

CSKT Water Compact Settlement Summary as Established in Jon Tester bill S.3013

MONETARY SETTLEMENT:

Link to S.3013: <https://www.congress.gov/114/bills/s3013/BILLS-114s3013is.pdf>

FEDERAL SETTLEMENT	AMOUNT	# ACRES	Per ACRE	Note	LANGUAGE SPECIFIC TO TESTER SENATE BILL S. 3013
Irrigation Rehabilitation - S.3013 pg 26 (c) (1) (A) Funding	\$471,071,000	127,000	\$3,709	1	Rehabilitation of structures, canals, and pumping facilities, including dam safety improvements, irrigation facility upgrades that improve water management and operational control at irrigation diversion works, and irrigation facility upgrades to reduce losses in conveyance of water from irrigation sources of supply to irrigation points of use. Activities include reconstruction, replacement and automation at irrigation diversion works, lining of open canals, and placement of open canals in pipe.
Irrigation Modernization - S.3013 pg 26 (c) (1) (B) Funding	\$377,901,000	127,000	\$2,976	1	Modernization, including the planning, design, and construction of additional pumping facilities and operational improvements to infrastructure within the distribution network of the Flathead Indian Irrigation Project
Mitigation, Reclamation and Restoration of lands affected by FIP - S.3013 pg 26 (c) (1) (C) Funding	\$670,436,000	223,479	\$3,000	2	Mitigation, reclamation, and restoration of streams, wetlands, banks, slopes, and wasteways within, appurtenant to, or affected by the Flathead Indian irrigation project.Acquisition in accordance with subsection (e) of easements or other interests in real property necessary to carry out any activity under this section
Agriculture Development Account - S. 3013 pg 38	\$365,207,225				Agriculture Development Account shall be used (A) to implement the tribal water right through rehabilitation and improvement of agricultural Indian land within the Reservation; (B) to construct and rehabilitate livestock fencing on Indian land within the Reservation; (C) to mitigated and control noxious weeds on Indian land within the Reservation; (D) to plan, design, and construct improvements to irrigation systems on Indian land served by the Flathead Indian Irrigation Project; (E) to plan, design, and construct irrigation facilities on Indian land within the reservation that is not served by the Flathead Indian Irrigation Project, and (F) to install screens, barriers, passages, or ladders to prevent fish entrainment in irrigation ditches and canals within the Reservation.
Economic Development Account - S. 3013 pg 38	\$93,633,566				The Economic Development Account shall be used (A) to implement the tribal water right;(B) to plan, design, construct, operate, maintain, and replace community water distribution and wastewater treatment facilities on the reservation and (C) to develop geothermal water resources on Indian land within the Reservation.
Community Development Account - S. 3013 pg 38	\$233,361,200				The Community Development Account shall be used to develop and establish community services, including education services and centers for native language and cultural education for children and adults on or near the reservation
Funding for Tribal Compact Implementation Account - S. 3013 pg 40	\$7,194,496				The Compact Implementation Account shall be used in accordance with subsection (e) (2) and for the administration, implementation of the tribal water right and the regulation and administration of water rights within the Reservation under this Act, the Compact, and the law of administration
Compact Implementation Account - S.3013 pg 41	\$116,209,294				
Total Federal	\$2,335,013,781	1,244,000	\$1,877	3	Federal monetary portion of the water settlement is equivalent of \$467,000 per tribal member living on reservation (5,000 members) S.3013 specifies that no portion of funds shall be distributed on a per capita basis to any member of the tribes (goes to CSKT Incorporated)
MONTANA SETTLEMENT (Montana S.B. 262 pg 50)	AMOUNT			Note	COMMENTS
Water measurement Activities	\$4,000,000				Montana Senate Bill S.B. 262 provides for \$55 million in settlement money for the water compact
Improving on-farm efficiency	\$4,000,000				
Mitigating the loss of stockwater deliveries from the Project;	\$4,000,000				
Fund annual payments to offset pumping costs and related projects	\$30,000,000				
To provide for aquatic and terrestrial habitat enhancement	\$13,000,000				
Total Montana	\$55,000,000				State settlement is the equivalent of \$11,000 per tribal member living on reservation (5,000 members)
Total Monetary Settlement Funds	\$2,390,013,781				

NON-MONETARY SETTLEMENT

VALUE

Note COMMENTS

27 million acre feet of water per year - 4 times more water than awarded to all other tribes in the U.S. in settlements combined	???				This figure is an estimate prepared by concerned citizens. As of 05/2018 Montana has not provided an official quantification of the amount of water awarded to the CSKT
Section 14 (a) Amendments - S3013 gives ownership of the irrigation and power infrastructure assets to the CSKT. This is the economic engine of the area, and there has been no appraisal of these assets to determine the value of the irrigation project as part of the settlement.	???				The 1904 Flathead Allotment Act is amended to read as follows: "The irrigation and power divisions of the Flathead Indian Irrigation Project (as defined in Section 3 of the Salish and Kootena Water Rights Settlement Act of 2016) shall be held in trust for the benefit of the Confederated Salish and Kootenai Tribes."
Language in the S.3013 isn't clear enough to know if it will legally obligate the Federal government to pay for new hydropower facilities on tribal lands within reservation boundaries, but it is likely.	???			4	(S.3013 pgs 55-56)The United States shall not submit against the Indian land any claim for reimbursement of the cost to the United States of carrying out this Act or the Compact; and no assessment of the Indian land shall be made regarding that cost.

NOTES

(Data compiled by Concerned Citizens of Western Montana from Tester S.3013)

1: Flathead Irrigation Project Acreage is approx 127,000 acres
2: Calculated to determine how many acres could be purchased by CSKT at \$3,000 per acre

3: Total acreage within historic reservation boundaries is 1,244,000 and approximately 1/2 of that land is privately owned.
4: In 2010, Northwestern Energy Quit Claim Deeded the water rights for two additional dams on Flathead River to the CSKT 76L 94412 00 and 76L 94413 00 at Buffalo Rapids and Sloans Bridge