

**Exhibit Number: 10**

**This exhibit contains several piece of writings collected by Sarah Carlson regarding CD's, in regard to HB 635**

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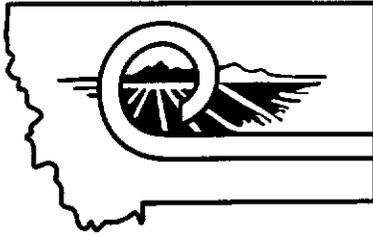
**Lake County Conservation District**

**5 Maps**

**[1 State of Montana & colored counties**

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**This exhibit exceeds the maxium amount of pages that can be scanned. However to aid in your research a few pages have been scanned. The original exhibit is on file at the Montana Historical Society and may be viewed there.**



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February 17, 2005

Mr. Chairman and Members of the House Agriculture Committee:

My name is Sarah Carlson and I work for the Montana Association of Conservation Districts (MACD). I am appearing before you today in opposition to HB 635. Many of you are familiar with the CDs in your area but I have included some handouts for your information about basic CD responsibilities. As you can see, Montana's CDs work with many partners in their on-the-ground efforts with landowners, including the NRCS, USFWS, and tribal conservation districts.

I'd like to offer four points for you to consider during your deliberations on HB 635:

1. Tribal conservation districts may have a similar name but have very different roles and responsibilities compared to state-created CDs. Just like the NRCS and USFWS, tribal conservation districts are not established or defined under state law. They are set up pursuant to federal law. Tribal conservation districts create their own duties, select their representation with no input from the state or local governments. To be clear, this is not to say tribal conservation districts are somehow inferior, less important, or not valid. Rather, it is simply an acknowledgement that tribal conservation districts are not bound by state mandates and are therefore different from state-created CDs.
2. There is significant land – in some cases close to 50%--within the boundaries of a reservation that is owned by individuals who are not members of the tribe. This land is currently considered part of a state-created CD. State-created conservation districts supervisors are elected in the state general election and take an oath to uphold the constitution of Montana. The individuals with land inside the boundaries of a reservation will have these protections and representation taken away from them if HB 635 passes. It forces them into a tribal conservation district in which, as non-tribal members, they will have no representation.
3. As political subdivisions of the state, state-created conservation districts have taxing authority and receive revenue from taxing this land within the reservation boundaries. In addition, state-created CDs are creations of the legislature and most have been in existence since 1939; state law dictates our creation and operation. Within our boundaries, we must administer certain state laws, including the 310 law (the Natural Streambed and Land Preservation Act of 1975). Under HB 635, those areas forced into a tribal conservation district will no longer have a state-created CD to administer these state laws. In the case of the 310, the statute states that the County or Grazing District must fulfill these responsibilities. A tribal conservation district cannot administer the 310 law as it is a state law and a tribal CD, as noted above, is not a state entity.
4. Under current law, tribal members can and do serve on state-created conservation district boards if they live within the boundaries of a conservation district. State-created conservation districts can and do sponsor grants for projects on reservation lands.

Thank you for the opportunity to share the CDs' concerns with you.

To the Attention of the House Ag Committee,

2/16/05

The Roosevelt County Conservation District (RCCD) writes in opposition to HB 635.

The Roosevelt County Conservation District has a long proud tradition of conserving soil and water throughout Roosevelt County. Success has come through diverse, inclusive cooperation. Inclusion of dryland producers, irrigated producers, livestock producers, rural and urban producers, male and female producers, and Indian and non-Indian producers. This cooperation has spawned successes that include the 200 million MRI-Dry Prairie Rural water project and \$200,000 in currently active grants for rehabilitation of the Fort Peck BIA irrigation project. **Passage of House Bill 635 would end this winning formula.**

Roosevelt County contains 1,526,400 total acres, of this total 1,105,920 lie within the boundaries of the Fort Peck Reservation. Assuming formation of a tribal conservation district, Sec 2 HB635 would prevent overlap of districts and exclude over two thirds of Roosevelt County from the Roosevelt County Conservation District. Half of the 1,105,920 acres within the reservation are fee or deeded land and would have no conservation district representation. The loss of resources is not limited to land; four of the seven current supervisors reside within the boundaries of the Fort Peck Reservation and would be excluded from participation, with the exception of one that is an enrolled member of the Fort Peck Tribes. Loss of revenue from fee land within the Reservation would result in a loss of at least \$7000, half of the RCCD mill levy revenue. Revenue that is now currently used to implement conservation in Roosevelt County.

