

February 15, 2023

To: Governor Gianforte

RE: Montana Water Resources Protection Act Land Grab

Dear Governor Gianforte,

We have serious questions regarding the legitimacy of the State of Montana's role in subjugating Montana citizens to the egregious and unnegotiated terms of the Montana Water Rights Protection Act (MWRPA). We oppose the legality of the "exchange" of land between the State of Montana and the Federal Government on behalf of the Confederated Salish and Kootenai Tribes (CSKT). We consider this exchange to be illegitimate and undeserved reparations—an insult harmful to all the Citizens of Montana, tribal and non-tribal. It was not in Montana's Senate Bill 262. This is an illegal dictate.

This land swap is nothing less than the theft of 36,808 acres from the people of Montana. The Montana State Land Board is charged with implementing the "exchange" or 'land swap', which would give the CSKT 36,808 acres unlawfully to restore lands that were legally diminished or, at a minimum, "disposed of" by act of Congress at the beginning of the last century—actions by no means reversed by the 1934 Indian Reorganization Act. The area exchanged is approximately twice the size of the National Bison Range, which was also handed to CSKT by the MWRPA despite having been paid for not once, not twice, but three times before. The CSKT gives up nothing! Once again, it is only the non-tribal citizens of Lake and Sanders Counties that suffer the effects of this theft—a citizen population becoming used to having its concerns ignored by State elected officials...at least until the next election.

As Chair of the Montana Land Board, we ask you the following questions about the MWPRPA land exchange:

- 1: How many meetings of the Land Board have occurred on this issue and what action has been taken?
- 2: Are the Meeting Minutes made public?
- 3: Why have you and the members of the Land Board been so silent about Land Board meetings, lack of meetings, or decisions taken?
- 4: We question whether the Montana's strict Public Meeting laws or Article II, Section 9, of Montana Constitution "Right to Know" law are being met?
- 5: We also question why the State of Montana would surrender to this land grab/giveaway?

School Trust Property allotted under the 1904 Allotment Act is reported to be involved with this Land Swap. Carolyn Hall, Lake County Superintendent of Schools, wrote to you on June 9, 2022 asking if School Trust Land are involved. Will you respond to her inquiry? To date no response has been received.

This Land exchange could also affect Payment in Lieu of Taxes (PILT) payments, placing further economic burden on Lake and Sanders County citizens.

Astonishingly, the MWRPA bill sponsored by Senators Daines and Tester also requires that private land within the reservation be made available to the tribes if the total amount of state land given to them is less than 36,808 acres. The bill states that "if for any reason"...after 5 years from the effective date of the compact...the exchange of state land within the reservation for federal and outside the reservation "have not provided to the Tribes a total of 36,808 acres of surface land within the boundaries of the Reservation, the Secretary shall, at the request of, and in cooperation with, the Tribes, develop and implement a program to provide to the Tribes additional land within the Reservation through land exchanges with private landowners." This provides incentive to the CSKT to take actions through taxation, water rights, or other means to drive land values down; to make our property nearly worthless. Do we really want to hand possibly the richest tribal entity in the nation motivation to destroy local property values?

The U.S. Government encouraged settlers to move to Montana as it transitioned from Territory to Statehood. There is abundant proof that settlers were specifically invited to this region and were welcomed by the CSKT peoples, and that treaties were developed that were not only mutually beneficial but actually provided protections to CSKT members, subject at the time, to violence at the hands of other tribes. Also, the Hellgate Treaty is not solely to protect and benefit the tribes, but also to protect the non-tribal members sharing much "in common" with the CSKT.

The MWRPA would have us believe that the land in this swap/theft given to the CSKT is to correct a great wrong, when in fact the lands have always been owned by the Federal Government. The Federal Government encouraged settlers to come to Montana and live on the allotted and disposed of lands legitimately sold to them. Indeed, there is at least one property in downtown Polson with a Patent Deed that dates to 1820. These lands were not stolen. They were legitimately allotted and sold according to Article 6 of the Hell Gate Treaty. The lands were purchased and paid for by Homesteaders at the beckoning of the owner, which was the US Government.

Governor, you have a duty to protect Montana's land and water for **all** citizens which are now under attack by the Federal Government via the Daines MWPRPA! The Land Board must disapprove the 36,808 acres giveaway to the CSKT. Your oath of office and that of the Land Board members call upon each of you to represent all the people of Montana, not just the interest of the CSKT. Furthermore, it requires each of you to be faithful to the State and the United States Constitutions!

Please send all responses/questions to Jan Rogers at PO box 361, Ronan, Montana 59864

Sincerely,

Concerned Montana Water Users

CC: Attorney General, Secretary of State, State Auditor, Superintendent Public Instruction, Lake, Flathead, Mineral, Missoula and Sanders County Commissioners, Senators Steve Daines/ Jon Tester, Representative Matt Rosendale/ Ryan Zinke and Montana State Senators/Representatives