

## MEMORANDUM

TO: Susan Cottingham; Jay Weiner; Sonja Hoeglund; CSKT Negotiating Team; CSKT Minute Files  
FROM: Joan Specking  
RE: CSKT Minute Summary from April 30, 2008 Negotiating Session, Pablo, Montana, 1 p.m.  
DATE May 14, 2008

Chair: Duane Mecham, federal negotiating team

### Agenda (**Attachment 1**)

**1. Opening Prayer**

Patrick Pierre, Tribal Elder, gave the invocation.

**2. Introductions**

Parties introduced themselves and a sign-in sheet was passed around the room. (**Attachment 2, sign-in sheet**)

**3. Opening Statements**

Duane thanked the Tribal staff for the facilities and for putting together a good sound system for the meeting.

Tribal Chairman James Steele said he is encouraged after sitting in a technical team meeting this morning and he appreciates the opportunity to continue with negotiations. The Tribes are committed to negotiations and as people know, they are on track of preparing for litigation in the unlikely event that they end up in litigation. They are actively negotiating and are actively preparing for litigation. He is encouraged that they are at least able to continue with negotiations.

Chris Tweeten echoed Duane's comments thanking the Tribal staff for putting the meeting together. He said the Commission was pleased to be there and the parties have been productive in terms of keeping this moving on a monthly basis and focusing on issues. They are pleased with the opportunity for the staffs to get together and exchange information and they are very much encouraged with the way things are going; they have a lot of issues to work through and they are making good progress.

Duane said he has had occasion to think through the past couple of sessions and the heartfelt audience comments. He relayed from the federal perspective that the government shows up in a lot of situations and venues; based on his past experience in water rights they wanted to try to expand upon some of the themes he was hearing in public comments. One of them was whether or not the parties are truly making progress. These water issues take time and they are careful about how they go forward and they want to have as much information as possible. He has worked on settlements which have taken years and come to good fruition. It is an important dynamic as the water settlements to be successful have to have good support and rarely get to a solution unless there is a broad level of support. It is hard for one party to force a settlement on other parties; conversely, it is easy for one party to have a settlement not go forward. Ensuring that they have a strong basis for support and the technical basis for ultimate water solutions may take some time. The activity they have seen is a good indication of progress.

#### **4. General Discussion of the Tribes' Unitary Management Proposal**

Duane pointed out that the proposal was handed out by Tribal staff two meetings ago. At that time the proposal was explained. At the last session they the State and the federal government initially commented about the proposal and both parties indicated that it was appropriate to explore the proposal. They had an opportunity for the Tribes and State to discuss the proposal and he asked Chris Tweeten to discuss that.

Chris Tweeten said the State indicated at the last meeting that they are prepared to explore whether the Tribal management proposal is something the State could work on with the other parties. They are still trying to make sure they understand all the implications of the proposal and the process they are following includes consulting with affected parties within state government. They are talking with water management staff within DNRC to make sure they review it, and that whatever movements the Commission makes in furthering the discussion is consistent with the water management's idea of what is appropriate and workable. The Commission is also talking with the Governor's office, the Attorney General's office and Fish, Wildlife and Parks. They are getting a good level of input and developing some fairly concrete ideas about questions that need to be addressed. They aren't prepared to discuss the full extent of comments today but are prepared to put on the table and talk about what might be deemed on some items as a counter proposal or a fleshing-out of the proposal. One thing he deemed important is that in the process of negotiations the parties need to come up with a mutually agreeable understanding of how the administrative process is going to work; and then the sides need to agree that the process they agree to cannot be changed without the consent of both parties. He said that means, on the State side at least, that the parties will have a compact with the administrative provisions they agree to which will be ratified by the legislature and that would mean the legislature would have to take action to change it, and that there would be a similar process on the Tribal side and that Congress would have to have their day as well. He said they would have to agree that neither side could amend the process unilaterally but any changes made in the process of administering water on the Reservation would have to be made jointly by the parties. He said they aren't prepared to go into any more detail about how that gets done procedurally on either side; just that it's important. The legislature is going to approve the compact based on certain understandings about how administration pieces would work and they think it is important that those things remain in place as status quo until both sides change it.

