

## Official Comment - Montana Water Rights Protection Act (S.3019)

David Hadden <Dave\_Hadden@headwatersmontana.org>

Mon 7/6/2020 2:40 PM

To: Zachary\_Spencer@indian.senate.gov <Zachary\_Spencer@indian.senate.gov>

 2 attachments (698 KB)

HW\_Comment\_CSKT\_MWRPA\_S3019\_07\_07\_2020.pdf; HW\_Comment\_CSKT\_BisonRange\_07-15\_2016.pdf;

Dear Mr. Spencer:

Please see attached our letter in support of the Montana Water Rights Protection Act (S.3019). Also attached find our letter dated July 15, 2016, in support of the restoration of the National Bison Range to Confederated Salish and Kootenai Tribe ownership and management. We submit these letters jointly for the Senate Indian Affairs Committees deliberation on the MWRPA. Thank you very much.

Dave

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Dave Hadden, Director

Headwaters Montana

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P.O. Box 4310, Whitefish, Montana 59937

Monday, July 6, 2020

Dear U.S. Senate Indian Affairs Committee:

*Headwaters Montana*, a non-profit conservation organization based in northwest Montana, fully supports the Montana Water Rights Protection Act (§.3019) including the provisions that would restore the National Bison Range property to the Confederated Salish and Kootenai Tribes. The MWRPA resolves critically important water rights issues across much of Montana, and the return of the Bison Range property to the tribe corrects a long-overdue taking of sovereign Tribal lands. We urge the Committee to vote affirmatively for the legislation. Please include our letter in the official comment record.

We have followed the water rights and Bison Range issues for years and have attended public meetings provided by the Tribes and Bison Range Working Group. Further, we submitted a letter in support of Bison Range repatriation to the CSKT on July 15, 2016 (see attached). We appreciate the opportunity to comments.

The current version of the MWRPA provides the essential elements for a fair and equitable settlement of water rights claims by the Tribes. While some in Montana object to this long-negotiated agreement, the preponderance of evidence, including the endorsement of the Tribes, the Trump Administration, the U.S. Attorney General, and the Montana Congressional Delegation all speak to the considerable majority support this legislation enjoy in Montana.

As a conservation organization in Western Montana, *Headwaters Montana* endorses the MWRPA in part because it settles the Tribe's unquestioned priority water claim, restores land taken without consent, and establishes the means for the CSKT and local irrigators to modernize irrigation on the Flathead Indian Reservation. Climate Change demands that we work assertively to build resilience into our society's use of water. The MWRPA will help ensure that all water users - including irrigators as well as those who recreate or use reservation water for domestic purposes, and fish and wildlife - have water in the future.

Please vote affirmatively for this legislation so vital to Montana and the Tribes' future.

Sincerely,

Dave Hadden, Director

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P.O. Box 4310, Whitefish, Montana 59937

Friday, July 15, 2016

Dear CSKT Bison Range Working Group:

*Headwaters Montana*, a non-profit conservation organization based in northwest Montana, fully supports the proposed legislation that would restore the National Bison Range property to the Tribes. This correction is long overdue and we agree entirely with the history cited in the draft legislation. We urge the Montana congressional delegation to act on this proposed legislation this year.

We attended the public meeting on July 12, 2016. The comment form that was distributed at that meeting asked four questions. We will address those four questions here.

- 1. What is most important to you about management of the Bison Range?** We think there are three main issues: 1. Restoration of Tribal ownership of the Range. 2. Restoration of the habitat as cheatgrass seems to be taking over the grasslands of the Range. 3. Designing a sustainable grazing program; it seems to us that the 8 pastures technique (if that is how the Range is currently divided) is not working.
- 2. What new opportunities do you see for the Bison Range?** Is there an opportunity to expand the range, or to move bison onto the Ferry Basin Elk Conservation Area? It seems that more area is needed to move toward a more 'free range' management for bison.
- 3. What changes would you propose for the draft legislation?** We have read the legislation and we would not change anything. We spoke to several Tribal reps at the July 12 meeting and were glad to hear that this legislation has been developed in partnership with the USFWS and in consultation with the Montana congressional delegation.
- 4. Additional comments and/or questions?** We think the proposed legislation moves bison management in the right direction and restores rightful ownership of the land to the Treaty Tribes.

We appreciate the opportunity to comments.

A handwritten signature in blue ink that reads "Dave Hadden".

Dave Hadden, Director  
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*Headwaters engages citizens of the Crown of the Continent in the region's critical conservation issues: water and wildlife conservation, and climate change.*