

Confederated Salish and Kootenai Tribes (CSKT)
Flathead Indian Reservation
Secretarial Trust Commission Panel Member: Teresa Wall-McDonald, Acting Tribal
Lands Department Head
February 12, 2013

Introduction

The CSKT Tribes in Montana have a vision for self-determination and a passion for services that meet the needs of our unique population. We began compacting BIA Real Estate services in the 1990's and later added BIA Title Plant services in 1994. Today, the Tribal Lands Department includes billing and receipting using TAAMS, lease administration and compliance, conservation and resource planning, home site lease planning and administration, business leasing, acquisitions and disposals including fee to trust and Indian Land Consolidation recoup purchases.

The department also has a large probate workload, equal to 11% of the Northwest Region's workload. The CSKT also have a MOU with the Office of Appraisal Services and we are fortunate to have a licensed Tribal member appraiser trainee.

Our individual trust land owners are well informed and actively participate in land management oversight, acquisition and disposal.

We are a large land-based Tribe and have worked diligently to re-acquire large portions of the original reservation area. In the mid 1930's our land ownership was less than half of the original reservation, and today Tribal ownership exceeds 63% of the reservation. The wisdom of past Tribal leaders created a "common goal of buying back Tribal land" and that vision is still alive and well today.

Our primary revenue sources are rental income from Kerr Dam, leasing income from agricultural leases and range permits as well as some business leasing income, and Timber revenue. We are a small gaming Tribe and have 2 casinos on the reservation.

Our BIA compact revenue is an estimated \$5.6 million annually (base funds). The Tribes supplement many BIA funded programs with our own funds in an effort to offer more employment and a higher quality of service to the membership.

Questions from the Secretarial Trust Commission:

What are the three (3) most important pieces of advice you would give other tribes who are considering compacting or contracting these trust services?

CSKT Answer

My advice falls under two categories.

The first piece of advice is for the tribe to be extremely well-prepared and also flexible before beginning self-governance negotiations. This has several components:

- Clearly identify any backlog issues when negotiating for real estate compacted services. Ensure that the funding is sufficient to cover the present workload and any backlog. If a certain compacted area is backlogged, you will need to negotiate for the backlog to remain with the BIA or for sufficient funds to be provided to the Tribe to clear the backlog.
- Clearly identify those reoccurring reports that are mandatory and/or discretionary. In the analysis, try to determine the cost of report preparation and also the value of reporting. Reports should be described in the self-governance agreement and a procedure should be established for annual review of the reports. Documentation should be well maintained.
- Clearly identify what services and training Tribal staff will be eligible to receive annually or over the life of the compact, as federal services and obligations change. (Tribes may compact services and then be left out of the training and or annual upgrades to existing federal programs and technology).
- Be sure that there is a passion for the service that is to be compacted. A dedication to customer service and positive outcomes is as important as a dedication to quality work.

My second piece of advice is for the tribe and the agency to both be flexible and recognize the importance of continued partnerships after the initial self-governance compact:

- There is a continued partnership with the BIA while a compact is negotiated and thereafter that requires both the tribe and the BIA to be flexible as challenges and unique circumstances arise. Some of the best outcomes are achieved when the dialogue remains open and there is a shared commitment to a project/goal. For example, the CSKT achievements with fee to trust in 2010 – 2012 are the result of a valued partnership and constant communication with the BIA and the BLM.

What are your top three recommendations that you think would improve or strengthen trust management and/or administration for the Commission to consider?

CSKT Answer

The most important recommendation is that the Commission should advocate and fight for an increase in funding resources. Every issue raised here is linked to the challenges faced by the tribes and by the agencies due to insufficient funding.

1. Assist in Securing Sufficient Funding and Increase Staffing to Handle Aged Probate Case Backlog

The biggest obstacle to achieving consistent sustainable resources and proper asset management is erratic and changing funding cycles and levels.

