

THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION

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A People of Vision

A Confederation of the Salish,
Pend d' Oreilles
and Kootenai Tribes

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APR 18 2014

Ravalli County Commissioners

April 14, 2014

TRIBAL COUNCIL MEMBERS:

- Ronald Trahan - Chairman
- Carole Lankford - Vice Chair
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Ravalli County Commissioners
215 S. 4th Street, Suite A
Hamilton MT 59840

Re: Confederated Salish and Kootenai Tribes – Response to the concerns of Ravalli County in requesting the Department of Interior to take land into trust for the use and benefit of the CSKT – Medicine Tree Property

Dear Commissioners:

By letter dated December 4, 2013, the Flathead Agency requested comments and certain information from Ravalli County concerning the acquisition of fee property located in Ravalli County be acquired by the United States to be held in trust for the use and benefit of the Confederated Salish and Kootenai Tribes (CSKT). Ravalli County responded to the Department of Interior (DOI) Flathead Agency request via letter dated December 18, 2103.

The CSKT response pertains to the following property:

The SE1/4NW1/4 and all that part of the NW1/4SW1/4 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.

And

A tract of land in the NW1/4SW1/4 of Section 22, Township 2 North, Range 20 West, P.M.M., Ravalli County, Montana, as shown by the shaded area on the plat made part of Instrument No. 544781.

Ravalli County offered the following information for the review and decision record of the Department of Interior:

- (1) The annual amount of fee property taxes currently levied on the property is \$808.00 per year.
- (2) There are no special assessments currently assessed against the property.
- (3) Governmental services that are currently provided to the property include police, fire protection, health, sanitation, environmental regulation, and transportation safety. This site has been desecrated from time to time; thus, there is a need for ongoing law enforcement. The land is in a remote area where wildfire dangers arise each fire season. This is a concern due to the existence of a residence and animals on the site and due to the fire danger to adjoining lands and structures on adjoining lands. Local services provide fire suppression, warnings, help with evacuations, and other assistance due to fire emergencies. The residential use of the property necessitates compliance with local sanitation, environmental regulation, water and other health and safety regulations, all of which are administered by local governmental officials. Also, this land is immediately adjacent to U.S. Highway 93 and access is provided directly off U.S. Highway 93, which is scheduled for improvement in that area in the near future. The use of this property, which is directly next to the Highway, and which is accessed directly from the Highway, invokes serious safety concerns, including the need for local maintenance, snow removal, access control and supervision.
- (4) The subject property is not currently zoned.

Ravalli County maintains that the Tribal owned fee property consists of approximately 58.1 acres, and is located more than 125 miles from Pablo. The CSKT want to point out that the Medicine Tree property is 85 miles from the federally established Flathead Indian Reservation Boundary. The cultural significance of the site comes from the fact the Bitterroot area, where the tree is located, is the aboriginal homelands of the Bitterroot Salish. The Salish were the first recorded inhabitants of the Bitterroot Valley before being forcibly removed to the present Reservation.

The physical distance from our Reservation does nothing to demean the significance of this important religious and cultural site to my people. The significance is the Medicine Tree is part of the Bitterroot Salish creation stories. The CSKT have had a relationship with the site and the general area of the tree for over 300 years (for perhaps 200 years before the Ravalli County government was established in 1893). The distance is therefore irrelevant when considering an aboriginal homeland and a place that includes ancestral remains and generations of Tribal family interactions. That is why we have biannual pilgrimages to the Medicine Tree from our Reservation for longer than any of us can recall.

Ravalli County maintains that no information regarding any particular act of Congress was provided to them when commenting on the fee to trust process. The CS& K Tribes refer the County Attorney to 25 CFR Part 151 – Land Acquisitions. The CSKT, like other federally recognized Tribes, have the authority to request that the Department of Interior (DOI) take land into trust for the benefit of the Tribes. The authority is also found in the Indian Reorganization Act of 1934 (25 U.S.C. 465).

In addition, the CSKT as the owners of the property, have the authority to convey the subject property to the United States in trust for the CSKT pursuant to Article VI, Section 1 and Article VIII, Section 2 of the Constitution and By-Laws of the CS&K Tribes of the Flathead Indian Reservation, Montana approved by the Secretary of the Interior on September 25, 1935, and as amended. Thus, there is clear federal authority for a nationally recognized Tribal government to acquire land and have it converted from fee status to trust status.

