



State-Tribal Relations Interim Committee

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

58th Montana Legislature

SENATE MEMBERS

JOHN BOHLINGER--Chair
EDWARD BUTCHER
KEN HANSEN
CAROLYN SQUIRES

HOUSE MEMBERS

CAROL JUNEAU--Vice Chair
BRUCE MALCOLM
RICK RIPLEY
JONATHAN WINDY BOY

COMMITTEE STAFF

CONNIE ERICKSON, Research Analyst
EDDYE MCCLURE, Staff Attorney
DAWN FIELD, Secretary

MINUTES

September 29, 2003

Fort Belknap Indian Reservation
Harlem, Montana

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division.

Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

SEN. JOHN BOHLINGER, Chair
REP. CAROL JUNEAU, Vice Chair

SEN. EDWARD BUTCHER
SEN. KEN HANSEN

REP. BRUCE MALCOLM
REP. RICK RIPLEY
REP. JONATHAN WINDY BOY

COMMITTEE MEMBERS EXCUSED

SEN. CAROLYN SQUIRES

STAFF PRESENT

CONNIE ERICKSON, Research Analyst
DAWN FIELD, Secretary

AGENDA & VISITOR'S LIST

Agenda, Attachment #1

CALL TO ORDER AND ROLL CALL

Sen. Bohlinger called the meeting to order at 9:30 a.m. Roll call was taken, Sen. Squires was excused.

On behalf of the Committee and himself, Sen. Bohlinger expressed appreciation for the opportunity to visit the Fort Belknap Indian Reservation, enabling the Committee to become better acquainted with the issues and problems facing the Assiniboine and Gros Ventre peoples. The Committee members and staff introduced themselves to the Tribal Council.

Ms. Erickson thanked **Ms. Julie Kulbeck**, for the assistance she provided in planning the Committee's visit to the reservation.

Fort Belknap Tribal Council members, community leaders, education representatives, high school student council members, and community members welcomed the State-Tribal Relations Interim Committee members to the reservation and expressed their desire to work with the Committee to enhance communications between the two bodies and to work toward common goals.

County Commissioner Delores Plumage welcomed the Committee to Blaine County and extended an invitation for the Committee to visit the Blaine County Courthouse and Commissioners.

Sen. Bohlinger presented a Montana State Flag and a CD-ROM copy of the Montana Code Annotated containing the statutes enacted in the 2003 Legislature to Chief Benjamin Speakthunder as a token of the Committee's appreciation.

Chief Speakthunder asked Rep. Juneau to give an opening prayer.

Benjamin Speakthunder, President, Fort Belknap Indian Reservation

President Speakthunder welcomed the members and stated this was the first meeting of its kind he had had the privilege of presiding over. He thanked the Committee for the flag and the CD-ROM. He also thanked Sen. Hansen and Rep. Windy Boy for their efforts in representing Indian interests. President Speakthunder said there were a number of areas he wished to discuss with the members and stated:

- he endorses HJR 8;
- the Tribe has the responsibility of educating the lawmakers of the issues facing the Montana Indian nations and to promote an understanding of how tribal government operates;
- there is a tremendous need for economic development on the Reservation to battle the poverty conditions experienced by many;
- the Reservation unemployment rate is 65-70%;
- he would like the Montana Department of Labor to include BIA unemployment statistics in their reports;
- the Tribe has concerns relating to its gas, alcohol/tobacco, gaming, and water compacts;

- the importance of a quality education and the high dropout rate of Indian students are of great concern to the Tribe;
- the tribal college system and the potential for expansion is very important to the future of the Fort Belknap Reservation;
- the TANF cuts on the Reservation have had a severe impact on the lives of many families;
- the Reservation is in need of funding for long-overdue infrastructure repairs and maintenance;
- the Reservation law enforcement officers are overburdened and under-funded;
- there is a need for a regional detention facility to be located on the Reservation;
- the severe environmental problems caused by the Zortman-Landusky mines and the many related issues have placed great hardship on the Tribe;
- there are problems in the gaming compacts that the Tribe is trying to work out, and
- the lack of unemployment insurance benefits for Head Start teachers is a problem that needs to be addressed.

President Speakthunder said he was encouraged by the Committee's presence and closed by thanking the Committee members for their willingness to listen and learn about the many problems and concerns facing the Fort Belknap Indian Reservation.

