



**United States Department of the Interior**

**Bureau of Indian Affairs  
Northwest Regional Office  
911 NE 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4169**



In Reply Refer To:

**MAY 09 2013**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED 7012 2210 0002 2754 3666**

Board of County Commissioners  
Ravalli County Courthouse  
215 South 4<sup>th</sup> Street  
Hamilton, Montana 59840

RE: Notice of Decision on the Application of the Confederated Salish and Kootenai Tribes in Trust of 58-Acre Tract in Ravalli County, Montana

Dear Commissioners:

This letter is to inform you that the Northwest Regional Director of the Bureau of Indian Affairs, U.S. Department of the Interior, has decided to acquire in trust for the Confederated Salish and Kootenai Tribes a 58-acre tract located in Ravalli County, Montana. A copy of the decision is enclosed.

This decision may be appealed to the Interior Board of Indian Appeals, 801 Quincy Street, Suite 300, Arlington, Virginia 22203, in accordance with the regulations at 43 C.F.R. Sections 4.310-4.340. Your notice of appeal to the Interior Board of Indian Appeals must be signed by you and your attorney and must be mailed within 30 days of the date you receive this decision. It should clearly identify the decision being appealed. If possible, attach a copy of this decision. You must send copies of your notice of appeal to: (1) the Assistant Secretary – Indian Affairs, 4140 MIB, U.S. Department of the Interior, 1849 C Street, N.W., Washington, D.C. 20240, (2) each interested party known to you, and (3) this office. Your notice of appeal sent to the Interior Board of Indian Appeals must certify that you have sent copies these parties. If you file a notice of appeal, the Interior Board of Indian Appeals will notify you of further appeal procedures.

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

**RECEIVED**

**MAY 17 2013**

Ravalli County Commissioners

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Sincerely,

Realty Officer  
Northwest Region

Enclosure: Notice of Determination on Application



United States Department of the Interior

Bureau of Indian Affairs  
Northwest Regional Office  
911 NE 11<sup>th</sup> Avenue  
Portland, Oregon 97232-4169



In Reply Refer To:

MAY 13 2013

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

7012 2210 0002 2754 3659

CONFIRM

The Honorable Joe Durglo  
Confederated Salish and Kootenai Tribes  
Post Office Box 278  
Pablo, Montana 59855

Dear Chairman Durglo:

This letter is with regard to the application of the Confederated Salish and Kootenai Tribes (Tribes) for the acquisition in trust for the Tribes' 58.00-acre tract commonly known as "Medicine Tree Falls Property" located in Ravalli County, Montana. The following are my findings of fact and conclusions of law in support of my decision to approve the application to acquire the subject land in trust for the Tribes:

**1. Application Information:**

The Confederated Salish and Kootenai Tribal Council by Tribal Resolution Number 99-143 (dated March 25, 1999), (Attachment A) requested acquisition in trust of 58.00-acre tract commonly called "Medicine Tree Property." The property is located in Ravalli County, Montana.

Elimination of items on Special Exceptions in Schedule B of the preliminary title evidence is required prior to acceptance of deed. (Attachment D – Preliminary Opinion of Title – Office of the Regional Solicitor, Pacific Northwest Region).

The property is located outside the exterior boundaries of the Flathead Indian Reservation (Attachment B – Location Map) and we are required to address the distance of the property from the exterior boundaries of the Flathead Indian Reservation. The distance from the exterior boundary of the Flathead Indian Reservation to the property is approximately 87 miles. The description of the subject property is as follows:

The SE $\frac{1}{4}$ NW $\frac{1}{4}$  and all that part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  which lies East and North of the right-of-way of U.S. Highway 93, all in Section 22, Township 2 North, Range 20 West, P.M.M., Ravalli County, Montana. Recording Reference: Book 176 Deeds, page 908.

AND

A tract of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 22, Township 2 North, Range 20 West, P.M.M., Ravalli, County, Montana, as shown by the shaded area on plat, attached and made part of Instrument No. 544781.





