

## **CSKT Tribal Council Minutes March 18, 2010**

**Germaine White** and **Tom McDonald**, Natural Resources Department, presented for approval a resolution strongly urging the American Clean Energy and Security Act (ACESA) to provide funding to American Indian tribes based on the land and water resources that tribes manage. Germaine and Whisper Camel will attend a Tribal fly-in March 22-23 in Washington, DC. It is hosted by the National Wildlife Federation. This is an opportunity to increase awareness among Senators about the inequitable funding for fish and wildlife management for Tribes and consider improvements in legislation. The proposed action is part of the annual departmental work plan and goals and would not require a modification to the plan. **James Steele, Jr.** is attending by the request of the National Wildlife Federation, who is paying his expenses.

**MOTION** by Reuben Mathias to approve the resolution strongly urging the American Clean Energy and Security Act (ACESA) to provide funding to American Indian tribes based on the land and water resources that tribes manage. Seconded by Terry Pitts. Carried, 8 for; 0 opposed; 0 not voting.

### **RESOLUTION 10-145**

#### **BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT:**

**WHEREAS**, both the Flathead Indian Reservation and surrounding aboriginal territories are important parts of the homelands of the Confederated Salish and Kootenai tribes, and contain many traditional hunting and fishing, camping, and plant resources of great natural and cultural meaning to the tribes; and

**WHEREAS**, the protection of these important wildlife, fish, and native plants that exist here is essential to the protection and well-being of Salish, Pend d'Oreille, and Kootenai nations as a whole; and

**WHEREAS**, for thousands of years, the Salish, Pend d'Oreille and Kootenai people respected and cared for the fish and wildlife of the Flathead Indian Reservation and aboriginal territories, living in ways that helped ensure the health, purity, and vitality of these places; and

**WHEREAS**, parts of those aboriginal territories, including the area now encompassed by the Flathead Indian Reservation, were designated in the Treaty of Hellgate of 1855 as a reservation to be set aside for the exclusive use and benefit of the Salish, Pend d' Oreille, and Kootenai nations; and

**WHEREAS**, in the Hellgate Treaty the Tribes also showed their high valuation of the resources of their territories by reserving the right to continue hunting, fishing, gathering plants, and grazing on open and unclaimed parts of their ceded territories; and

**WHEREAS**, the Flathead Indian Reservation encompasses over 1.2 million acres of some of the best bird and fish habitat in the nation, including over four hundred miles of fishing streams, seventy thousand acres of lakes, over a quarter million

acres of uplands and wetlands, ninety-two thousand acres of tribal wilderness, and over thirty thousand acres of tribal, federal and state wildlife preserves; and

**WHEREAS**, members of the Confederated Salish and Kootenai Tribes have a long well-documented record of providing recreational opportunities for tribal members and non-tribal members alike through proactive fish, wildlife and other resource management, including the establishment of the Mission Mountains Tribal Wilderness, the first tribal wilderness in the United States; and

**WHEREAS**, the Confederated Salish and Kootenai Tribes also have a long record of working in good faith with federal, state, and local agencies to develop professional working relationships, register concerns and recommendations on a broad range of issues, and ensure protection of natural resources guaranteed to the Tribes in the Hellgate Treaty; and

**WHEREAS**, tribal lands and waters as well as tribal license holders contribute through the US Fish and Wildlife Service's formula for allocating to the states and territories Pittman-Robertson and/or Dingell-Johnson monies, amounting to hundreds of millions of dollars annually (over \$740 million in 2009 alone, and \$18 million to the state of Montana in 2008-2009); and

**WHEREAS**, under current Fish and Wildlife Service practice, American Indian tribes do not qualify for either Federal Aid funding (Pittman-Robertson or Dingell-Johnson monies) or Land And Water Conservation Funds; and

**WHEREAS**, Tribes do not receive any funding through Section 6 of the Endangered Species Act (some \$67 million in 2009 to states and U.S. territories), the Multi-State Conservation Grant program (\$6 million in 2009), or State Wildlife Grant Programs (\$9 million in 2009); and

**WHEREAS**, Tribes also do not receive any funding through the Clean Vessel Act (\$14.6 million in 2009) or Boating Infrastructure Grants (\$2.5 million in 2009), although the Confederated Salish and Kootenai Tribes put considerable resources into the management of waterways and boating activities;

**NOW, THEREFORE, BE IT RESOLVED** that the Tribal Council of the Confederated Salish and Kootenai Tribes strongly urges the American Clean Energy and Security Act (ACESA) to provide funding to American Indian tribes based on the land and water resources that tribes manage. We further urge that funding be provided in a permanent, non-competitive annual base funding source to develop and maintain natural resource management programs or departments; and

**BE IT FURTHER RESOLVED** that the Tribal Council of the Confederated Salish and Kootenai Tribes strongly urges an audit by the U. S. Government Accountability Office to examine the longstanding environmental injustice of the omission of tribes in the distribution of federal funding for fish and wildlife management.