Sen. Bohlinger thanked President Speakthunder for his thorough presentation and discussion of the many concerns facing the Fort Belknap Reservation.

Sen. Hansen asked President Speakthunder for an update on the tribal lawsuit concerning the Zortman-Landusky mines. President Speakthunder said there was a hearing scheduled for March of 2003 but was postponed due to conflicts with other lawsuits. He said the hearing would be rescheduled and hoped to have an exact date soon. He also reported the attorney representing the Tribe had taken a six-month sabbatical and the Tribe would have to retain another attorney. President Speakthunder said timing was critical because of the statute of limitations and he was quite anxious to seek action.

Rep. Windy Boy provided information about the upcoming meeting sponsored by the Governor's Office of Indian Affairs to be held in Helena on October 10. He said one of the main topics of discussion at the meeting would be HB 608. He said this bill was important because of the specific language directly impacting tribal government and state government communications. Rep. Windy Boy said due to lack of resolution, he would again raise the issue of the Zortman-Landusky mine's water quality in the next Legislative session.

Rep. Juneau said she appreciated the Tribal Council support for education and said she believes very strongly that there can be no lasting economic development and progress without a strong tie to education. She encouraged the Council to continue its efforts to secure additional funding for the tribal college. Rep. Juneau agreed unemployment issues on reservations is of grave concern and said the HB 2 language requiring the Department of Labor to work with the tribes and the BIA to include tribal unemployment statistics in its reports is a step in the right direction.

Al Chandler, Gros Ventre Tribe, History and Demographics of the Fort Belknap Reservation

Mr. Chandler presented a detailed history of the Reservation for the benefit of the State-Tribal Interim Committee members and said:

- The Fort Belknap Indian Reservation was established in 1878.
- In 1888, the Reservation moved to its present location.
- Indian culture traditionally is passive, not aggressive, and operates under the "live and let live" philosophy.
- The buffalo herd depletion made it necessary for the Tribe to enter into the Reservation agreement with the federal government.
- Buffalo hunters, white settlers, and fur trappers were responsible for the buffalo depletion and the loss of the Indians' ability to maintain their livelihood.
- Indians were easily taken advantage of by the white businessmen.
- Indians were taught to be dependent of the federal government.
- In 1895, Congress authorized a land trade with the Indians which resulted in the loss of much land containing valuable gold reserves.
- The Gros Ventre were against the trade but the Assiniboine tribe were in favor of it.
- In 1907-08, water rights became an issue when the white settlers began diverting the water supply and no water reached Fort Belknap.
- The Supreme Court ruled in favor of Fort Belknap (Winter's Decision) but there are still problems.
- In 1921, the Fort Belknap Allotment Act allotted each enrolled member a specific amount of land: today 95% land in trust and 5% in fee patent.
- In 1924, Indians became citizens of the United States.
- In 1934, the current tribal governing structure was put in place.
- St. Paul's Mission began educating Indian children in the 1800's.
- Fort Belknap Boarding School for Indian children operated from 1891-1934 and was operated by the Bureau of Indian Affairs.
- In 1929, the Harlem School District allowed 13 Indian children to begin attending public school.
- In 1934, Johnson-O'Malley funds were allocated to provide expanded public schooling for Indian students.
- In 1984, the Fort Belknap College was established and was accredited in 1993.

Mr. Chandler expressed his strong opinion that there is still a strong element of discrimination against Native Americans in the off-reservation communities.

Minerva Allen, Fort Belknap Historian

Mrs. Allen shared the following with the Committee:

- Fort Belknap Indian Reservation is located in north central Montana and is home of the Assiniboine (the generous ones) and Gros Ventre (people of the white clay) Indian tribes
- Both tribes originally resided in the woodlands before migrating west into Canada and Montana.
- In 1885, Isaac Stevens negotiated a treaty to provide peace between the United States and the Blackfeet, Flathead, Nez Perce, and Gros Ventre tribes.

