



United States Department of the Interior

Bureau of Indian Affairs

Yakama Agency

P.O. Box 632

Toppenish, WA 98948

In Reply Refer To:

Scott Bolton, President
Pacific Power
825 NE Multnomah Blvd.
Portland, OR 97232

Re: Service Lines on Indian trust lands – Yakama Indian Reservation – Notice

Dear Sir:

As you may know, the United States holds title for Indian lands in trust for individual tribal members and tribes. Due to the unique nature of Indian lands, as defined by Congress and the U.S. Supreme Court, such lands are not subject to prescriptive easements or state regulatory jurisdiction.

Furthermore, title 25 of the Code of Federal Regulations, Part 169, prescribe the procedures, terms and conditions under which rights-of-way over and across Indian lands may be granted. In particular, Section 169.22 addresses service lines, including electrical service lines. As a result, wherever PacifiCorp lacks an executed agreement filed with the BIA as required by Section 169.22, PacifiCorp holds, at best, a revocable license for the use of such Indian lands and, at worst, may be in trespass on such lands.

If the owners of such Indian lands notify the BIA of their desire to no longer receive electrical or other services from PacifiCorp, the BIA will provide 30 day notice to PacifiCorp to remove such service lines at PacifiCorp's expense.

Also, please be aware that any tariffs set by the state utility commission are unlikely to have any legal effect on such Indian lands due to limits on state jurisdiction over such lands. As a result, certain PacifiCorp assets may be considered fixtures, e.g. vaults, whose removal or destruction may be illegal under Federal laws unless authorized in advance by the BIA.

If you have any questions or concerns, my office may be contact at (509) 865-2255 or by fax at (509) 865-3636.

Sincerely,

Superintendent

Cc: Portland Field Solicitor