BIA funding levels must be consistent with other federal agencies that have similar natural resource responsibilities. If the Forest Service receives a higher per acre funding level than BIA Forestry, then something is wrong. BIA Agencies and BIA services must have funding parity with other federal agencies.

Tribal resources and the health of Tribal Communities are directly impacted by BIA funding levels and funding consistency. The Secretarial Trust Commission must work to define what trust responsibility is and then ensure that the Interior Department funds it well.

Trust management and administration can be improved with stable reoccurring funding levels that are indicative of the cost to provide the service.

The CSKT hope that the Trust Commission does not ignore the 20,000 aged probate cases that are still not heard in Indian Country. It is our opinion that the Interior Department must add additional financial and staffing resources to the probate issue and gear up, while the land buy back program is being implemented.

2. Recommend and Fight for the Enactment of Legislative and Regulatory Changes to the BLM's Management and Funding Restrictions

As part of an overall review of probates, we believe that the role of the BLM and the funding levels for BLM must be part of the dialogue. Heirs are waiting years to receive a fee patent that cannot be issued without a federal survey. At CSKT, a two (2) acre federal survey costs an estimated \$9,000.00. In some cases the cost of the federal survey exceeds the value of the land. At CSKT, there is a backlog of over 40 pending fee patents that cannot be issued, due to BLM funding restrictions.

We hope the Secretarial Trust Commission holds a special hearing to evaluate the role of BLM and makes recommendations to improve the relationship and the services. The CSKT appreciates and values the work done by BLM on fee to trust review. Our frustration is the pending fee patents where heirs are waiting to inherit land. We believe legislative and regulatory changes are in order. Indian landowners cannot make decisions in some cases due to the cost of a federal survey.

3. Explore the Use of Federal Waivers

Our third recommendation is that the Interior Department and BIA should more fully explore the use of federal waivers in the course of empowering Tribal nations. Efficiency and accountability can improve if Tribes are allowed the flexibility and opportunity to design programs that are responsive to the Tribal member public. Many regulations and unnecessary steps can be eliminated if self-governance agreements are more like demonstration projects.

Attachments/Enclosures:

CSKT Vision and Mission Statement;

2011 Tribal Lands Department Accomplishments by functional area;

CSKT Fee to Trust Accomplishments 2010 – 2012.

THE CONFEDERATED SALISH AND KOOTENAI TRIBES, THE SOVEREIGN PEOPLE OF THE FLATHEAD INDIAN RESERVATION



Vision

The traditional principles and values that served our people in the past are imbedded in the many ways we serve and invest in our people and communities, in the ways we have regained and restored our homelands and natural resources, in the ways we have built a self-sufficient society and economy, in the ways we govern our Reservation and represent ourselves to the rest of the world and in the ways we continue to preserve our right to determine our own destiny.

MISSION

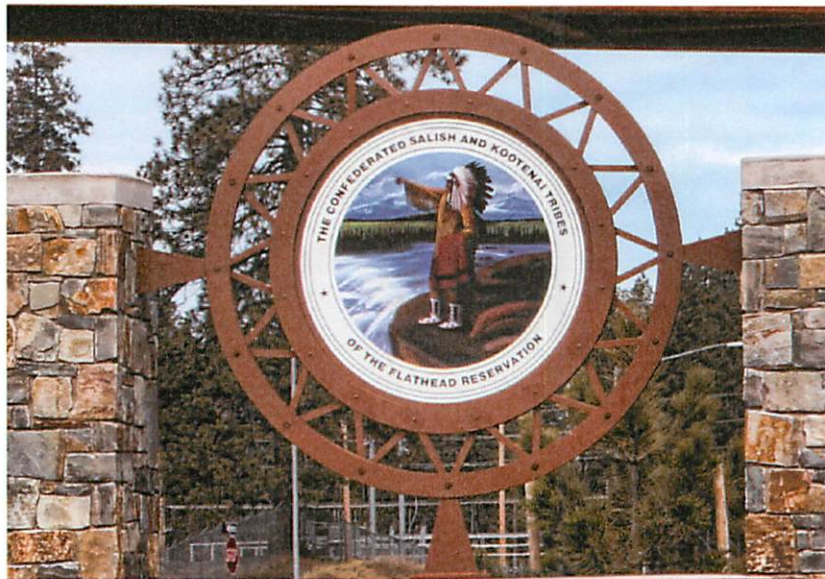
Our mission is to adopt traditional principles and values into all facets of tribal operations and service. We will invest in our people in a manner that ensures our ability to become a completely self-sufficient society and economy. We will strive to regain ownership and control of all lands within our reservation boundaries. And we will provide sound environmental stewardship to preserve, perpetuate, protect and enhance natural resources and ecosystems.

