



State-Tribal Relations Committee

63rd Montana Legislature

SENATE MEMBERS

JONATHAN WINDY BOY--Chair
SHANNON AUGARE
JIM PETERSON
BRUCE TUTVEDT

HOUSE MEMBERS

ALAN DOANE--Vice Chair
CLARENA BROCKIE
FORRESTINA (FROSTY) CALF BOSS RIBS
NICHOLAS SCHWADERER

COMMITTEE STAFF

CASEY BARRS, Lead Staff
LAURA SANKEY, Staff Attorney
KRISTINA LIMING, Secretary

MINUTES LOG

APRIL 28, 2014

CONFEDERATED SALISH AND KOOTENAI TRIBES
TRIBAL COUNCIL HEADQUARTERS
PABLO, MT

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

SEN. JONATHAN WINDY BOY, Chair
SEN. JIM PETERSON
SEN. BRUCE TUTVEDT
REP. CLARENA BROCKIE
REP. FORRESTINA (FROSTY) CALF BOSS RIBS
REP. NICHOLAS SCHWADERER

COMMITTEE MEMBERS ABSENT

REP. ALAN DOANE, Vice Chair
SEN. SHANNON AUGARE

STAFF PRESENT

CASEY BARRS, Lead Staff
LAURA SANKEY, Staff Attorney
KRISTINA LIMING, Secretary
K'LYNN SLOAN HARRIS, Audio/Video Coordinator

AGENDA & VISITORS' LIST

Agenda, [Attachment #1](#).

COMMITTEE ACTION

- SEN. TUTVEDT moved to approve the minutes from October 3-4, 2014. Motion Carried.
- REP. BROCKIE moved to adopt the minutes from January 13-14, 2014. Motion Carried.
- SEN. PETERSON moved to approve reimbursement of Senator Windy Boy's travel to Billings for a meeting of the MT-WY Tribal Leaders Council in December. Motion Carried.

00:01:27 **Call to Order and Roll Call, [Attachment #2](#)**
Mr. Ronald Trahan, Chairman, CSKT Tribal Council
Senator Jonathan B Windy Boy, Chairman, STR Committee

00:02:04 SEN. WINDY BOY

Opening Blessing
00:02:52 **Mr. Tony Incashola**, Director, Salish Culture Committee

00:06:44 **Welcome and Introductions**

CSKT TRIBAL COUNCIL PORTION

Federal Aid in Sport Fish Restoration Act

00:22:59 **Mr. Thomas McDonald**, CSKT Natural Resources Department
Discussion Document (**EXHIBIT 1**)

Committee Questions and Comments

00:30:52 SEN. TUTVEDT
00:31:14 Mr. McDonald
00:32:25 REP. SCHWADERER
00:32:41 Mr. McDonald
00:32:52 REP. BROCKIE
00:33:25 Mr. McDonald
00:34:45 SEN. WINDY BOY
00:35:34 Mr. Barrs

Access to State Education Funding for Two Eagle River School and Northern Cheyenne School

00:36:14 **Ms. Teresa Wall-McDonald**, Tribal Council Support, CSKT Tribal Council
Dr. Michael Bundy, Two Eagle River School

Discussion Document (**EXHIBIT 2**)

Committee Questions and Comments

00:48:14 REP. SCHWADERER
00:49:26 Dr. Bundy
00:53:51 SEN. TUTVEDT
00:54:15 Dr. Bundy
00:55:55 SEN. WINDY BOY
00:59:00 REP. CALF BOSS RIBS
01:00:16 REP. BROCKIE
01:02:42 Dr. Bundy
01:08:00 SEN. TUTVEDT
01:09:01 SEN. WINDY BOY
01:09:37 Ms. Fyant
01:10:30 Mr. Irvine
01:13:23 REP. BROCKIE
01:13:40 Mr. Barrs
01:14:27 SEN. WINDY BOY
01:15:21 Mr. Barrs
01:16:33 Mr. Trahan

Health Discussion/Medicaid Expansion

01:17:20 **Mr. Kevin Howlett**, Tribal Health Director, CSKT Health Department
Medicaid Expansion: A Good Deal for Indian Country (**EXHIBIT 3**)

Committee Questions and Comments

01:26:22 SEN. TUTVEDT
01:27:22 REP. BROCKIE
01:30:14 Mr. Howlett
01:31:55 Ms. Fyant
01:32:22 Mr. Howlett
01:33:46 SEN. WINDY BOY

01:35:07 **Break**

STATE TRIBAL RELATIONS PORTION

Administrative Matters

01:35:29 SEN. WINDY BOY
01:35:50 Mr. Barrs
01:36:25 SEN. TUTVEDT moved to approve the minutes from October 3-4, 2014
(**EXHIBIT 4**) (**EXHIBIT 5**). Motion Carried.
01:37:35 REP. BROCKIE moved to adopt the minutes from January 13-14, 2014
(**EXHIBIT 6**). Motion Carried.