Chris said other ideas about a water management board that the Commission thinks need to be discussed is that the Commission views unitary administration as being a joint project in which the State and the Tribe would both be involved. From that perspective the Commission thinks it's important that the board stand as an independent entity that is not exclusively attached to either the State or the Tribe. Procedures need not only to be fair but to be perceived as fair. Tribal members have concerns and uncertainties about State management of water and it's fair to say that non-Tribal members would have concerns and uncertainties about Tribal management of water. One of the ways they could lay those concerns to rest is by making the management board stand as an independent administrative agency. Related to that is his third point, which is what the make up of the management board ought to be. The Tribal proposal is that there should be a representative of the federal government on the board. The Commission understands from the last meeting that the federal government doesn't necessarily want to occupy that role. The Commission's suggestion is that the board consist of equal representation of State and Tribal

members and that those members would pick the additional member who would be responsible for breaking ties if there were any. So if there were a five-member board, two would be chosen by the Tribe, two by the State and the fifth member chosen by the other four. That seems to the Commission the most equitable way to apportion membership on a water management board which would make decisions based on natural resource issues, not political issues. A fourth point is a matter that was discussed at great length during the interim plan discussions regarding domestic groundwater wells. There are a lot of people living within the reservation and they rely on well water. There is a procedure in State law that allows people to develop a domestic well with a streamlined process that does not require the same kind of burden for a commercial or irrigation type permit. He said the Tribal and non-Tribal members have the right for domestic purposes to have water and ought to be able to develop a groundwater well without a tremendously burdensome procedure to do so. The Commission proposes there needs to be a specific provision in the administrative process that would allow development of small groundwater wells and how that is defined would be a matter of negotiation. They are not suggesting that the current limits in State law be a necessity to be adhered to. The parties might want to come up with a system where they set a GPM cap and then if State law drops below that cap it could adjust downward to whatever the State's requirements are – certainly it is no easier to get a groundwater well inside the reservation than outside it - there needs to be some streamlined provision that does not create a lot of administrative paper work. A fifth point related to the other points is that the Commission thinks that on a technical level such as an analysis of permit proposals and accessing water availability issues and impact from proposed development, the State DNRC needs to work jointly or on equal footing with the Tribal Water Resources Dept. in doing the technical work that facilitates the decisions of a water management board. He noted discussions with state officials about new commitments on the part of the State if they go down that road, although there would not be a blank check. Those are the issues they bring up today and are prepared to discuss.

Someone asked if Chris was referring to existing domestic ground wells? Chris said they are talking about proposals for new permits. The question about what happens to existing wells relates to protection of existing uses which they will have to come to an agreement on. People would also want an assurance that their existing wells could operate roughly on the same footing that they operate on now. The same person asked if the Commission saw them dealing with existing uses first. Chris said he does not think the board would have anything to do with existing uses unless people wanted to change or modify them. The Tribe indicated that they are willing to recognize and provide some protection for existing uses which is a fundamental principle for the State. The protection of existing uses will be talked about for specific language in the compact.

Clayton said getting to any kind of detail on this kind of proposal has been a long time coming and thanked Chris. He said that unitary administration on the Reservation will be a center piece of the negotiations. He said as they go through these points they need to take them back and have a thorough discussion with their leadership. He said this takes time, as Duane said earlier. He said it represents progress and as they get to the technical discussion there is more progress happening in that arena. He said number one was fairly straightforward to understand and that number two in regard to the management board is fairly straightforward. Regarding the third item he wondered if the United States had a comment.

