



Rocky Mountain Tribal Leaders Council

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Resolution # 07-July-2020-01

A Resolution to Support S. 3019 - Montana Water Rights Protection Act, the Confederated Salish and Kootenai Tribes Water Settlement Legislation

WHEREAS, we, the Executive Board Members of the Rocky Mountain Tribal Leaders Council of the United States (RMTLC), invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the RMTLC has been created for the express purpose of providing its member Tribes with a unified voice and a collective organization to address issues of concern to the Tribes and Indian people; and

WHEREAS, the Board of Directors of the RMTLC consists of duly elected Tribal Chairs, Presidents and Council Members who are fully authorized to represent their respective Tribes; and

WHEREAS, as a manifestation of their solemn duty, the Tribal governments actively engage in policy formation on any matters that affect the Tribes and reservations; and

WHEREAS, the governments of the various Native American nations have exercised full sovereign authority since time immemorial, including over their separate territories, lands, sacred grounds, and natural resources, including clean and fresh water; and

WHEREAS, the RMTLC's mission is to preserve our homelands, defend rights of the Indian Treaties with the United States, speak in a unified voice, offer support to our people, offer a forum in which to consult each other and enlighten each other about our peoples, and to otherwise promote the common welfare of all of the Indian Peoples of Montana, Wyoming and Idaho; and

WHEREAS, the vision of the RMTLC is a healthy, prosperous and strong Tribal communities for our Tribal people living in Montana, Wyoming and Idaho; and

WHEREAS, the goal of the RMTLC is to create an environment conducive to change within our communities by cultivating positive collaborative efforts with a sense of purpose by building strong, healthy societies where respect and honor is a way of life.

WHEREAS, the values of the RMTLC are based on unity, mutual respect, community, strong work ethic, accountability, kindness, tradition, giving, pride, leadership, personal growth, gratitude, and justice; 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, the *Montana Water Rights Protection Act* is the CSKT water settlement, which authorizes, ratifies, and confirms the Compact; 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; and

NOW THEREFORE BE IT RESOLVED, RMTLC 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 RMTLC supports the Confederated Salish and Kootenai Tribes efforts to settle their water rights through S. 3019 - *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 to pass S. 3019 - *Montana Water Rights Protection Act* into law; and

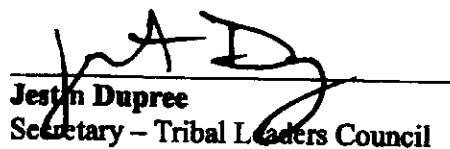
BE IT FINALLY RESOLVED, that this resolution shall be the policy of RMTLC until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

We, the undersigned, as the Chair and Secretary of the Tribal Leaders Council, do hereby certify that the foregoing Resolution was duly presented and approved by majority vote at an official Emergency Board Meeting of the Rocky Mountain Tribal Leaders Council, which was held on July 8, 2020 with 6 member Tribes present to constitute a Quorum of the Rocky Mountain Tribal Leaders Council.



Gerald Gray
Chairman – Tribal Leaders Council



Justin Dupree
Secretary – Tribal Leaders Council