Committee Questions and Comments

01:38:29 REP. BROCKIE
01:39:28 Mr. Barrs
01:40:51 SEN. WINDY BOY
01:41:35 SEN. PETERSON moved to approve reimbursement of Senator Windy Boy's travel to Billings for a meeting of the MT-WY Tribal Leaders Council in December. Motion Carried.

Update on Governor's Office of Indian Affairs Activities

01:42:03 **Mr. Casey Lozar**, Director, State-Tribal Economic Development Commission, Department of Commerce

Committee Questions and Comments

01:58:31 REP. BROCKIE - Mr. Lozar
01:59:51 Mr. Trahan
02:00:09 Mr. Lozar
02:01:20 Mr. "Bing" Matt
02:02:06 Mr. Lozar
02:03:05 Mr. Trahan
02:03:20 Mr. Lozar
02:03:42 REP. BROCKIE
02:04:36 SEN. WINDY BOY

02:05:00 **LUNCH**
02:05:46 Blessing - **Mr. Tony Incashola**

03:24:31 SEN. WINDY BOY called the meeting back to order at 12:20

Summary of Fort Belknap and Crow Follow-up Activities

02:09:48 **Mr. Casey Barrs**, Legislative Analyst, Legislative Services Division
Volunteers to Conduct Spiritual Ceremonies in Prison Settings (EXHIBIT 7)
Montana Dept. of Corrections Lesson Plan (EXHIBIT 8)
Indian Language Preservation and the MT Digital Academy (EXHIBIT 9)

02:28:25 **Laura Sankey**, Staff Attorney, Legislative Services Division

Committee Questions and Comments

02:29:52 REP. SCHWADERER
02:33:05 REP. BROCKIE
02:36:11 Mr. Barrs
02:36:53 REP. BROCKIE
02:39:15 SEN. WINDY BOY
02:39:54 REP. CALF BOSS RIBS
02:40:13 Mr. Barrs
02:40:48 Mr. Lozar
02:41:25 SEN. WINDY BOY

Language Preservation Pilot Program

- 02:42:45 **Mr. Casey Barrs**, Legislative Analyst, Legislative Services Division
Staff Notes on Indian Language Preservation Projects (EXHIBIT 10)
- 02:43:35 **Mr. Tony Incashola**, Director, Salish Culture Committee
- 02:55:50 **Mr. Chaney Bell**, Salish Language Coordinator, Salish-Pend d'Oreille Culture Committee

Committee Questions and Comments

- 03:11:55 SEN. WINDY BOY
- 03:13:34 Ms. Stevens
- 03:17:20 Mr. Bell
- 03:19:25 SEN. WINDY BOY

Bison Management

- 03:20:00 **Mr. Casey Barrs**, Legislative Analyst, Legislative Services Division
- 03:22:45 **Mr. John Harrison**, Attorney, CSKT Legal Department
Written Testimony (EXHIBIT 11)
- 03:29:20 **Mr. Thomas McDonald**, CSKT Natural Resources Department

Committee Questions and Comments

- 03:36:35 SEN. PETERSON - Mr. McDonald
- 03:40:00 SEN. TUTVEDT
- 03:40:35 SEN. WINDY BOY
- 03:41:32 Mr. Harrison
- 03:42:00 **Mr. Brian Upton**, Attorney, CSKT Legal Department

Public Comment

None.

