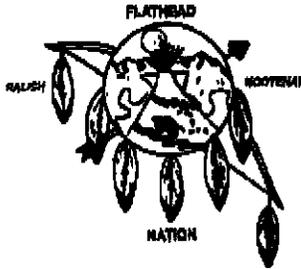


**THE CONFEDERATED SALISH AND KOOTENAI TRIBES
OF THE FLATHEAD NATION**



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No. HB 201



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TRIBAL COUNCIL MEMBERS:
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Ron Trahan

March 14, 2005

**Honorable Michael Wheat, Chairman
Senate Judiciary Committee
Montana State Senate
P.O. Box 200500
Helena, MT 59620-0500**

Re: Statement of Support for House Bill No. 201

Dear Chairman Peterson:

The Confederated Salish and Kootenai Tribes ("Tribes") have studied House Bill No. 201 and have consulted on the Bill with representatives from the Montana Department of Justice Natural Resource Damages Litigation Program ("MtNRDLP"). After having considered the bill and the need for continued natural resource damages litigation in the Upper Clark Fork River Basin, the Tribes submit this letter for the purpose of stating our support for House Bill No. 201 and urging you to advance the Bill through the Senate Judiciary Committee without delay.

The river, which is now named the Clark Fork, is a natural resource of importance to Tribal people. It is a place where our ancestors traveled, camped, gathered foods and medicines, prayed, hunted, and fished. Present day Tribal people still use this place in these same ways. We do so as a way of life and as a legacy. Our elders have always told us of the importance of this river and of our responsibility to care for it. We need to respect it and care for it for the short time we are here just as our ancestors had done for many thousands of years. They ensured that we would inherit a place of beauty and abundance. We must try to do the same for our descendants.

In 1855, near present day Missoula, Tribal people formalized their relationship with the United States by entering into the Hellgate Treaty. In the Treaty, the Tribes agreed to cede vast areas of their aboriginal territory to the United States including the lands contained within the Upper Clark Fork River basin. In return the United States promised to provide specified goods and services and guaranteed that the Tribes could continue their traditional way of life. To effectuate this guarantee, the Tribes retained exclusive possession of the Flathead Indian Reservation as their homeland and also expressly reserved in perpetuity the right to fish at all of their usual and accustomed places and to hunt, gather plants, and pasture stock in open and unclaimed lands located throughout their aboriginal territory. The Clark Fork River and its flood plain, including the areas included in the Milltown Reservoir/Clark Fork River Superfund Site, is

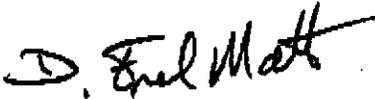
among the places subject to the Tribes' Treaty-reserved fishing right. Pursuant to this Treaty right, the Tribes function as a co-trustee with the State for the Clark Fork River fishery, and for the aquatic and riparian resources from which it arises. As a co-trustee, the Tribes intervened in *Montana v. ARCO*, No. CV-83-317-H-PGH, and continue to participate in the natural resource remediation and restoration decision making processes for the Milltown Reservoir/ Clark Fork River Superfund Site.

In 1889, the State of Montana formalized its relationship with the United States pursuant to the terms of the Enabling Act. Upon achieving statehood the State acquired ownership to the bed and banks of the Clark Fork River and assumed co-trusteeship of the natural resources that form the river and its flood plain. Over the past 150 years the State and Tribes have developed a relationship that allows for both parties to perform their co-trustee rights and responsibilities. Although the relationship was difficult, and sometimes violent in its earlier years, over the past ten years it has greatly improved. The MtNRDLP has played a significant role in this improvement.

MtNRDLP has forged a working relationship with the Tribes which is respectful of the co-trustee rights and responsibilities of each party. The agency has facilitated development of unified natural resource restoration planning which is comprehensive for the government trustees and cost effective for the responsible parties. This approach was key to developing settlement agreements for the Silver Bow Creek and Milltown Reservoir Operable Units in the past. The Tribes believe such an approach will also be key for successful settlement of the Clark Fork River and Butte Priority Soils Operable Units in the future. Accordingly, the Tribes support continued funding for the MtNRDLP pursuant to the terms of House Bill No. 201 and recommend that the Senate Judiciary Committee approve the Bill as drafted.

The Tribes trust that the Committee will give its recommendation due consideration and extend their thanks for the Committee's time, effort and attention regarding this issue.

Sincerely,



D. Fred Matt
Chairman - Tribal Council