Duane said he understood the point Chris was making about the independence and makeup of a board and has not yet had an opportunity to walk through the five points with his policy makers. He noted that as a general matter the federal government is not in, or interested in being in, administration of water rights; it is a default role they end up taking but they urge in water settlements that arrangements be made, certainly from the Tribal perspective, that Tribes have effective sovereignty and administration over their water resources. In evaluating a unitary approach the federal government has a role with respect to Indian allottees on the Reservation. They will need acknowledgement that federal law does provide for Indian agricultural allotments an adequate supply (of water) - they will need to make sure they have met that federal responsibility. As a general matter the challenge will be in aligning the interests of three sovereigns, whether or not there is a federal representative or some other arrangement for this board. There will be issues of the powers of the board they will be creating to ensure the board has the ability to effectively manage independently.

Chris said the Commission's experience with respect to federal representation on the Yellowstone Compact Board created in the 1950s has been that one state votes against the other and the federal government abstains. The federal government has been reluctant to delegate responsibility to one single person to make a decision without taking it back up the federal chain of authority. The Commission envisions the management board as being a responsive, flexible decision maker so people don't have to wait weeks or months before the board can act. The final concern the State has regards trust responsibilities the federal government has to the Tribes, so the independence of the board in decision making may be perceived as being unequal if a federal representative is included.

Clayton thanked him and said they don't have a specific answer today but they continue to be open-minded and he noted the trust responsibility is an important aspect to the Tribe. He said they understand the point on the domestic groundwater wells and he reminded everyone that they made a lot of progress during the discussion of an interim plan. They have a good start on that. The points of wanting to work on equal footing on technical work processing permit proposals are also clear. He mentioned that the budget folks are on notice and are discussing this also. He said the question of existing uses was raised and he wanted to segue into that, as they heard some discussion from the technical people earlier. The Tribal Council did consider the question as a policy matter and now are ready to give the technical staff their marching orders from that perspective. He asked John Carter to explain.

John Carter said existing uses encompass 160 or more years of activity on the Reservation. The discussions of the Tribal Council and the technical staff took some time. For the benefit of the public who may not have followed the messy litigation on the Reservation in past years, the Tribe has been fairly successful in limiting the abilities of state agencies to issue permits and changes and the efforts have been upheld by the Montana Supreme Court so the Tribe is in a fairly strong position as to what with credibility it can limit. All of that said, the Council took a look at the negotiation process instead of a litigation process and decided to compromise on the negotiation context of what existing uses they would be willing to fold into this negotiation. That class of verified existing uses includes: verified state-based claims; verified state-based permits; verified state-based certificates (pre- and post-Ciotti litigation certificates and permits). In addition, all Tribally authorized water uses on the Reservation as well as all individual Indian wells which are somewhat difficult to account for so may be covered by a generalized claim by the Tribe. There are a couple

conditions that go with that. There is a State process for verifying existing claims – the pre-1973 claims. They have agreed in the proposal to include the Water Court’s definition of what a verified claim might be. However there is no current process for verifying permits or certificates in any system. In order for those to be incorporated, the technical teams will have to come up with an approach to actually verify those water uses and then will bring it to the table to see if it’s acceptable for all the parties. He reaffirmed that this is a fairly significant concession on the part of the Tribal Council given their successful litigations. It applies in the negotiation context but if negotiations do not come to fruition, for whatever reason, his estimation is that the Council will hold to their hard line regarding the permits and certificates post-1973. He urged everyone with post 1973 permits and certificates to ask their legislators to extend the Commission or the negotiation process.

Chris said he understands John’s comments regarding the existing uses and said as lawyers they can debate what the Montana Supreme Court’s decisions with respect to that were but they won’t do that now. He said the Commission understands that it is viewed as a concession on the part of the Tribe and he said concessions had been made by the State as well.