- 03:44:35 **Break**

CSKT Water Compact

- 03:45:16 **Mr. Ronald Trahan**, Chairman, CSKT Tribal Council
Testimony (EXHIBIT 12)
- 03:56:50 **Mr. Duane Mecham**, Senior Attorney, Office of the Solicitor, U.S. Department of the Interior
Tribal Water Rights Settlements (EXHIBIT 13)
Proposed Water Compact for CSKT (EXHIBIT 14)

Committee Questions and Comments

- 04:13:20 REP. BROCKIE
04:14:00 Mr. Mecham
04:14:20 SEN. TUTVEDT
04:15:01 Mr. Mecham
- 04:16:50 **Ms. Melissa Hornbein**, Attorney, Reserved Water Rights Compact Commission
Water Compact Information (EXHIBIT 15)
CSKT Compact Frequently Asked Questions (EXHIBIT 16)
Letter from Gov. Bullock to Chairman Trahan (EXHIBIT 17)
Letter from Chairman Trahan to Gov. Bullock (EXHIBIT 18)

Committee Questions and Comments

- 04:24:35 SEN. PETERSON
04:25:10 Ms. Hornbein
- 04:27:09 **Mr. Alan Mikkelsen**, Consultant/Technical Expert, Jocko Irrigation District
Testimony before the STRC Committee (EXHIBIT 19)
Letter to Gov. Bullock and Attorney General Tim Fox (EXHIBIT 20)
We'll Reap What You've Sown (EXHIBIT 21)
March Madness (EXHIBIT 22)

Committee Questions and Comments

- 04:38:00 REP. SCHWADERER - Mr. Mikkelsen
04:40:34 SEN. TUTVEDT - Mr. Mecham
04:47:05 SEN. PETERSON - Ms. Hornbein
04:51:10 SEN. TUTVEDT - Mr. Mecham
04:56:15 SEN. PETERSON
04:56:33 **John Carter**, Attorney, CSKT
04:58:05 SEN. TUTVEDT
04:59:42 SEN. WINDY BOY

Documents Submitted prior to meeting:

- Letter from Mr. Wayne Blevins (EXHIBIT 23)*
Letter to Sen. Chas Vincent (EXHIBIT 24)
Letter to Sen. Jonathan Windy Boy (EXHIBIT 25)
Flathead Indian Reservation Packet (EXHIBIT 26)

Public Comment on Water Compact

Proponents

- 05:00:45 **Hertha Lund**, Attorney
Commented on the effects she believes that the water compact will have on Montana.

- 05:05:33 **Dan Sullivan**, State Representative, Pablo resident
Commented about the importance of continuing negotiations for the water compact and resolve the issue.
- 05:09:10 **Dick Erb**, Hay Farm Owner
Stated his concerns with the loss of water and access to irrigation water, and his assurance in the water compact delivering adequate water to farms.
- 05:15:48 **Ralph Sullivan**, Local Citizen
Stated his agreement with Mr. Erb's views on the water compact. He also stated his positive interactions with tribal members while living on the reservation.
- 05:19:15 **Susan Lake**, Local Citizen
Stated her views on the compact and the effects it his having on the community.
- 05:21:20 **Jan Tusick**
Commented on the importance of water being available for the new and old farmers that are in the community.
- 05:23:10 **Carol Wenderoth**
Commented on her concerns for the extra costs litigations will cause the reservation.
- 05:24:50 **Mark Aagenes**
Commented in support of the water compact.
- 05:25:25 **Logan Lloyd**
Stated his support of the passing of the water compact, for future generations.
- 05:26:30 **Terry Pitts**
Shared personal history and the importance of keeping "cooler heads" during the process of negotiations for the water compact.

Opponents

- 05:31:45 **Joanna Clark**, Mission Irrigation District
Commented about her views on previous comments made, and the importance of negotiations between the two parties.

Overview of Water Compacts and Litigation in Other States (via conference call)

- 05:44:36 **Professor Daniel McCool**, Professor of Political Science, Director, Environmental and Sustainability Studies Program, University of Utah
"Come on, Big Village. Be Quick" exert (EXHIBIT 27)
A Vision of Good Faith exert (EXHIBIT 28)

Committee Questions and Comments

- 05:57:20 REP. SCHWADERER

Wrap Up

05:58:37 **Mr. Barrs** - Confirmation of issues for the next meeting
06:02:18 SEN. TUTVEDT
06:03:00 SEN. PETERSON
06:03:09 Mr. Barrs
06:03:36 SEN. PETERSON
06:04:08 Mr. Barrs

Committee and Council Water Compact Comments

06:05:55 SEN. PETERSON
06:08:31 REP. BROCKIE
06:09:39 REP. CALF BOSS RIBS
06:10:05 REP. SCHWADERER
06:11:33 SEN. TUTVEDT
06:12:50 SEN. WINDY BOY
06:14:19 Mr. Trahan
06:16:20 Mr. Irvine
06:19:43 Mr. Pitts

06:22:23 Adjourn