Indian Affairs - Office of Public Affairs

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American Indian trust landowners have been given greater flexibility when they negotiate over electric power rights-of-way across their land, and the process of granting these rights-of-way has been streamlined with the abandonment of certain time consuming requirements, Marvin L. Franklin, Assistant to the Secretary of the Interior for Indian Affairs, announced today.

This has come about through amendments to Title 25, code of Federal Regulations--which concerns American Indians and their trust lands--published recently in the Federal Register.

Prior to the change, power company applicants were required to stipulate that the United States would have the right to purchase surplus power and use of the power company's facilities within the rights-of-way under certain terms and conditions.

In Oklahoma for example, where a major portion of the Indian trust land is individually owned, entire transmission facilities were made subject to this stipulation as a result of a right-of-way crossing one of several scattered Indian-owned tracts. One power company has commented:

"The application of this regulation reaches absurdity where the whole transmission facility of many miles in length would be subjected to terms of the regulations simply because it happens to cross a la-acre tract of restricted Indian land."

Lands of the Indian people, for which the Federal Government exercises a protective responsibility, are, in fact, the private landholdings of the Indian people. This is borne out by the fact that the fee interest in restricted Indian land and the beneficial interest in individually owned trust Indian lands are vested in the Indian owners and not in the United States as in the case of public lands. The stipulations constituted an imposition upon the rights of the Indian landowners not otherwise imposed upon the rights of other private landowners.

Power companies with proposed transmission lines of a more than 66 kilovolts capacity crossing Indian-owned trust lands were required to clear the transaction through the Office of the Assistant Secretary for Water and Power Resources of the U.S. Department of the Interior. This is no longer necessary, unless the land is government-owned.