



## **2020 Mid-Year Virtual Convention**

### **RESOLUTION #2020 – 23**

#### **“SUPPORTS MONTANA WATER RIGHTS PROTECTION ACT, THE CONFEDERATED SALISH AND KOOTENAI TRIBES’ WATER SETTLEMENT LEGISLATION”**

#### **PREAMBLE**

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

**WHEREAS**, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

**WHEREAS**, ATNI is a regional organization comprised of American Indians/Alaska Natives (AI/AN) and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

**WHEREAS**, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

**WHEREAS**, water is among the most sacred substances to the Confederated Salish and Kootenai Tribes (“CSKT” or “Tribes”), and the tribes utilized water in their aboriginal territory that stretched from Canada to Wyoming, and from Washington to Montana, for religious, hunting and fishing, and sustenance purposes; and

**WHEREAS**, federally-reserved water rights sufficient for the Tribes’ perpetual existence on the Flathead Indian Reservation were secured at the signing of the Hellgate Treaty in 1855,

and moreover the Tribes' aboriginal rights were confirmed by the express rights of the CSKT to hunt, fish, and gather throughout their aboriginal territory; and

**WHEREAS**, the United States illegally opened up the Flathead Indian Reservation for non-Indian settlement, and created the Flathead Indian Irrigation Project that dramatically altered natural waterways and irreparably damaged fish and wildlife habitat of the Reservation by creating a network of over 1,300 miles of ditches and canals filled with irrigation structures that now serve over 1,800 irrigators, 90% of which are non-Indian, and would have made prior appropriation of water rights nearly impossible to implement; and

**WHEREAS**, the State of Montana has pursued a state-wide adjudication of water rights, including Indian water rights pursuant to the McCarren Amendment as found applicable to Indian water rights in *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976), and simultaneously pursued negotiations between tribes; and

**WHEREAS**, the Tribes negotiated with the State of Montana and the United States for over 15 years to quantify the Tribes' reserved and aboriginal water rights, with the Tribes making many concessions and compromises in an effort to find an amicable resolution, which resulted in the Water Rights Compact Entered Into by the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States of America ("Compact"); and

**WHEREAS**, the Compact benefits the Tribes by quantifying water for the CSKT people, as was promised by the U.S. upon the signing of the Hellgate Treaty, and benefits the State by protecting water rights for its citizens and its wildlife, thus creating a benefit for the whole region; and

**WHEREAS**, the Compact requires passage by the Tribes, the State, and the U.S. to be implemented; and

**WHEREAS**, the Montana legislature approved the Compact, and on April 24, 2015, Montana State Governor Steve Bullock signed the Compact into State law; and

**WHEREAS**, the Compact now must be approved by the U.S. Congress; and

**WHEREAS**, *Montana Water Rights Protection Act*, is bi-partisan legislation that was introduced by Senator Daines and Senator Tester in June 2020; and

**WHEREAS**, the *Montana Water Rights Protection Act* is the CSKT water settlement, which authorizes, ratifies, and confirms the Compact; and

**WHEREAS**, the CSKT has always had a deep relationship with bison, and the Montana Water Rights Protection Act also includes provisions that would restore the National Bison Range to federal trust ownership for CSKT and would require continued management for bison conservation purposes and public access; and

**WHEREAS**, the *Montana Water Rights Protection Act* authorizes federal funding to CSKT to settle damages, rehabilitate the Flathead Indian Irrigation Project, restore the National Bison Range to tribal trust ownership, among other provisions; now

**THEREFORE BE IT RESOLVED**, that ATNI supports the rights of all tribes to negotiate agreements and compacts to settle damages and restore and exercise their water rights; and

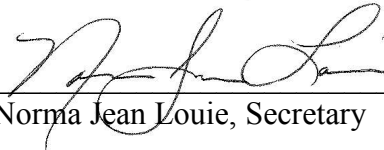
**BE IT FURTHER RESOLVED**, that ATNI supports the Confederated Salish and Kootenai Tribes efforts to settle their water rights through - *Montana Water Rights Protection Act* to promote the sovereignty of the Tribes for future generations; provide certainty for the State of Montana; and benefit all people and wildlife in the region, and therefore asks that the U.S. Congress approve - *Montana Water Rights Protection Act*.

**CERTIFICATION**

The foregoing resolution was adopted at the 2020 Virtual Mid-Year Convention of the Affiliated Tribes of Northwest Indians, Portland, Oregon, on June 30 – July 2, 2020, with a quorum present.



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Leonard Forsman, President



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Norma Jean Louie, Secretary