

CSKT Compact: Bad Faith Negotiations

04/24/13	Flathead Compact HB629 dies in standing committee
05/03/13	Governor Bullock issues an amendatory veto on SB265 , keeping the compact alive by requesting the DNRC / MRWRCC develop a report to address the issues with the compact in the 2013 legislature
06/06/13	<p>Four commissioners of the Flathead Joint Board of Control (FJBC) had initiated a collapse of the board by giving notice of withdrawal of two districts from the joint board. The FJBC was officially disbanded in December 2013, which in turn collapsed the project's management via the Cooperative Mgt Entity (CME), and precipitating a BIA takeover of the project.</p> <p>The goal was to achieve ratification of the Irrigator Water Use Agreement in individual districts, and to create chaos amongst the irrigators. Irrigators responded by recalling the commissioners that collapsed the Joint Board and elected anti-compact representatives in the districts to replace them.</p> <p>This strong irrigator opposition to the compact required the Compact Commission to move forward without irrigator support.</p>
06/19/13	Federal attorney / negotiator Duane Mecham attended meeting with the Flathead Joint Board of Commissioners explaining that irrigators had never lost a drop of water in any of the tribal compacts and used the meeting as an opportunity to threaten irrigators with the Endangered Species Act should the compact not be ratified. Transcript
12/13/13	Governor's Report on the Compact is issued
02/27/14	CSKT files lawsuit in Federal District Court
05/20/14	CSKT hire Mercury LLC to help with "water rights compact passage." Tribal Council Minutes show that Senator Bruce Tutvedt visited the CSKT tribal council requesting funding to help with the upcoming election.
05/22/14	Attorney General Tim Fox announces he will intervene in the tribe's lawsuit and then filed a motion to dismiss . Tribal Council Minutes show that Senator Bruce Tutvedt thanked the tribe for providing funding and discussed how he and Dan Salomon, a seated Compact Commission member would get ratification of the compact by taking care of the 60 vote problem in the House.
06/24/14	Tribal Council Minutes show that the tribe was working with Bruce Tutvedt and Bruce and Dan Salomon's efforts to get the compact ratified in the legislature by changing house rules.
06/28/14	MRWRCC chairman Chris Tweeten sends a letter announcing that Governor Bullock and the CSKT have agreed to re-open negotiations concerning water use on the Flathead Irrigation Project , leaving irrigators and their representatives out of the "negotiations." Notwithstanding the fact that the tribe's lawsuit is still active, Tweeten's notice ignores the lawsuit as though it does not exist.

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07/02/14	In CSKT Lawsuit, defendant United States motions for extension of time stating an extension will promote judicial efficiency because the United States is evaluating whether it should seek intervention as a Plaintiff and/or dismissal as a Defendant. <u>If this isn't coercion, we don't know what is.</u>
09/03/14	MRWRCC holds its first re-negotiation meeting in Missoula, despite the fact that the tribe's lawsuit is still active. Partial transcript At the meeting Chris Tweeten assures the tribe that the State was <i>not proposing that the verification and measurements result in a change in the tribal water rights as they'll be described in the abstracts, that will be the quantification of the tribe's water rights in the compact.</i> <u>This was not a negotiation, it was a dog and pony show so the state could "incorporate" the irrigator water use agreement into the compact without the agreement of, or participation of representatives of the irrigators.</u>
12/12/14	Governor Bullock and Attorney General Tim Fox reach a "deal" with the tribes on the water compact
01/06/15	Representative Hunter attempts but fails to amend three different House rules pertaining to super majority requirements and rules for blasting bills out of committee to the House Floor.
01/08/15	Montana House votes to include silver bullets in house rules allowing the house to use a simple majority vote to move 5 bills out of committee and onto the house floor. This is Bruce Tutvedt and Dan Salomon Plan to take care of the 60 vote problem in the house.
01/09/15	Two meetings held in Ronan to discuss the compact with irrigators and the public
01/12/15	A revised version of the compact is issued Compact Commission holds meeting in Helena Montana voting to move the compact forward to the legislature.
01/19/15	Using tribal funding, Mercury LLC created and registered with the Montana Secretary of State a "grassroots organization" called Farmers and Ranchers for Montana (FARM) for the purpose of pushing the compact in the 2015 Montana legislature.
02/26/15	Compact bill SB262 is ratified in the Senate by a 31-19 vote
04/15/15	Legislators attempted to put forth 13 different amendments to the compact and each amendment was systematically rejected by the same Democrat and RINO contingent of the house that overrode house rules with simple majority votes on issues requiring a supermajority vote to move the compact out of committee and onto the house floor after an adverse committee report.
04/16/15	Compact SB262 is ratified in the House by 53-47 vote
04/24/15	Compact is signed into law by Governor Bullock
05/18/15	CSKT lawsuit dismissed
06/17/15	U.S. and CSKT file a combined total of 10,126 claims covering 2/3 of the state of Montana with the DNRC