Confederated Salish and Kootenai Tribes (CSKT)

Flathead Indian Reservation

Tribal Lands Department (TLD)

When The Confederated Salish and Kootenai Tribes signed our Treaty in 1855 we were guaranteed the exclusive use of the 1.3 million acre Flathead Indian Reservation, giving up most of Western Montana. We gave up aboriginal use of over 20 million acres in exchange for a promise of 1.3 million acres. Less than 50 years later, over our objections, the Flathead Allotment was enacted which began the allotting and theft of lands of our homeland culminating in the Salish and Kootenai people owning less than half of our own Reservation in 1930.



One of our highest priorities is to reacquire as much land on our reservation as we can financially afford. The CSKT have made great strides in buying back the reservation and now own about 63%

**Confederated Salish and Kootenai Tribes (CSKT)
Tribal Lands Department (TLD)
2011 Accomplishments**

The Tribal Lands Department continues to provide a wide variety of services to the Tribal membership and the Tribal government. The Lands staff looks forward to future service challenges. What follows is a list of accomplishments for the 2011 year.

Agriculture Leasing and Compliance:

- ♦ Completed 424 lease compliance inspections
- ♦ On average throughout 2011 - The total agriculture acreage available for leasing, excluding range units, was 147,238 and 117,724 acres were leased. The acreage not leased included pending contracts, tracts set aside and tracts advertised but not leased.

Home Site Leasing and Compliance:

- ♦ Completed 669 lease compliance inspections
- ♦ Assisted lessees with 90 boundary locations
- ♦ On average throughout 2011 – 1,744 acres were leased for home sites

Minerals:

- ♦ Completed 37 gravel and rock permits
- ♦ Provided minerals information to the Office of Minerals Evaluation to be used to complete its review entitled, “Review of Existing Minerals Data for the Allotted Parcels Associated with the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Montana, July 2011.” The review is a critical component for the Indian Land Consolidation Program acquisition of fractionated mineral interests

Range:

- ♦ Issued 39 grazing permits for the period of 2011-2012. One advertised permit was issued in 2010 for a total of 40 grazing permits
- ♦ 23 compliance inspections
- ♦ 16 range unit assessments for level of utilization and rangeland condition/trend
- ♦ 5 trespass actions

Property Tax legislation:

- ♦ Assisted in the drafting, revising and monitoring of two property tax bills to provide tax relief for the Tribal government, and worked extensively with CSKT Legal Department on these legislative issues
- ♦ Provided testimony to several legislative committees and advocated for local community support letters that supported the bills’ successful passages. The end result was property tax legislation that benefited all seven (7) Indian Nations in the State of Montana (1) tax exemption for essential government services for Tribal governments and (2) fee to trust tax exemptions for property involved in the fee to trust process (5 year limitation).

Miscellaneous:

- ♦ Sixty five short-term revocable permits for use of the Polson Super 1, Ronan Senior Citizens, St. Ignatius Community Center and Arlee Finley Creek Road sites
- ♦ Issued a revocable permit for a film documentary in the Niarada area
- ♦ Two fireworks permits for each permit holder to sell during the 4th of July and the New Years seasons
- ♦ 370+ miscellaneous compliance checks for the year
- ♦ Completed two Christmas tree lot permits, one at the Polson Super 1 and one at Ronan Senior Citizens sites.