**Vernon Finley** was reading in the minutes some things we do with our land. He is concerned about the tribal land. He sees us give 60 feet of right of way extending certain access across acres. We give it freely to non-Indians. Then it is difficult for the membership to come up with any kind of property. He was thinking that one of the things that is a possibility for people who have homesites is for the Tribe to let them buy their homesites. That idea was tossed around before and he does not know why it died. He thinks there are a lot of problems with people who try to purchase property. The first thing to be cleared up is if the person who actually has a homesite is living there and that is their home. He hears a lot of criticism where homesites belong to someone but they never built anything there and had a home elsewhere. If we got that straightened out so people are actually living on homesites then council could make it possible for the membership to buy that property. Our ancestors got allotments and ended up selling them. There are many families that are landless. We had a lot of land in the past and now we have nothing and live on a homesite, and our family may or may not have it in the future or someone comes along and says you got some horses, we can terminate your homesite lease for that. His neighbor tried to build a log home for 30 years and nothing was done to him. He did not even live there, but yet Vernon gets threatened about his horses. What he is building on his homesite could be something his kids could look forward to. **Carole Lankford** said council has worked very hard for many years to turn the map green. If we start taking and selling off parcels of property council knows what will happen in some cases and those people will take the land out of trust. Normally the Tribes do not buy land with homes on it. If the land is in trust when land owners pass away there is a fractionated interest. Council decided not to sell land, but they can trade land. Council wants to build up the land base. All ag land is pretty much owned by white people. Council wants our homeland set aside for future generations. Vernon said what is the difference from buying it or trading land; it would have the same outcome. **Chairman Moran** said it would not change the land base. There is language in the constitution about assignments, where people do not own land but can live on it all their lives. Council talked about giving homesites to the membership but if they gave the membership 2 acres, when things get tough people will sell them and it would diminish our reservation. We are trying to buy land back. They could do assignments. Vernon understands the arguments, but it does not outweigh what he is requesting though. He would like council to take the request into consideration. If we operate on what we are afraid of, what is going to happen is we do not provide much opportunity for the membership in any area. **Spruce McClure** wants to know why ARCO is buying all the waterways. **Chairman Moran** explained that ARCO furnishes the dollars, but we are buying them for the ownership of the Tribes. Vernon said we keep giving freely rights of way to nonmembers who are able to take the right of way and their property behind it becomes increased in value so they can divide it up and sell it off. We will freely give 60 feet wide sections of someone's property. He asked if anyone figured out how many acres the Tribes have given to nonmembers by doing that. He does not see what is wrong with the membership buying where we live. He appreciates the kind of support council gave to the Kootenai language program recently. He was doing programming for DSIs and it made him think he better come in today and thank council for their help. He came across some more language opportunities

coming up and he is sure council will support those efforts as well. He feels hopeful about the Kootenai language. He does not mean it as a negative but the way we do business, it is not very Kootenai to bring the newspaper in and bring in the drum and toot our own horn on what we are doing. Vernon does not toot his own horn about what he is doing about the Kootenai language, but he is doing stuff. **Wyman McDonald** commented on buying and selling tribal land. He told Vernon he ought to check into this. Some lands cannot be sold without an act of congress, which is nearly impossible to do. Other tracts can be sold. **Carole Lankford** said this council always puts restrictions on easements. If it is a home people need access to, it is only to one home. If they sell the property the easement is cancelled. There are restrictions that do not allow subdividing.

**Naida Lefthand** came to council a few years ago and asked about rights of way to the lake. When she moved there was a couple of rights of way to go the lake. Several years later she went down and the road was redone and the rights of way were locked. And there are homes in the right of way and she was questioning what is going on. Nobody ever got back to her. **Chairman Moran** and **Steve Lozar** will follow up and report back to Naida. There is a problem with people taking over rights of way. **Mike Kenmille** reported that the Tribes are forming a roads committee to take care of these situations, road closures, and rights of way. The committee will look at roads.

Tribal Council Minutes 06/03/2010

**Marcia Pablo**, Preservation Office; and **David Munsell**, Walla Walla District of Army Corps of Engineers; requested approval of an agreement that sets forth the consultation protocol between the CSKT and U.S. Army Corps of Engineers Walla Walla District Regulatory Division. **Carole Lankford** would like it to be a one-year contract, and then review it after that. **Mr. Munsell** gave a brief report on what the Army Corps of Engineers does. **Steve Lozar** wants to protect our waterways to the utmost and do not want people to have any kind of effect on our waterways and wondered if this agreement would help. David responded that this agreement ensures there will be coordination and the Tribes will be a voice in the process. In the past this hasn't been done at all. **Steve Lozar** is absolutely opposed to anyone building a dam on our river.

**MOTION** by Carole Lankford to approve a letter agreement that sets forth the consultation protocol between the CSKT and U.S. Army Corps of Engineers Walla Walla District Regulatory Division, and review the contract after the first year. Seconded by Mike Kenmille. Carried, unanimous (8 present).

**David Munsell** informed council that on July 9 the Army Corps of Engineers will have a change of command in the Walla Walla District. He invited council to attend the hour-long ceremony and reception. All tribes affected by this District are invited to the ceremony. Council will receive a formal invitation.

**Marcia Pablo**, Preservation Office, requested approval of a letter addressed to Stanley James, Director of Bureau of Land Management; and the Secretary of the Interior; regarding the Tribes' position on Sweet Grass Hills. The letter supports

and encourages taking it out of oil and gas exploration leasing proposals for another 20 years after 2017.

**MOTION** by Steve Lozar to approve the letters to Stanley James, Director of Bureau of Land Management; and the Secretary of the Interior; regarding the Tribes' position on Sweet Grass Hills. Seconded by Joe Durglo. Carried, unanimous (8 present).

### **Tribal Council Minutes 01/04/2013**

**Carole Lankford** discussed her trip to Washington, DC to attend the White House conference. She met with the State Department on Elk River mining, which could destroy our waterways. The State Department agreed to assist us in the fight against mining. Carole met with Secretary Salazar regarding the Cobell settlement. The settlement has a component called land acquisition to buy back fractionated interests and the CSKT was awarded \$7 million for that over a ten year time frame. We are such an advanced tribe with land acquisition that if we can get willing sellers we could possibly be awarded more funding. Only four tribes in the nation have a title plant. She hopes we get willing sellers for those fractionated interests.