- The tribes signed the treaty as part of the Blackfeet Nation and the territory became common hunting grounds for all tribes, including the Assiniboine.
- An Act of Congress on May 1, 1888, provided that the tribes cede 17,500 acres of their joint reservation and they were given three smaller reservations, known as the Blackfeet, Fort Peck, and Fort Belknap Reservations.
- Fort Belknap was named after William W. Belknap, Secretary of War.
- On January 21, 1887, an agreement was signed between the United States, the Gros Ventre, and Assiniboine, in which the tribes accepted a diminished reservation in exchange for \$1,150. This payment was to be expanded over ten years to promote the civilization, comfort, and improvement of the Reservation. This agreement was ratified by Congress on May 1, 1888.
- The Fort Belknap Reservation is the 4th largest reservation in the state and is approximately 28 miles wide and 40 miles long.
- The land is predominantly used for dry land farming and grazing.
- The Reservation climate is subject to severe weather extremes.
- When the boarding school and industrial training school were established in the late 1800's, the Indian children were forced to attend the boarding school because the Indian agent, Mr. Simmons, was of the opinion that the children would fare better in an environment away from their parents.
- From 1891-1934, the schools provided a modest education for most of the reservation children and the average student completed their education somewhere between fourth and sixth grade.
- In 1889, the Montana Society of Civil Engineers began to collect data to promote irrigation. Fort Belknap was designated as the first project and several years later, a second project damming the Milk River and providing canals for flood irrigation was begun. By 1910, the Fort Belknap system may have been the largest single private irrigation system in the state. Reservation water rights were subject to a Supreme Court decision in 1906 (*Winter v. the United States*).
- Agricultural development was brought to a halt by the drought of 1917 and 1918.
- Government rations were gradually withdrawn to encourage the Indian culture to assimilate into white society, and extreme poverty, starvation, and misery were prevalent on the reservation by 1912.
- In 1921, Congress passed special legislation, allowing 40 acres of irrigated land and 320 acres of grazing land to be allotted to each resident of the Reservation, with no allotments allowed for whites. By 1924, the tribal roll was completed and allotments were made.
- The late 1920's and 30's saw years of drought and economic depression take a toll on reservation life.
- In 1934, the boarding schools were closed and day schools and access to public school were instituted.
- The Wheeler-Howard Act in 1934 resulted in the reorganization of the tribal governments. The current tribal Community Council, Constitution, and By laws were approved on December 13, 1935. A Corporate Charter was ratified August 15, 1937. The Community Council is made up of four Assiniboine and four Gros Ventre delegates who are elected from Reservation districts according to the number of enrolled members in the district. Every two years, new members are elected to serve on the Council.
- The present enrolled tribal membership numbers over 5,000 members, with over 3,000 members residing on the Reservation.

- In 1977, the Fort Belknap Adult Education and Vocational Education programs were instituted.
- The Fort Belknap Tribal College was established in 1983 and provides post-secondary education programs. Fort Belknap College became fully accredited in 1993. It is a long range goal of the tribe to have the college become a four-year college.
- A Head Start program was established in 1965 and a new school is currently under construction.

Sen. Bohlinger thanked Mrs. Allen for sharing the rich history of the Assiniboine and Gros Ventre peoples and of the Fort Belknap Reservation with the Committee.

Dean Stiffarm, Zortman Landusky Mines Issues and Concerns

Mr. Stiffarm distributed a handout containing a Power Point presentation on the Zortman Landusky Mines (Exhibit #1). Mr. Stiffarm included a CD of the Power Point presentation for the Committee to view at a later meeting (Exhibit #2).

The presentation covered the history of the mining in the area, beginning with gold prospectors in the 1800's, the Grinnell Treaty that resulted in the Tribe's loss of the land, historic and modern mining practices used in the mines, the cyanide heap-leach extraction method, water quality issues, funding and financial issues, and many other concerns relating to the mines.

Mr. Stiffarm emphasized that according to geo-technical consultants brought in by the Department of Environmental Quality, because of the severe acidity of the water, provisions must be made for treatment into perpetuity. There is only enough funding in place to allow this kind of treatment to be done until 2028 and Mr. Stiffarm said this was of extreme concern to the Fort Belknap Indian community.

Mr. Stiffarm applauded the Committee members decision to tour the mines and said it would illustrate the many concerns the Tribe has concerning the mines.

Rep. Windy Boy commented that HJR 43, an interim study of the surface and ground water of the Zortman Landusky mine sites, would be addressing some of the issues Mr. Stiffarm discussed.

Sen. Bohlinger and the Committee thanked Mr. Stiffarm for his informative presentation.