## **5. Technical/Legal Items for Discussion**

Seth Makepeace, hydrologist for CSKT, said they had a productive technical meeting which he summarized. The teams felt it was important to go through the shared shortages definition which the public has been able to look at. They have a working definitions list which they think is important so they are all communicating with the same words and ideas. They are very close to agreeing on the list which they will then share. The Commission staff has been mapping the existing water uses, irrigated land base, existing groundwater certificates and the existing permits and that information is being shared with the Tribes. The Commission and DNRC are still planning to do a canal seepage study to look at the magnitude of loss of water within the federal irrigation project; that study will begin this year in a pilot phase and then will get going in 2009. It will focus on reaches of canals where improvements can be made in a cost effective way to bring efficiencies of the project up. They talked extensively about data sharing. They have received data from the State and are looking forward to sharing some of the Tribes’ stream flow and canal diversion and water measurement information. They are working out the details of how to do that in a sequential process. They worked through technical matters related to existing hydrology conditions – stream flow and hydrographs of volume patterns per year. They talked about using a drainage basin procedure in their work and are working on that to get through massive amounts of water resource issues. They will be meeting in a week or ten days to start the discussion of what process to use for verification of permits and certificates. There is some state policy on how to do that and there is an example of how that was done on the Blackfeet Reservation. They had a good session and will probably be meeting more frequently.

Clayton said the progress they are making in negotiations is good as is the progress on the technical side. Especially some of the technical work will take them well into 2009 or past. They hope there will be serious consideration to extending the Commission.

## **6. Other**

Duane said they mentioned in the past that the BOR is modeling the potential for using stored water in Hungry Horse and that process is continuing. He hopes to have an update next session. The Tribe has talked about use of Hungry Horse water to

resolve shortages and to meet existing valid uses and additional water for fish – they hope to have an update next time. The State and Tribe have made a request for information from the BIA FIIP, including checking out aerial photos from the 1950s and they are working on a protocol to get those to the Tribe to be copied and used in the mapping information. They are also providing some water use and land based information on FIIP water use to the Tribe and the State and it should be done within the next few days.

Clayton commented that with all the technical work and the time it is going to take they want to continue to make their plea for additional federal resources.

Councilman Pitts said he is new at this but regarding federal trust responsibility, he asked Chris about his references to problems on the Yellowstone Compact and if there was another place where there were problems. Chris said in terms of the federal government as a tie-breaker the Yellowstone compact is the only one he has experience with. In terms of the cumbersome nature of the federal government they have vast experience in negotiations they have done. It is not a knock on any individual they have dealt with as the process comes from Washington D.C. He could provide a fairly extensive list where it has taken them months to come back with answers to issues. Councilman Pitts said there is a trust responsibility and asked if this would be a first time for something like this. Chris said there is an odd numbered membership of Compact Boards also so they don't consider it new.

Chris said one thing they need to keep in mind is that any water rights for the National Bison Range will be included in reserved water rights discussions. He asked if either other team had ideas as to how to work that together.

Duane Mecham asked if they are waiting for a written proposal and Jay Weiner said he had floated some ideas and visited with the U.S. Fish & Wildlife Service. Duane said FWS remains on board to have joint resolution of Bison Range water rights. Jay said he hoped to get something out to the Tribes and the U.S. soon. Duane said that could be a specific item to bring up at the next meeting.

## **7. Public Comment**

Duane asked that people commenting come to the microphone and state their name for the record.

Fred Hammel, Kalispell: Noted Flathead Lake as an aquifer so there is plenty of water. He works for Verdell Jackson who is the legislature handling water rights issues. He said he hasn't heard the word Avista yet, which he thought controls all the water and asked if that was true or false. PPL controls all the water in eastern Montana – so there are two out-of-state corporations controlling all the water in the state and something has to be done about that.