Even though tribal conservation districts have "conservation district" in their name, the similarities with the state conservation districts end there. Tribal conservation districts are set up according to federal law, and are not bound by state law. Tribal districts can create their own duties; select their own representation without input from state or local governments. In short, tribal district are not equal replacements for state sanctioned conservation districts. While RCCD is fully aware of the difficulties in funding conservation districts, because of the differences in charter and duties tribal districts should not compete with state districts for funding as proposed in Sec 3 HB 635.

If everyone's goal is provide good conservation services to all Montanans, Roosevelt County Conservation District asks that you help us continue to meet that goal by providing conservation services to all the residents of Roosevelt County.

**Vote against House Bill 635.**

Sincerely,

Roosevelt County Conservation District



**Lake County Conservation District  
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February 16, 2005

Re: HB 635

Please consider the following in the hearing on this bill. Our conservation district opposes HB 635 because of the negative effect it will have on Montana's state created conservation districts, and that it takes away critical resources from state created conservation districts which are charged with completing the state's business.

- 1: While tribal conservation districts may have a similar name they have a very different function than the 58 conservation districts in the State of Montana. Conservation Districts were created over 60 years ago as sub-divisions of the state and therefore operate state and local programs, with funding from local mill levies. The board of Supervisors for the existing conservation districts is elected by all the people in a conservation district and serve Tribal and fee patent landowners. Over 50 percent of the land in some reservation boundaries is privately owned and taxed by the State of Montana and local entities.
2. Tribal conservation districts are set up under federal law and would be an exclusionary organization not elected by the people of Montana, therefore they would not be bound by state mandates. State created conservation districts have elected officials whom are bound to uphold the constitution of the State of Montana.
3. As listed in the proposed bill "all land regardless of ownership, within the boundaries of a reservation be included in a tribal conservation district". This is again taxation without representation and not fair to the individual landowners who live on the reservation but pay state and local taxes, and would be governed by a group of people without an opportunity to vote on the proposed creation of tribal conservation districts.
4. As state created conservation districts, state law dictates our creation and operation. Within the boundaries of the conservation districts we have several state laws that we administer such as the Natural Streambed and Land Preservation Act of 1975. Under HB 635, those areas forced into a tribal conservation district will no longer have a state-created conservation district to administer the law. A tribal conservation district cannot administer this law as it is a state law. Tribal conservation districts are not tasked with, nor can they be required to fulfill state mandates.

Susan Gardner  
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Edward Butcher, Chair, House Agriculture Committee  
Jeanne Windham, Lake County

Re: HB635, " An Act Generally Revising the Laws Relating to Conservation Districts"

This is to state my opposition to HB 635. Conservation Districts grew out of a need for local citizens to work together with State and Federal Agencies on conservation issues. For over 60 years this partnership has flourished. The responsibilities of a conservation district are established by State Law. Funding comes from county mil levies as well as governmental programs. My opposition to this bill focuses on several points.

1. All voting residents of Lake County, Tribal and non-tribal, have a stake and a say in conservation district funding through the mil levy. Funding a tribal conservation district with county taxes would take away representation of non-tribal residents on that board.
2. Particularly in regard to the Montana Natural Streambed and Land Preservation Act (310 Law), conservation districts have responsibilities mandated by state structured or mandated to administer state law.
3. In Lake County, the Confederated Salish and Kootenai Tribes also have a permitting system for work in riparian and wetland areas. We can and do cooperate on streambed/streambank projects.
4. Tribal agencies have access to federal monies that state mandated conservation districts do not have. On the Flathead Reservation, this situation augments the natural resources work that can be done.

In summary, the conservation districts of the State of Montana are effective and efficient. The structure should not be changed.

Thank you for your consideration,

Susan Gardner