Carla King, Acting Director, Temporary Assistance to Needy Families (TANF) Program and 477 Employment and Training Program

Ms. King distributed pamphlets explaining the 477 Employment and Training Program (Exhibit # 3).

Ms. King provided an overview of the Fort Belknap TANF caseload:

- The current caseload is 165; the program average caseload is 185 cases, and has served as many as 210 cases.

- Since benefits were decreased, requests for assistance have steadily risen and the program receives approximately 10 new applications for assistance per week.
- Training is offered as it is available but in many cases, the training that is needed by the client often is not available in the area.
- Thirty cases are made up of two parent families, thirty cases are dependent children without parents and residing with relatives, and the remaining cases are single parents with dependent children.
- The program has increased expenditures by \$25,000 since 2000.
- A large percentage of cases are people that return to the reservation because it is difficult for them to adjust to life off the Reservation. There is prejudice and discrimination off the Reservation.

Rep. Windy Boy asked how the state budget cuts affected the Fort Belknap TANF Program. Ms. King said the program normally experiences a drop in the number of cases in the summer months but that drop did not occur this past summer.

Rep. Juneau said the statewide total of TANF cases is approximately 6500 families and about 44% of that total are Indian families. She noted it was important for the Committee to know that the Fort Belknap and Salish-Kootenai TANF numbers were not included in that percentage because they directly contract their services with the federal government.

Sen. Butcher said it was troubling to him to see the high percentage of two parent families on the TANF rolls. He said he understood that there were few employment opportunities available on the Reservation and asked why these families were not seeking employment elsewhere. He also asked if the program might encourage a dependent lifestyle. Ms. King said program participants are strongly encouraged to relocate where the jobs are available and clients are given as much support and assistance in this process as possible.

Sen. Bohlinger commented that while it does result in lost opportunity, tribal communities traditionally have very strong family ties and those ties make it difficult for members to contemplate leaving and establishing a new life elsewhere.

Rep. Windy Boy said Indian people culturally and traditionally have very strong ties to the earth, family, and religion that are as old as time. He said there is a connection between these tribal people that cannot be broken, despite other religions and programs that have been brought to them by other cultures. He said he grew up in poor living conditions but wasn't ashamed because he had a family who cared for and loved him and in the Indian culture, that is the most important thing.

John Allen, Tribal Council Member, said Fort Belknap is the home, nation, and culture of the Gros Ventre and Assiniboine Tribes. He spoke of his family's long history in the area, his years spent living off of the Reservation, his reasons for returning, and how it is a way of life for his people.

Ramona Horn, Education Specialist

Ms. Horn provided Committee members an overview of the educational programs being provided for the Indian children (Exhibit #4 -white folder). She discussed the following programs and related information with the Committee:

- Higher Education/Adult Vocational Training Programs,
- North Central Talent Search Program, and
- North Central Upward Bound Program.

Ms. Horn said she works with schools in Harlem, Dodson, and Hays and guides her students through the process of career exploration. She teaches study skills and time management skills, conducts skills assessments, and assists the students with college preparation activities.

Mr. Allen commented that the lack of transportation is a huge obstacle for Indian students. He said it is difficult for Indian students to participate in after-school activities or stay for detention because most of the students do not have transportation home from Harlem to the Reservation. He also expressed the concern that there are not enough Native American teachers hired by the area schools and would like to see more Indian history classes included in the school curriculum.

Clarina Brockie, Fort Belknap College

Ms. Brockie directed the Committee's attention to the packet of information she distributed (Exhibit #5-blue folder) and said she had three main topics for discussion:

- GED instruction - this service is available to all in the surrounding area, whether the individual is a tribal member or not. The program has not been properly funded for quite some time and Fort Belknap College is concerned that it will not be able to keep providing this opportunity if funding is not made available.
- HB 28 - Fort Belknap College has an "open door" admission policy and accepts non-Indian students. The college does not receive any funding for these students (non-beneficiary students) and this has placed a growing financial burden on the college. Non-beneficiary student funding is critical to the stability and future of the college and students testified at legislative hearings in support of this bill.
- Board of Regents - Fort Belknap College recommends that a Montana tribal college representative be appointed to serve on the Montana Board of Regents.

Ms. Brockie also commented that there is significant positive activity on the reservation that needs to be acknowledged, such as the new health facility, the new Head Start classroom, the new schools in Harlem and Hays, and the new college facilities. She said there are 200 students enrolled in the College, up from 185 in 2002.