Rory Horning, Polson: He said concessions may be considered on existing wells – and to Mr. Carter who wanted the people in the valley to contact their representatives – if they are talking about somehow regulating pre-compact wells you will get a lot of comment from the people in this valley to their legislators but he thought it would be different from what was expected. Their question will be that this is a delayed negotiation which will go on several more years and people are coming into the valley and buying and selling real estate – and wells are going to be continually developed and if you are saying you will make a compact going back to 1972 and start regulating what's happening now, he said they need to have a different kind of discussion in this

negotiation because now what you are saying is that the expense and the rights of the people who are having to deal with their own property right now is in jeopardy. It creates a great deal of uncertainty and he thinks it is quite unfair of this group or any group to do this to neighbors in this valley.

Fred Hammel: Regarding HR 2421 in Congress. The federal governments want to take control of all the waters in the United States. He doesn't hear anyone talking about that. Between Avista, PPL and the federal government and the environmentalists. Bonneville Power says 40 to 50% of our electricity bill is used to fight the environmentalists. Put a pump on Flathead Lake and pump the water out. It runs to the ocean anyway. Environmentalists say fish will be hurt and to him that is garbage.

Steven Smallsalmon, CSKT Elder: He said elders used to say someday they will find water...half of the lake belongs to the Tribe and he does not know how pure it is any more. Years ago they could drink that water. Now the farmers coming in to the Reservation – Indian land – he sees so many cattle. He would not trust drinking the water. Here they are on the Reservation fighting over their own water just like their own land; it's really something. His elders used to say it was their land. Today, how long will it take to negotiate – years? How much money are they spending? This is the Reservation and he is a full – blooded Pend'Oreille and he will be until he dies.

Regina Parot, allotment holder: She wants to know what the federal governments duties are to allotment owners and to make sure their rights are protected. She would also like to have a federal person on the water board because they need the trust responsibility carried forward. They want to be sure the fiduciary responsibility is protected.

Louise Stasso, full-blood Kootenai/Salish: She mentioned attending the Montana Indian Education Assn. conference where she learned 81% of their American Indians are high school drop outs. She also learned that 44.2% of their Indian families are in deep poverty. She also had the opportunity to speak with some other Indian people from other Reservations in Montana. She learned that some of the other Reservations who have already signed their compact agreement are already starting to have problems with their compact agreements. This concerns her and it's why their Tribe is very cautiously moving. She is very much for, of the lesser of the two evils, she has more trust in the federal government; she'd like to have two federal representatives on it. They have always gotten the short end of the stick when dealing with the State and county governments. Their prisons and jails are disproportionately with Indian people in them. Yes, she is for the federal government – they have a trust responsibility to the Tribes. She also learned that some of the other Tribes are having an internal problem because they signed their agreement and it's already starting to fall apart. She is for litigation and she will give up her per capita to fight this in court.

Vernon Finley: He said he appreciates that the person in the middle of this providing the technical information – his name is Makepeace. That is a good start. He also found it interesting that the State's position as far as federal involvement goes – their hesitation on how cumbersome federal involvement is although this has been going on very long and there are only five points from the State and no proposal yet. He said that is interesting when talking about how cumbersome the feds are.

Bill Slack: His only comment on the Unitary Management is that it is basically flawed. He passed out comments. **(Attachment 3)**

Louis Caye (Junior) : A reminder, background of the situation here: his ancestors were put here for a reason. The Creator put the river and lake here for a reason and as Indian people they did not just stumble across the river and lake; they were put here for a reason by the Creator who said you take care of me and I'll take care of you. Their ancestors did just fine. They took care of the water; it is very sacred. They don't let children fill up squirt guns or balloons with this water. They were and are the caretakers of the water; they own the water. They were here at the beginning of time; they know how to give water to users here. As an Indian nation...no problems...they show time after time they can administer the water on the Reservation. Teams should go home and tell people the Indian people have been taking care of the water for decades and it's their water. If they need it they can use it...it's kind of hard for him to sit and listen to the people talking about their water; it hurts him. Time after time they have shown they know how to administer the water. They own it and share it with everyone. He asked everyone to stand up – asked who had families who were born and raised in the boundaries of Montana (great grand parents, grand parents). Those remaining standing he referred to as caretakers and owners of this water. He asked negotiators to please go back and think about this and let the Indian people continue on to administer the water.

