

----- Forwarded Message -----

Subject:[Fwd:]

Date:Mon, 13 Apr 2020 13:18:06 -0600

From:Forcenine49@startmail.com <forcenine49@startmail.com>

To:Skip Palmer <jpalm@blackfoot.net>, Marvin Plenert <marvplenert@yahoo.com>

----- Original Message -----

Subject:

From: gdecker48@ronan.net

Date: Monday, April 13, 2020 at 10:36 AM

To: DavidPassieri@gmail.com, edkugler@icloud.com, faithdwsn@gmail.com,
mutchs@gmail.com, jrventures@blackfoot.net, waterforworldpeace@gmail.com,
Forcenine49@startmail.com, rickjore@gmail.com, montanasovereign@gmail.com,
tony.marshall@bhhsmt.com

Have attached a letter the Commissioners sent to each member of the Senate Indian Affairs Committee. Trying to keep pressure on the Senators. Have received no notice of a hearing before the Committee for this bill. Gale

March 13, 2020

Senator John Hoeven
U. S. Committee on Indian Affairs
838 Hart Senate Office Building
Washington, D.C. 20510

RE: S.3019 Montana Water Rights Protection Act

Dear Senator Hoeven:

This Act was introduced to the United States Senate Committee on Indian Affairs by Montana Senators Steve Daines and Jon Tester on December 11, 2019.

As the elected representatives of 30,000 Lake County residents in Northwestern Montana, we feel compelled to share with you our reasons for opposing the proposed S.3019 entitled the "Montana Water Rights Protection Act." Although the Flathead Indian Reservation is comprised of land located in four Montana counties, 80% of the land area is in Lake County. The Reservation is also an "open" Reservation and 75% of our residents are non-Tribal.

We will summarize our opposition to this Act in the following bullet points:

- The proposed Settlement Trust Fund accompanying this Act of \$1.9 billion dollars is based on a "Comprehensive Damage's Report" compiled and prepared by the Confederated Salish and Kootenai Tribes in whose name the trust fund is to be established. The Commissioners have asked on multiple occasions from a variety of sources, including Senators Daines and Tester, for a copy of the damages report and have been repeatedly denied access. Senator Daines has stated that the Damage's Report cannot be released as it is confidential and subject to ongoing litigation. There is no current litigation relative to this report and in the interest of public transparency and trust in government, it must be released before any Settlement Agreement can be approved by your committee.
- The Act transfers title to the National Bison Range located in Lake and Sanders Counties to be put in trust for the benefit of the Confederated Salish and Kootenai Tribes. Although the Act has language that this transfer is not to be considered a precedent, we believe the Act will be considered a precedent, notwithstanding the clause in the Act. Additionally, the more than 18,000 acres making up the NBR have been paid for twice by taxpayers in the past. As the NBR is a significant driver of our local economy, we are concerned that public access will be diminished as operation of the Range will be controlled by another sovereign nation.
- The Act also transfers an additional 36,808 acres of Montana State Trust Land, or an amount of land equivalent in value to 36,808 acres, within the boundaries of the Reservation to the Tribes. This exchange is to be accomplished by trading on-Reservation State lands for off-Reservation Federal or State lands. Several Reservation non-Tribal ranchers will lose state land leases crucial to the operation of their ranches and new leases will be Tribal preference. Additionally, local residents will lose access to land that is currently public land, as the CSKT Tribal Council has the ability to restrict or even disallow non-members from accessing Tribal Trust properties. There are currently numerous properties on the Reservation that are available for use by Tribal members only.

- The Act is anticipated to create up to 6,000 jobs locally. The County has not been invited to engage in any discussion as to the potential impact of the jobs on County services. There is a limited workforce available in the area and the majority of the anticipated jobs will be filled by off-Reservation workers. There has been no preparation for the Act's impact on law enforcement, schools, health care, detention center, court system, etc. Our County is a Public Law 280 County and the costs of prosecuting all felonies committed in the County are borne by County property tax payers. Presently, approximately 40% of our County's share of property tax collections are used to fund Public Law 280. Settlement Act funds become available upon passage of the Act by Congress making the preparation window quite short.
- The amount of taxpayer money made available in the Settlement Trust Fund goes against an important principle of the Republican National Platform for 2020. Included in the platform is the statement, "Republican budgets will prioritize thrift over extravagance and put taxpayers first." The Act comes at a cost of approximately \$260,000 per enrolled Tribal member, \$67,000 per resident of Lake County, and \$2,000 per capita for the State of Montana.

We believe that a Settlement Act is needed to implement the Confederated Salish and Kootenai Tribes Water Compact passed by the Montana Legislature in 2015. The proposed Settlement Act is not the solution. An acceptable Act is possible only by bringing all impacted governments to the negotiating table so that all voices are heard. As Commissioners, we would welcome the opportunity to collaborate on writing a new proposal.

We urge you to vote "no" on the Montana Water Rights Protection Act.