Ms. Brockie said there are about 30 graduates per year and she would like to see that number increase. She said there are graduates who would like to go on to a four-year institution but the lack of funds makes this impossible for many of these students.

Rep. Windy Boy asked Ms. Brockie how the college was handling the funding shortfall caused by lack of funding for non-beneficiary students. Ms. Brockie said the shortfall was causing considerable financial difficulties.

Rep. Windy Boy said this was a good example to illustrate why cooperation between the University System and the tribal colleges is necessary. He said better communication and cooperation between the two would expand opportunities for all Montana students.

Rep. Ripley agreed the issue of non-beneficiary student funding must be addressed. He then said that many legislators believe tribal colleges are similar to private colleges.

Rep. Juneau said the differences between tribal colleges and private colleges must be defined in order to show legislators the need for additional funding for the tribal colleges in Montana. She noted there will be an opening on the Board of Regents in February of 2004 and said now is the key time to find an American Indian to run for the Board of Regents. She also said she would consider proposing legislation in the next session that would mandate an Indian member be appointed to the Board of Regents.

Rep. Windy Boy said the American Indian Higher Education Consortia offers scholarships to tribally-enrolled Indian students. He said the Consortia is made up of 37 tribally controlled colleges in the nation, seven of which are in Montana. He also noted the only time a tribe can take federal dollars is to service those with 25% or more Indian blood.

Julia Doney, Head Start Director

Ms. Doney provided Committee members with a folder of information on the Head Start program (Exhibit #6) and provided the following information:

- There are five classes in Fort Belknap, two in Hays, and one in Lodge Pole, and a home-based program.
- The program serves 156 preschool children,
- The program employs 47 people,
- The program has nine foster grandparents funded by Saint Vincent's hospital in Billings, and
- The fatherhood program funding will run out in October 2003.

Ms. Doney said these children are the future and she takes their education very seriously.

PUBLIC COMMENT

Public comment was given during lunch.

Delores Plumage, Blaine County Commissioner, covered the following topics:

- Blaine County is attempting to secure funding for Homeland Risk Assessment. There is money available for tribes and the Reservation is not getting its share.
- Ms. Plumage is the only Native American serving on the Human Resources Development Council and is working to get more Native Americans to serve on various county and community boards.
- There have been ongoing problems in maintaining a clean and safe water supply, with frequent and prolonged boil orders that residents must follow. Solid waste disposal is also a problem for the county.
- The proposed Highway 2 improvement project would benefit all of the communities in the area.

- Mosquito control to prevent West Nile Virus is of concern for residents.

Sen. Butcher and Rep. Windy Boy both commented that establishing reservations as their own counties would alleviate many problems for Blaine and Phillips counties and the Rocky Boy and the Fort Belknap Reservations.

Rueben Horseman, Private Contractor, said he thought more Montanans should be hired to fight fires occurring on federal lands in Montana. He said Montana citizens pay the taxes to support this state, are hard working and qualified to do the work, and the firefighting jobs should be filled by Montanans before opening them up to out-of-state fire fighters.

John Allen voiced his concerns about 911 and telephone service, airport problems, the gaming compact, the economic impact the Reservation paychecks have on local merchants, unsafe driving conditions on Route 66, and expressed his approval of the meat packing plant purchase.

Raymond Chandler, Gros Ventre, asked for Committee support to place more Native Americans on state boards such as the Fish, Wildlife, and Parks and the Human Resource Development Council.

Rep. Juneau said there is a state law that encourages all state agencies to be gender and racially balanced but there is not a way to enforce it at this time.

The Committee adjourned and spent the afternoon touring the following facilities:

- Harlem Public Schools - Nancy Stiffarm gave the Committee an extensive tour of the junior high and high school. The Committee had the opportunity to visit with some of the students and school teaching staff and to learn about the many different programs offered to the students.
- Indian Health Service - Darryl Brockie took the Committee on a tour of the new hospital and health facility and listed the major health problems facing the Fort Belknap community. She also expressed grave concern about the Reservation water system and said the hospital needed a back-up system. The hospital has had to shut down several times due to water problems and had to transport its patients to Havre.

ADJOURNMENT

The Committee adjourned until the evening HJR 8 Study of the High Indian Dropout Rate Public Hearing.

CI0429 3330dfxb.