Noxious Weed Management:

- ♦ 3,437 acres treated with herbicides using aerial and ground applications
- ♦ Contracted sheep producer to target graze leafy spurge on 4,000 acres
- ♦ Total cost of these projects was \$111,200.00
- ♦ Cooperated with the US Fish and Wildlife service to release the stem-boring weevil, *Mecinus janthinus*, to control Dalmatian toadflax on approximately 2,000 acres within the lower Salish Mountains area
- ♦ Monitoring activities were conducted at four project locations
- ♦ Received \$91,918 in cost-share contributions from the Montana State Noxious Trust Fund grants and USDA EQIP contracts which covers nearly 83 percent of the total Fiscal Year 2011 project costs

MT Noxious Weed Trust Fund:

- ♦ Montana MEPA documents completed and grant proposals submitted for one year grants at McDonald Basin, Ravalli Hill, Lower Salish Mountains and the Oliver Point Sheep Grazing Project with a payment total of \$56,247

Appraisal Program:

- ♦ 38 appraisal assignments completed and approved by the Northwest Regional Office

Probates:

- ♦ 48 new cases started, 19 subsequent deceased heir cases started, 43 probate cases submitted for review, 64 decisions issued, 158 cases submitted for closing, 154 probate process ended, 35 no trust assets cases
- ♦ Assisted Records and Enrollment with family member research using TLD microfilm and other TLD records

Land Services:

	<u>Completed</u>		<u>New</u>
	<u>2011</u>	<u>Acres</u>	<u>Application/Pending</u>
Negotiated Sales/TLA	6	77	15
Negotiated Sales/BPA-ARCO	7	249.95	2
Bill of Sale	3		0
Partition	8		0
Joint Tenancy	2		0
Extinguish Life Estate	1		4

Exchanges	0		6
Fee to Trust	58	30,670	40
Mortgages	103		
Sub-Total	188	30,996.95	58
Gift Deeds	6		31
Fee Patents	6		8
Gift Deed in Fee	13		23
Sub-Total	25		62
Right of Ways	45		68
Service Lines	5		7
Trespass	2		0
Road Use/Revocable	11		3
Sub-Total	63		78

* All documents and transactions are recorded in the CSKT Land Title and Records (LTRO) Plant.

Conservation Efforts and planning:

The TLD Department participates in the USDA programs on an annual basis.

USDA Conservation Stewardship Program (CSP) contract entered into for Range Unit 14 – 20,820 acres enrolled beginning FY 2011 and continuing through FY 2014.

USDA Conservation Reserve Program (CRP) – 3 contracts at Lower Little Bitterroot River for FY 2011 – FY 2015; 2 for wildlife habitat lands manager by the Natural Resources Department, totaling 211 acres; and 1 for portions of the agricultural leases managed by the TLD department totaling 133 acres.

Several enrollments in the EQUIP Program for resource improvements.

CSKT Fee to Trust Accomplishments

2010 – 2012

Attached is a map of the Flathead Indian Reservation. In 1855, the entire area was green, representing Tribal ownership.

