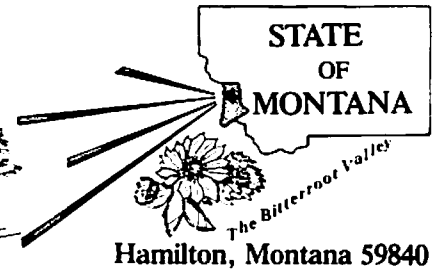
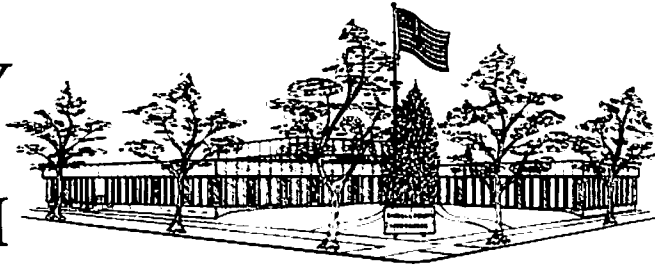


# COUNTY OF RAVALLI



Ravalli County Commissioners  
215 S. 4<sup>th</sup> Street, Suite A  
Hamilton, MT. 59840  
406-375-6500  
[commissioners@rc.mt.gov](mailto:commissioners@rc.mt.gov)

December 18, 2013

United States Department of the Interior  
Regional Director  
Bureau of Indian Affairs  
Northwest Regional Office  
911 Northeast 11<sup>th</sup> Avenue  
Portland, OR 97232-4169

**Re: Acquisition of Land by the U.S. to be held in trust for the use and benefit of the CSKT**

To Whom It May Concern:

By letter dated December 4, 2013, the Flathead Agency requested comments and certain information from Ravalli County concerning the proposal that certain 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 & Kootenai Tribes.

This request pertains to the following property:

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.

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 the plat attached and made part of Instrument No. 544781.

The following is in response to the specific information requested:

- (1) The annual amount of 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 such governmental services as 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.

The subject property consists of approximately 58.1 acres, and is located more than 125 miles from Pablo. Title is held in the name of the Confederated Salish & Kootenai Tribes.

The property actually consists of two parcels joined only at a common corner. One parcel is next to U.S. Highway 93 and includes the traditional location of the Medicine Tree as well as a residence. The other parcel is bare land, but there are questions about access to that parcel.

Under 25 C.F.R. § 151.3, land may be acquired in trust status only when such acquisition is authorized by an act of Congress. No information regarding any particular act of Congress was provided in the above-referenced letter. Ravalli County requests that this information be disclosed and reserves the right to further comment once disclosed.

Under 25 C.F.R. § 151.3, land may be acquired in trust status when either the tribe already owns an interest in the land or when the Secretary determines that the acquisition of the land is necessary to facilitate tribal self-determination, economic development, or Indian housing. As no information regarding the basis for the proposal that the land be acquired in trust status has been provided, Ravalli County requests that this information be disclosed and reserves the right to further comment once disclosed.

Under 25 C.F.R. § 151.11, where land is being acquired for business purposes, the tribe is required to provide a plan that specifies the anticipated economic benefit associated with the proposed use. As the CSKT does use the property for business purposes, but has not disclosed a

business plan, Ravalli County requests a business plan and reserves the right to further comment once a plan is disclosed.

Under 25 C.F.R. § 151.10(c), the Secretary is to consider purposes for which the land will be used. No information concerning this was provided in the above-referenced letter. Ravalli County requests disclosure of this information and reserves the right to further comment once this information is disclosed.

Under 25 C.F.R. § 151.10(e), the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls is to be disclosed. The CSKT has acknowledged that the acquisition of this land in trust status will adversely impact Ravalli County in that governmental services pertaining to the property will still need to be provided by Ravalli County, but without compensation to the County. Thus, the CSKT has suggested that it will consider a plan to mitigate this adverse impact. As of this time, no such plan has been submitted; thus, Ravalli County requests that a mitigation plan be submitted and reserves the right to comment on the plan once submitted.

Under 25 C.F.R. § 151.10(f), the Secretary is to consider jurisdictional problems and potential conflicts of land use. The CSKT has acknowledged that the acquisition of the land in trust status will result in jurisdictional questions and land use issues including jurisdiction for law enforcement; fire issues; water, sanitation, and environmental health issues; access issues off of U.S. Highway 93; and safety issues stemming from its location directly adjacent to the Highway with access being provided directly from the Highway. The CSKT has acknowledged that it has entered into agreements with other local governments to address these and other issues, and indicated that such may be necessary in this circumstance. As of this time, no such agreement has been proposed; thus, Ravalli County requests that a proposal for an appropriate plan be submitted and reserves the right to comment on the plan once submitted.

Under 25 C.F.R. § 151.10(g), the Secretary is to consider whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status. No information regarding how the Bureau intends or is equipped to discharge these responsibilities was provided in the above-referenced letter. Ravalli County requests disclosure of this information and reserves the right to further comment once this information is disclosed.

The above-reference letter indicated an intent to remove this property from the tax rolls. Ravalli County objects to any such removal on the following grounds: (i) as it stands, this property is minimally taxed, and would not qualify for removal based on state law; (ii) due to declines in the real estate market and for other economic reasons, the County's budget has already been severely stressed necessitating restrictions, including layoffs; and (iii) over 70 percent of the real property in the County is currently owned by the Federal Government, thus additional acquisitions are not in the County's best interest.

For the foregoing reasons, Ravalli County objects to the request to place the above-referenced land in trust status. Further, Ravalli County requests that the information not disclosed, as noted

December 18, 2013

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herein, be disclosed and that the County be afforded an additional opportunity to comment once disclosed.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Burrows", written over a horizontal line.

Jeff Burrows, Chairman  
Board of County Commissioners

cc: Howard F. Recht, County Attorney's Office