOLTAGE	VALUE	STATUS	DATE	TENURE IN YEARS	SIZE		
						WIDTH	LENGTH IN MILES	ACRES
Don - Goshen Line #602	161 KV	Tribal \$1,725.00		8/4/1953	50	80'	32.34	313.63
		Allottees \$2,310.00 Confidential	Renewed	2005	23			
Blackfoot - Tap Line #602	138 KV	\$15,050.00		5/5/1980	Perpetual	50'	2.52	15.28
American Falls - Don Brady-Kinport Line #705 <i>Changed to 230 KV in 1973 w/o consent of Tribe and Allottees</i>	138KV	Tribal \$475.00		8/23/1950	50	40'	10.33	50.09
		Allottees \$2,045.00	Constructed Approved	2/23/1951				
Kinport - Don Line #521	138 KV	Confidential	Renewed	2005	23		1.42	6.86
Kinport - Borah Line #804	345 KV	\$33,950.00		5/5/1980	Perpetual	100'	15.14	183.56
Blackfoot - American Potato Line #449 Blackfoot-Aiken	46 KV	\$720.60		9/16/1966	50	40'	0.587	2.84

COMPANY NAME: UTAH POWER - ELECTRICAL TRANSMISSION

EASEMENT	VOLTAGE	Value	STATUS	DATES	TENURE IN YEARS	WIDTH	SIZE	
							LENGTH IN MILE	ACRES
Ben Lomand - Borah	345 KV	Tribal -\$226,665.00		10/20/1981	50	100'	Tribal 8.23	Tribal 99.72
		Allotees - \$121,920.00					Allotted 4.17	Allotted 50.58
		License & Use						
Goshen-Kinport	345 KV	\$76,326.36		8/13/1973	50	140'	Tribal 20.28	Tribal 352.13
Wheelon-American Falls	138 KV	Not Found	Not Found	Not Found	50	40'	Tribal 6.032	Tribal 29.250
		Renewed \$6,272.00					7/30/1982	Allotted 6.198
Brady - Treasureton (Stock)	230 KV	Tribal -\$2,500.00	Constructed	12/20/1960	50	110',120'	Tribal 8.25	165.6
		Allotees - \$1,275.00		10/15/1962			Allotted 4.17	
Goshen-Blackfoot	46 KV	Allotees - \$2,545.00		5/24/1976	50	40'		3.25
Anaconda-Grace	161 KV	Tribal -\$177.00		11/17/1941	50	40'	26.17	
		Allotees - \$123.89						
		Confidential						
Jim Bridger - Borah	345 KV	\$32,937.33	Renewed	1/1/2001	20	80'	26.17	255.01
	345 KV							
Jim Bridger - Kinport	345 KV			3/15/1974	50	200' - 230'	12.129	
Blackfoot - Grace	44 KV	Payment Basis \$5 - 6.50/Pole		8/19/1924	50	40'	1.818	37.4