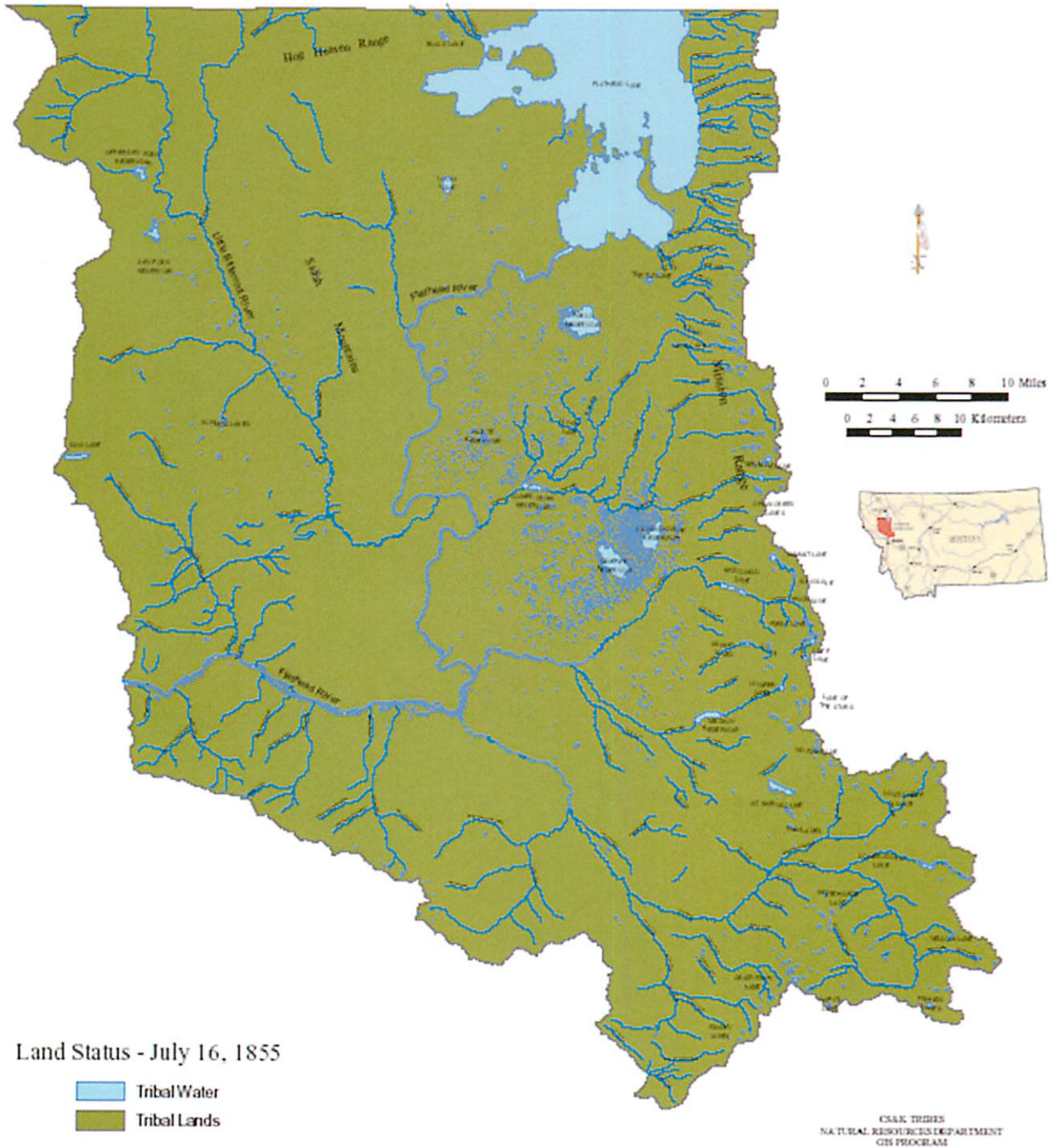
Today the land is a mix of Tribal ownership (green), individual trust (orange) and fee status land (yellow) and some state (gray) and federal lands (purple).

The map was developed so that TLD could illustrate to the Tribal Council and the Tribal membership which tracts of land moved from fee status to trust status.