Commonly known as 5788 US Hwy 93 S, MT 59827

I find the Tribes fulfilled the requirements of 25 CFR. Section 151.9 in filing a request for approval of such acquisition with the Secretary because the Tribes have set out the identity of the parties, a description of the land, and other information showing that the acquisition comes within terms of 25 CFR Part 151. The Tribes established ownership of the land in the Tribes as provided in 25 CFR Section 151.3(a)(2) and by depicting the location of the subject property in relation to the exterior boundaries of the Flathead Indian Reservation as provided by 25 CFR Section 151.3(a)(1).

**2. Factors of Title 25 CFR Part 151:**

**A. Statutory Authority (151.10(a)):**

The Confederated Salish and Kootenai Tribes of Montana are organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984). The applicant qualifies to convert the land to trust status pursuant to Section 5 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), codified as 25 U.S.C. §465 provides in relevant part as follows:

The Secretary of the Interior is authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians.

Section 151.3(a) of Title 25 of the Code of Federal Regulations Land acquisition policy authorizes this acquisition, providing:

Land not held in trust or restricted status may only be acquired for an individual Indian or a tribe in trust status when such acquisition is authorized by an Act of Congress. No acquisition of land in trust status, including a transfer of land already held in trust or restricted status, shall be valid unless the acquisition is approved by the Secretary.

- (a) Subject to the provisions contained in the Acts of Congress which authorize land acquisitions, land may be acquired for a tribe in trust status:
- (1) When the property is located within the exterior boundaries of the tribe's reservation or adjacent thereto, or within a tribal consolidation area; or
  - (2) When the tribe already owns an interest in the land; or
  - (3) When the Secretary determines that the acquisition of the land is necessary to facilitate tribal self-determination, economic development, or Indian housing.

I find that the said property is located outside of the exterior boundaries of the Flathead Indian Reservation and located approximately 87 miles from the Flathead Indian Reservation. I find that the Tribes already own the subject land as evidenced by the commitment for title insurance policy (Attachment C) which evidence ownership of the subject land in the Tribes within the meaning of 25 CFR. Section 151.3(a)(2). The Office of Regional Solicitor reviewed the title commitment and provided a Preliminary Opinion of Title (Attachment D), finding title vested in

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the Tribes. I find that the acquisition is necessary to facilitate tribal self-determination, economic development, or housing with the meaning of 25 CFR Section 151.3(a) (3).

I further find that the Confederated Salish and Kootenai Tribal Council has authority to convey the subject property to the United States of America in trust for the Confederated Salish and Kootenai Tribes pursuant to Article VI, Section 1 and Article VIII, Section 2 of the Constitution and By-Laws of the Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, Montana, approved by the Secretary of the Interior on September 25, 1935 and as amended.

B. Need (151.10(b)):

The Salish of Montana are related to the Coastal Salish and they traveled east from the Columbia Basin area. The Salish were the first recorded inhabitants of the Bitterroot Valley and was once the home of the Salish people until Chief Charlo and the Salish were forcibly removed to the Jocko Reservation after 36 years of resisting removal, in the conviction that the 1855 Treaty of Hell Gate had guaranteed the Bitterroot Valley for their reservation. Chief Charlo, with the remaining band, continued to resist moving and kept his small band in the area of St. Mary's Mission. On October 15, 1891, due to the hardships forced upon his people, Chief Charlo and the last of the Bitterroot Salish Tribe leave for the Jocko Reservation.

To the Salish people, the Medicine Tree is living evidence to a way of life gone but not forgotten. The Medicine Tree is the heart of the Bitterroot Salish with semi-annual treks being made by tribal membership. It has and continued to be an important place in tribal culture and this is why it is so important to maintain that connection to the aboriginal Bitterroot Salish homeland in the Bitterroot Valley

The property is vacant. There is no proposed change in land use. Acquiring the land in trust for the Tribes will facilitate tribal self-determination goals by preserving a culturally sensitive area.

C. Purpose (151.10(c)):

The Confederated Salish and Kootenai Tribes of the Flathead Indian Reservation, Montana, made no immediate plans for this property.

D. Impact (151.10(e)):

Notice of the application of the Confederated Salish and Kootenai Tribes was sent to the Governor of the State of Montana. The State of Montana did not comment or respond to the notice.

