

## Commissioners

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**From:** NBALLANCE@aol.com  
**Sent:** Sunday, January 26, 2014 8:35 PM  
**To:** Commissioners  
**Subject:** MACO Resolution document  
**Attachments:** 2-ProposedMACOresolution.doc

*ON For  
Feb 6th  
@ 200*

To Commissioners:

I am attaching the proposed resolution to MACO concerning the CSKT Compact that was presented in the January 24 meeting.

I know there are some "Whereas" clauses that you may want to remove. I would also like to suggest a couple "Whereas" clauses we may want to add. I will help with the wording if you agree.

1. The Unitary Management Ordinance in the proposed CSKT Compact sets a precedent of removing Montana citizens from the protection of the MT Constitution and gives authority to another sovereign nation. This creates a dangerous precedent that could potentially go far beyond the issue of water.
2. There is language in the proposed CSKT Compact that gives the Federal Government jurisdiction of the off-reservation water rights, potentially opening those areas to issues brought by the Environmental Protection Act and the Endangered Species Act.

I will be happy to work with you to get the wording of the resolution completed.  
Rep. Nancy Ballance  
406-363-8416

**RESOLUTION IN SUPPORT OF A NEGOTIATED COMPACT  
RESOLVING THE FEDERAL RESERVED WATER RIGHTS OF THE  
CONFEDERATED SALISH AND KOOTENAI TRIBES**

Whereas, the Montana Association of Counties (MACO) supports negotiation as an effective means of resolving the federal reserved water rights of the Confederated Salish and Kootenai Tribes (CSKT), and

Whereas, MACO recognizes and acknowledges the extensive work of the Montana Reserved Water Rights Compact Commission in successfully negotiating other federal reserved water rights Compacts across Montana, and

Whereas, the Montana Reserved Water Rights Compact Commission completed negotiation with the Confederated Salish and Kootenai Tribes and developed a proposed Compact for consideration in the 2013 Montana Legislative session, and

Whereas, MACO recognizes that the proposed CSKT Compact differs considerably from all the other Tribal Compacts negotiated by the Montana Reserved Water Rights Compact Commission, and

Whereas, the proposed compact will be a legal document that cannot be amended by the State of Montana at a later date and whose components result in irretrievable actions that significantly affect the quality of the human and natural environment, and

Whereas the 2013 Montana Legislature could not ratify the proposed Compact because it did not have sufficient information by which to evaluate its long term impacts, and

Whereas, the information needs include an evaluation of the potential economic, regulatory, and environmental impacts of the proposed Compact on the eleven counties of western Montana which may be affected, and

Whereas, the proposed Compact is currently being studied by the Water Policy Interim Committee, and

Whereas, twenty-five legislators presented a request to the Environmental Quality Council for an independent study of the potential economic, regulatory and environmental impacts of the proposed compact, and

Whereas, MACO supports the efforts of the Montana legislature to acquire the information needed to make a responsible, informed decision on the proposed CSKT Compact and further supports consideration of the proposed Compact in the 2015 legislative session,

***Now therefore be it resolved that***

MACO supports a timely evaluation of the economic, regulatory, and environmental impacts of the proposed Compact so as to provide legislators with the information required to properly consider the proposed Compact in the 2015 legislative session, and

MACO would support a one-year extension of the filing deadline for the CSKT federal reserved water rights claims until July 1, 2016 if needed to complete such studies, and

MACO supports the resolution of the federal reserved water rights claims of the CSKT through negotiation.