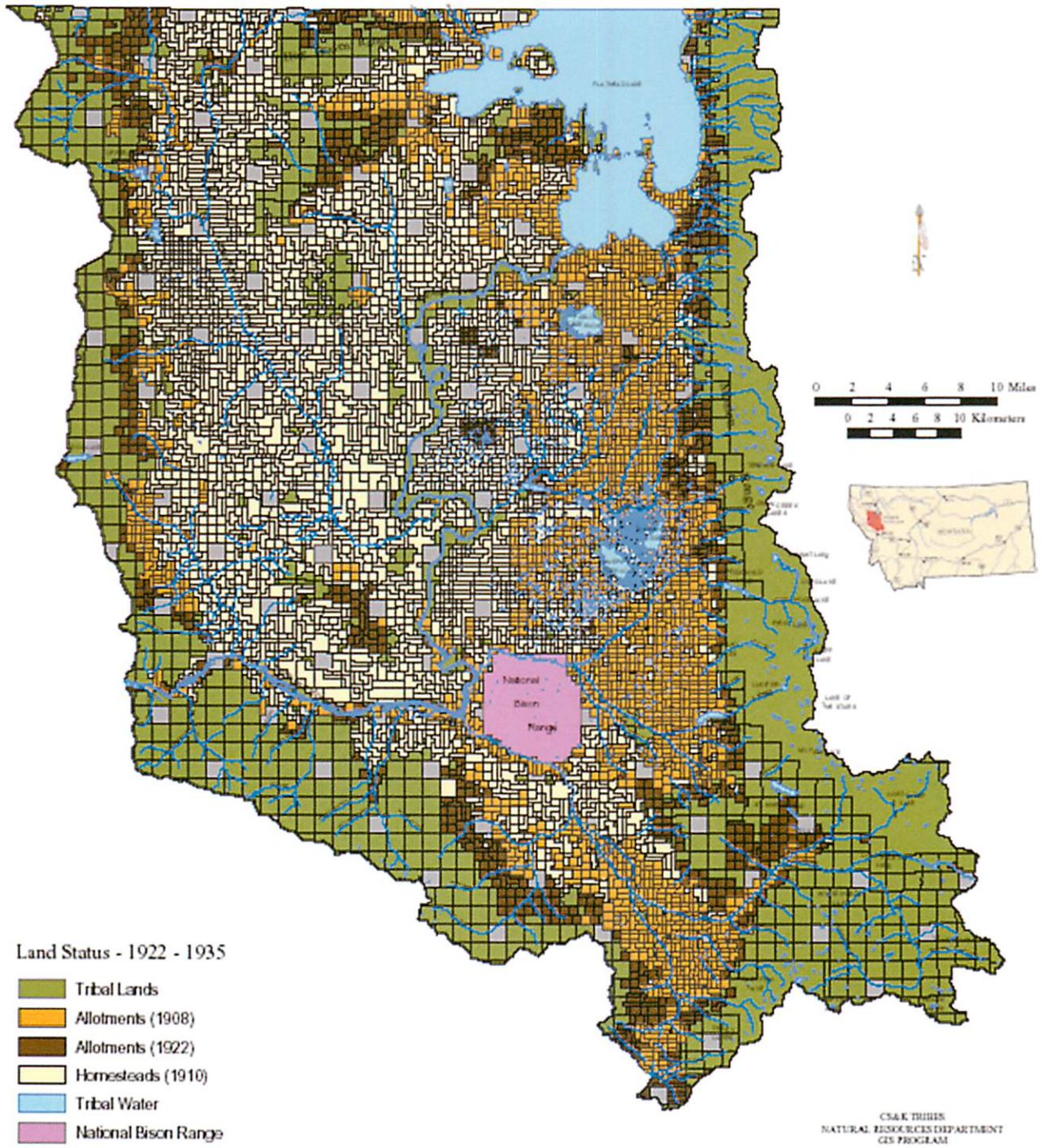
The lands recently put into Trust Status are red (solid and cross hatch).

From 2010 – 2012 over 70,000 acres has moved from fee status to trust status under a pilot program implemented by Tribal Council direction. This accomplishment would not have occurred without a commitment to Self - Governance and performance.

1855



1922 - 1935



THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE
FLATHEAD NATION
FEE TO TRUST PARCELS

