



June 8, 2020

The Honorable John Hoeven  
Chairman, U.S. Senate Committee on Indian Affairs  
United States Senate  
Washington, D.C. 20510

The Honorable Tom Udall  
Vice Chairman, U.S. Senate Committee on Indian Affairs  
United States Senate  
Washington, D.C. 20510

Dear Senators Hoeven and Udall,

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our more than 1.4 million members and supporters, I write to express support for S.3019, the Montana Water Rights Protection Act. The Act equitably resolves multiple longstanding issues, including tribal water rights claims and management of the National Bison Range (NBR).

This legislation restores ownership of the National Bison Range to the federal government in trust for the Tribes of the Flathead Indian Reservation, and ratifies and implements the water compact negotiated between the state of Montana and the Confederated Salish and Kootenai Tribes.

Specifically, this legislation seeks to restore the lands of the National Bison Range to federal trust ownership for the Confederated Salish and Kootenai Tribes, and clearly states that the lands restored shall be managed by the Tribes “solely for the care and maintenance of bison, wildlife and other natural resources.” This legislation also requires that the Tribes shall “provide public access and educational opportunities,” and shall “at all times, have a publicly-available management plan for the land, bison and natural resources.”

These values and outcomes reflect NPCA’s position of ensuring both conservation and public access, and we recognize the Confederated Salish and Kootenai Tribes’ (CSKT)

long and highly successful history of wildlife protection and wildland access. It is time to restore the National Bison Range to federal trust ownership for the Salish, Kootenai and Pend d'Oreille.

Congress and President Theodore Roosevelt established the National Bison Range (NBR) in 1908. The land was taken in what the U.S. Court of Claims, in a 1971 decision, held to be an unconstitutional taking due to lack of tribal consent to its acquisition, and failure of the federal government to pay the Tribes fair market value for the land. Although the court ordered the United States to pay the Tribes what it should have at the time of acquiring the Bison Range, the fact remains that the Tribes never consented to the taking of the land.

Located wholly within the boundaries of the Flathead Indian Reservation (home of the CSKT), the purpose of the NBR was to conserve bison at a time when that species was threatened with extinction. The National Bison Range's unique history, location and narrow mission means the restoration of management to CSKT will in no way establish a precedent regarding the disposition of other federal lands, a fact made explicit in the legislation.

Since Roosevelt created the NBR, the initial herd of 40 bison has grown and thrived; today, the NBR is managed as home to between 350 and 500 bison. Throughout the intervening years, the CSKT have established world-class wildland, wildlife and recreation programs. This includes, but is by no means limited to: protection and restoration of species such as grizzly bears, trumpeter swans, peregrine falcons, northern leopard frogs and bighorn sheep; establishment of the Mission Mountain Tribal Wilderness (the first Tribal Wilderness in North America); co-management of recreational and commercial fisheries in Flathead Lake (the largest lake west of the Mississippi); and protection and restoration of critical watersheds, including streams, rivers, lakes and waterfowl production areas.

In addition to this proven expertise, the geographic location of the NBR – within the boundaries of the Flathead Indian Reservation – argues strongly for restoration of management authority to CSKT. Also important is the profound historic and cultural connections of CSKT to bison; in fact, CSKT members played a critical role in preserving the original bison herd at the NBR, more than a century ago. In short, this legislation represents good Tribal policy, good wildlife policy and good land-use policy. It has the support of many land- and wildlife-oriented organizations (locally, regionally and nationally), and the US Fish and Wildlife Service has been supportive of the idea.

While we understand there are efforts by some to transfer public lands out of federal ownership and into state ownership, restoration of the National Bison Range is an entirely different matter. Fundamentally, the National Bison Range would remain in

federal ownership, but would once again be held in trust for CSKT. In addition, the National Bison Range was originally Tribal Reservation land taken without Tribal consent – a fact that distinguishes it from virtually any other situation. Finally, as mentioned above, the very bison for which the NBR was created descend from a herd that was started and managed by CSKT members at a time when the plains bison was under a very real threat of extinction.

NPCA supports this legislation, including ratification of the CSKT-MT water compact as well as provisions to ensure the NBR will be managed for both conservation and public access, just as Theodore Roosevelt envisioned when establishing the NBR. Restoration of management authority of the NBR to the CSKT honors the historic and cultural ties of Tribes to both the land and to the bison, and recognizes the many groundbreaking successes of the CSKT wildlife and wildland programs.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Jamison". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Michael Jamison

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