Neal Donahue: He referred to the previous comments made about education. He moved up from New Mexico where they had a problem with 40% of Latinos dropping out of high schools. He talked about ADD or what used to be called boredom; student drug use; and 80% dropout rate may not be the problem of the student, it may be the problem of the system. What needs to be done he doesn't know but the process is a lot of garbage....he prays to God they are able to use common sense; there's only so much crap a person can take.

Roger Shourds: He volunteered to protect the rights of the Tribe in the Hell Gate Treaty. He read from the 38<sup>th</sup> Congress in 1864; this came nine years after the treaty with the federal government. They have prior rights to the water. The Congress said nothing shall be construed to impair rights pertaining to the Indian...he read from the Act. He said they are negotiating for something that in 1864 the Congress said was not part of the Territory of Montana. He can't find anything where the Tribe asked the President to become part of the State of Montana. He also brought up the Montana Constitution, section 3, where he said the water would become public domain.... He lives at Turtle Lake and every day sees speculators building right and left on any land that is not owned by the Tribes and they are drilling water; sucking aquifers dry. He said the federal government signed a treaty and has a trust responsibility to be involved and protect the Tribe.

Monica Caye: Said all the people should be working for indigenous rights. Mentioned Robert Coulter in Helena – working on this at the UN; U.S., New Zealand and Australia did not sign on to UN resolution. Get the UN and the World Indigenous People to the Reservation. Why should she pay for her own water...it's hers. When homestead came along her grandparents (?) picked a lot in Kalispell. Her grandmother was shot down. Where were their rights then? Language, liquor and this is where you put us. Better start talking world indigenous rights.

\_\_\_\_\_. Thinking about a water board or any board that involves the State; jurisdiction going back to Christopher Columbus – to think you can come here and take over their land. Their Chiefs in 1855 signed a treaty keeping this reservation as theirs. The negotiating team made a mistake; they should have included all the aboriginal territory in the negotiations. They should have a say on wells, etc. in the



whole territory. He thinks about situations with jurisdiction and the State and the Tribes. The Japanese or Canadian government would not be able to negotiate just because one of their citizens lived here. In his opinion this is their land and water and they should be able to administer it. He would follow any rules that came from the Tribes. He said he is not a Tribal member. These negotiators should not be sitting here.

Richard Stevens, Columbia Falls: As the gentleman says the water is for everyone to use, not abuse. The Reservation has some claim to how much water comes from the mountains and should have jurisdiction on the Reservation. He has watched building in Flathead valley; water is a renewable resource. The DNRC took his water rights away from him. He encouraged the Tribe to have its own jurisdiction and enforce it. He said there are white people who are afraid the Indian people will charge for water; that's not how they do things; he's been married into the Blackfeet Tribe for 40 years. People's lives are on hold with negotiations.

Fred Hammel: At a previous meeting in Kalispell someone said Hoy's Lake (sp?) is polluted. He said you can drink out of that lake. The lakes aren't polluted here. They live in a vacuum. The water they are drinking today is the same water Adam and Eve drank. Mother Nature moves it around.

Duane Mecham thanked everyone who provided helpful and informative comments to the process. He asked if Clayton or Chairman Steele had any comments.