Notice of the application of the Confederated Salish and Kootenai Tribes was sent to Ravalli County, Montana. The Ravalli County Commissioners express their concerns by letter dated April 24, 2013. Moreover, the County did express concerns about the potential loss of tax revenues for \$808.00. According to Ravalli County's Financial & Compliance Report for the year ended June 30, 2011, Ravalli County collects approximately \$11,468,000.00 in property taxes. The Medicine Tree property accounts for approximately 0.0000704569236 of the county's property taxes.

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Title 25 CFR Section 151.10(c) requires that I consider the impact on the State of Montana and its political subdivisions resulting from the removal of the land from the tax rolls. I find that there is very little loss in annual property taxes but the economic benefits and preservation of a cultural site by the Confederated Salish and Kootenai Tribes outweigh the loss of tax revenues.

E. Jurisdiction Problems and Potential Land Use Conflicts (151.10(f)):

Neither the State of Montana nor Ravalli County expressed concerns about the acquisition creating jurisdictional problems or potential land use conflicts. Therefore, I conclude that my consideration weighs in favor of the acquisition.

F. Responsibilities (151.10(g)):

I find that the addition of the 58.00-acre tract, more or less, located outside of the exterior boundaries of the Flathead Indian Reservation would not substantially increase the workload on the Bureau of Indian Affairs.

G. Environmental Compliance (151.10(h)):

The Northwest Regional Office is obtaining approval of a Categorical Exclusion checklist. The Confederated Salish and Kootenai Tribes, through the Northwest Regional Office, will submit a Phase I Environmental Site Assessment. This must be completed before acceptance of the deed, in accordance with current BIA requirements.

H. Historic and Endangered Species Compliance:

Should the Tribes decide to develop the property later, they will be required to comply with federal laws governing threatened and endangered species and the protection of cultural resources. If any further developments require federal agency action, it will require compliance with the National Environmental Policy Act.

I. Requirements of the Indian Gaming Regulatory Act:

The subject land is not for gaming purposes.

**3. Summary and Recommendations:**

This case has been completed and documented in compliance with 25 CFR Section 151.10 and Departmental and Regional Directives. The following items, which were relied on or provided in support of the proposed acquisition, are indexed and attached for reference:

- A. Tribal Council Resolution No. 99-143
- B. Location Map
- C. Commitment for Title Insurance Policy No. 383371-R
- D. Office of Regional Solicitor's Preliminary Opinion of Title BIA.PN.13155

By a copy of this decision the applicant and other interested parties are hereby notified of the decision. This decision may be appealed to the Interior Board of Indian Appeals, 801 Quincy

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Street, Suite 300, Arlington, Virginia 22203, in accordance with the regulations at 43 CFR Sections 4.310-4.340. Your notice of appeal to the Interior Board of Indian Appeals must be signed by you and your attorney and must be mailed within 30 days of the date you receive this decision. It should clearly identify the decision being appealed. If possible, attach a copy of this decision. You must send copies of your notice of appeal to: (1) the Assistant Secretary – Indian Affairs, 4140 MIB, U.S. Department of the Interior, 18<sup>th</sup> and C Streets, N.W., Washington, D.C. 20240, (2) each interested party known to you, and (3) this office. Your notice of appeal sent to the Interior Board of Indian Appeals will notify you of further appeal procedures.

If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for the filing of a notice of appeal.

I attest that I have reviewed this transaction to convert from fee to trust a tract for the Confederated Salish and Kootenai Tribes and the case file is documented and in compliance with all of the above stated facts and regulations. I further state that I will not approve this transaction until I have received satisfactory title evidence in accordance with Section 151.13 of Title 25 of the Code of Federal Regulations.

RECOMMENDED:

  
\_\_\_\_\_  
Realty Specialist, Northwest Regional Office

MAY 07 2013

\_\_\_\_\_  
Date

ATTEST AND APPROVE:

  
\_\_\_\_\_  
Northwest Regional Director

**COPY**

5/13/13  
\_\_\_\_\_  
Date

СОР