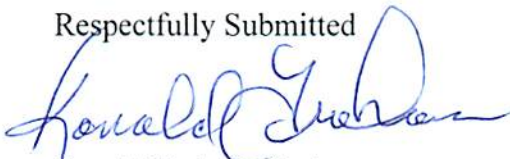
Although the CSKT has stated such in its fee to trust application, the Tribes reiterate that it has no intentions to create a business on the property nor do we intend to use the property for housing. Tribal Resolution No, 14-113 adopted by the Tribal Council on March 4, 2014 provides for the dedication of this historic property in Ravalli County to religious and cultural purposes for the Tribes. This Tribal Resolution (copy attached) enacted a short time ago serves as an explanation of our intent with this property and that is to continue to use it for cultural purposes, which is consistent with Tribal Self-Determination. The CSKT enacted this resolution to answer the questions of "what the land will be used for".

Under 25 C.F.R. § 151.10(f), the Secretary is to consider jurisdictional problems and potential conflicts of land use which may arise. It is noted that the CSKT have owned the Medicine Tree property since March 1999. In that time period, the CSKT are not aware of any jurisdictional issues or land conflicts that have posed a substantial burden to the residents of Ravalli County. Furthermore, it is not the fault of the CSKT that over 70 percent of the real property in the County is currently owned by the Federal Government. The Medicine Tree tax accounts for approximately 0.0000704569236 of the County's property tax base. The CSKT maintain that Tribal folks who travel to the Medicine Tree for a variety of events spend more in the local economy than the \$808.00 that the Tribes have paid in the past for property taxes. Therefore, the economic benefit of the preservation of the site outweighs the loss of tax revenue.

When CSKT Leaders and staff traveled to meet with the Commissioners we never expected the insensitive and hurtful comments that were made in the public meeting. As a result, many local citizens of Ravalli County called upon the Commissioners group to issue an apology to the Tribes. The best possible apology would be to not interfere with the transfer of the Medicine Tree property from fee to trust status. This would honor our continued religious and cultural connection with the property.

Our Tribal government convenes each Tuesday and Thursday and walk-in issues are taken at 9 a.m. We would graciously make time for your group if you travel here on a Tuesday or Thursday.

Respectfully Submitted



Ronald Trahan, Chairman
Confederated Salish and Kootenai Tribes

Attachment: Tribal Resolution No. 14 – 113

cc: Howard F. Recht, Attorney's Office

RESOLUTION
OF THE GOVERNING BODY OF THE
CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD RESERVATION

RESOLUTION DEDICATING FEE LAND LOCATED IN RAVALLI COUNTY,
MONTANA TO RELIGIOUS AND CULTURAL PURPOSES FOR THE
CONFEDERATED SALISH AND KOOTENAI TRIBES

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED
SALISH AND KOOTENAI TRIBES:

WHEREAS, The Tribal Land Acquisition Program was approved by the Act of
June 18, 1934 (48 Stat. 984); and

WHEREAS, the Tribes acquired 58.00 and .085 acres as described in Tribal
Resolutions No. 14-054 and 14-053 which are incorporated herein for future
reference; and

WHEREAS, this property is known as the "Medicine Tree Property"; and

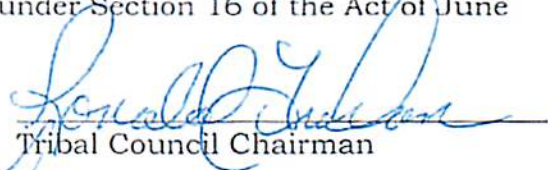
WHEREAS, the Confederated Salish and Kootenai Tribes have requested that
the Bureau of Indian Affairs, pursuant to the Act of June 18, 1934 (48 Stat.
984), transfer title to the property to the U.S.A in trust for the Confederated
Salish and Kootenai Tribes, for the protection of this irreplaceable unique
religious and cultural site. NOW, THEREFORE,

BE IT RESOLVED, that the Chairman of the Tribal Council, or his delegated
representative is authorized to execute the transactional documents necessary
to complete the land conveyance for Real Property situated in Ravalli County,
Montana.

CERTIFICATION

The foregoing resolution was adopted by the Tribal Council on the 4th day of
March, 2014, with a vote of 10 for; 0 opposed; and 0 not voting, pursuant to
authority vested in it by Article IV Section 1 (a), (d) and (u) and by Amendment
III, Section 1, (amending Article VIII) of the Tribes' Constitution and By-Laws;
said Constitution adopted and approved under Section 16 of the Act of June
18, 1934 (48 Stat.984"), as amended.

ATTEST: 
Tribal Council Secretary


Tribal Council Chairman