TITLE: Support for the Water Rights Compact between the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States of America

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, water is among the most sacred substances to the Confederated Salish and Kootenai Tribes (“CSKT” or “Tribes”), and the tribes utilized water in their aboriginal territory that stretched from Canada to Wyoming, and from Washington to Montana, for religious, hunting and fishing, and sustenance purposes; and

WHEREAS, federally-reserved water rights sufficient for the Tribes’ perpetual existence on the Flathead Indian Reservation were secured at the signing of the Hellgate Treaty in 1855, and moreover the Tribes’ aboriginal rights were confirmed by the express rights of the CSKT to hunt, fish, and gather throughout their aboriginal territory; and

WHEREAS, the United States illegally opened up the Flathead Indian Reservation for non-Indian settlement, and created the Flathead Indian Irrigation Project that dramatically altered natural waterways and irreparably damaged fish and wildlife habitat of the Reservation by creating a network of over 1,300 miles of ditches and canals filled with irrigation structures that now serve over 1,800 irrigators, 90% of which are non-Indian, and would have made prior appropriation of water rights nearly impossible to implement; and

WHEREAS, the State of Montana has pursued a state-wide adjudication of water rights, including Indian water rights pursuant to the McCarren Amendment as found applicable to Indian water rights in Colorado River Water Conservation District v. United States, 424 U.S 800 (1976), and simultaneously pursued negotiations between tribes; and
WHEREAS, the Tribes negotiated with the State of Montana and the United States for over 15 years to quantify the Tribes’ reserved and aboriginal water rights, with the Tribes making many concessions and compromises in an effort to find an amicable resolution, which resulted in the Water Rights Compact Entered Into by the Confederated Salish and Kootenai Tribes, the State of Montana, and the United States of America (“Compact”); and

WHEREAS, the Compact benefits the Tribes by quantifying water for the CSKT people, as was promised by the U.S. upon the signing of the Hellgate Treaty, and benefits the State by protecting water rights for its citizens and its wildlife, thus creating a benefit for the whole region; and

WHEREAS, the Compact requires passage by the Tribes, the State, and the U.S. to be implemented; and

WHEREAS, the Montana legislature approved the compact, and on April 24, 2015, Montana State Governor Steve Bullock signed the Compact into State law; and

WHEREAS, the Compact now must be approved by the U.S. Congress.

NOW THEREFORE BE IT RESOLVED, NCAI supports the rights of all tribes to negotiate agreements and compacts to resolve and exercise their water rights; and

BE IT FURTHER RESOLVED, that NCAI supports the Confederated Salish and Kootenai Tribes efforts to settle their water rights through a compact with the State of Montana and the United States to promote the sovereignty of the Tribes for future generations; provide certainty for the State of Montana; and benefit all people and wildlife in the region, and therefore asks that the U.S. Congress pass the Compact into law; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2015 Midyear Session of the National Congress of American Indians, held at the St. Paul River Centre, St. Paul, MN, June 28 to July 1, 2015, with a quorum present.

Brian Cladoosby, President

ATTEST:

Aaron Payment, Recording Secretary