Chairman Steele reminded everyone that they are actively preparing for litigation. That is going on and it coincides with active participation in negotiations. He said one thing that strikes in his heart is when they hear discussions of the Treaty of 1855 it brings to mind Isaac Stevens who was leader of the U.S. treaty group. For the Tribes to say that the federal government should not be involved, on a philosophical and historical basis from the tribal basis the negotiations should be only between the United States and the Tribes and not the State of Montana. In some way they need to have the federal involvement. It goes back to their ancestors signing an agreement with the United States basically saying that the Tribes reserved the Reservation for their use and gave up the aboriginal territory except for hunting and fishing rights. As much as they sometimes complain about the United States they need to have their involvement. On this Reservation they have been blessed with abundance. As Tribes they have given up the most of any of the parties at this table. If they add up the per acre value, they have given up trillions of dollars in this process including the area of the Berkeley Pit; Anaconda and the minerals removed; the upper Clark Fork River restoration which they don't get credit for. They are part of the removal of the Mill Town dam. They have given up a portion of Glacier National Park in conjunction with their Blackfeet brothers and sisters. Their Kootenai brothers and sisters have been divided by the Canadian line. He said he wanted to diplomatically reminded people that the Salish Kootenai has conceded many times over on a variety of points; sometimes willingly and sometimes when they weren't asked. They administer a variety of things on the Reservation such as Mission Valley Power; the Shoreline Protection Act. He said it's time to change and turn a page – no longer is it acceptable for people like members of ACE – those organizations need to realize that the power they get in their homes remember who provides that. It's those Indians who you cuss. They are providing power to you even though they disagree with you. He talked about his grandparents and other Tribal members who fought in World War II and WWI when they weren't citizens of the U.S.

Chris Tweeten said he appreciates Chairman Steele's eloquent words. He emphasized recent history that put them at the table today and that the legislature offered all the Tribes in Montana the opportunity to settle disputes out of the courtroom process. The Council was wise enough to understand the benefits of negotiating and accepted the offer to negotiate. He said their children and grandchildren would be disappointed if they did not take advantage of that opportunity to try to settle these issues as neighbors as opposed to giving the decision making power to the courts and then having to sort out the pieces left after the court decision. He is confident that what they are doing here will bring a benefit down the road and allow a means by which people are going to be able to get along as neighbors and share in resources and help the Reservation prosper as it should. They are pleased to engage in this conversation with the Tribes and the United States and hopeful that things will progress as they have been and that they will have an agreement that all sides can agree to that will provide benefits of an agreement as opposed to the discord that will come from the litigation process.

**8. Set next negotiation date (tentatively May 28, 2008)**

Duane said based on their current schedule the next meeting would be held on May 28<sup>th</sup> and he had not heard anything that would alter or postpone that. He thanked the Tribe for providing the sound system and for the comments from the people attending the meeting.

**9. Closing comments by the negotiating teams.**

Pat Pierre, Tribal Elder, asked to speak and said all the people should work together for the better of the community. He said the negotiations should be between the United States and the Tribes, not the State of Montana. He sees it as the Hellgate Treaty being signed first, and then the State started making laws to overcome laws already made. He said most of the people have chosen to live there because of the beauty of the land. Water; he hopes they aren't drinking the same water from 10,000 years ago. The water here belongs to the Tribes. He looked at the proposal submitted by the Tribes years ago and he can't see anything wrong with it. The main thing is protection and they need to know how the resources on the Reservation are being utilized. The Tribes need to know that because it belongs to the Tribes. Today they have all the expertise to do what needs to be done; why do they need the State of Montana to come and be a part of the situation with the water. If somebody has a good answer for that he'd like to hear it. He said he wanted to state that they would not be sitting here at the table if they didn't have the mentality of "them against us". If they could sit at the table and talk instead of countering each other...they could explain the proposal point by point and he didn't think anyone would disagree with it. This is an age old thing going on all his life and he's 79. They have to get away from that some day. Until you totally agree on the proposal we'll keep coming back here year after year. If we continue these negotiations, where it is going? They have to come to agreement on the proposal they put down or this won't go anywhere. We are here to protect our resources not only for ourselves but we have generations yet coming that are going to want to see this land as it is today. Let's just sit down and take another look at that proposal. I don't think you're going to find anything wrong with it.

Meeting adjourned.