

MINUTES
REGULAR MEETING OF THE BOARD OF LAND COMMISSIONERS
Monday, May 19, 2014 at 9:00 a.m.
Capitol Building, Room 303
Helena, MT

Please note: *The Land Board has adopted the audio recording of its meetings as the official record, as allowed by [2-3-212, MCA](#). These minutes provide an abbreviated summary of the Land Board discussion, public testimony, action taken, and other activities. The time designations listed are approximate and may be used to locate the referenced discussion on the audio recording of this meeting. Access to an electronic copy of these minutes and the audio recording is provided from the Land Board webpage at <http://dnrc.mt.gov/LandBoard>. The written minutes summary, along with the audio recordings, are listed by meeting date on the Land Board Archive webpage.*

Members Present

Governor Steve Bullock
Attorney General Tim Fox (via telephone)
Commissioner of Securities and Insurance Monica Lindeen
Secretary of State Linda McCulloch (via telephone beginning 00:34:30 during item 514-2)
Superintendent of Public Instruction Denise Juneau

Members Absent

None

Testifying Staff

John Tubbs, DNRC Director
Tommy Butler, DNRC Trust Lands Management Division (TLMD) Attorney
Shawn Thomas, DNRC TLMD Administrator
John Grimm, DNRC TLMD Real Estate Management Bureau Chief
Sonya Germann, DNRC TLMD Forest Management Bureau Chief

Attachments

Related Materials, Attachment 1 – Sign-in Sheet
Related Materials, Attachment 2 – Tribal Relations Update – submitted by Sonya Germann to accompany item 514-8.

Call to Order

00:23:35 Governor Bullock called the meeting to order.
00:23:55 Ms. Lindeen moved to approve the April 21, 2014 minutes. The motion was seconded by Ms. Juneau and carried unanimously.

Business Considered

514-1 Timber Sales

A. Game Time

B. Helmville South

C. Moran Cyclone North

D. Twin Bridges

00:24:16 Mr. Tubbs gave an overview of the items.
00:26:23 Ms. Juneau moved to approve items 514-1A through 514-1D. The motion was seconded by Ms. Lindeen and carried 4-0 (Ms McCulloch was absent for items 514-1A through 514-1D).

Board Discussion/Comments

00:26:40 Governor Bullock

00:27:02 The motion to approve items 514-1A through 514-1D carried unanimously.

514-2 Agriculture and Grazing Leases: Competitive Bid Hearing – Lease No. 5870 – Steve and Bernice Kreitinger (Lessees)/TJ Knight (Bidder)

00:27:09 Mr. Tubbs gave an overview of the item.

Public Comment

00:29:20 TJ Knight

Board Discussion/Comments

00:31:22 Ms. Lindeen

00:31:31 Mr. Tubbs

00:32:24 Mr. Butler

00:33:30 Governor Bullock

00:33:55 Mr. Butler

00:34:29 Mr. Fox moved to approve item 514-2. The motion was seconded by Ms. McCulloch and carried unanimously.

514-3 Communitization Agreements:

A. EOG Resources – Diamond 2-3625H Well

B. Continental Resources, Inc. – Davies 1-20HR Well

00:34:56 Mr. Tubbs gave an overview of the items.

00:35:43 Ms. Juneau moved to approve items 514-3A and 514-3B. The motion was seconded by Ms. Lindeen.

Board Discussion/Comments

00:36:02 Ms. Lindeen

00:36:34 Mr. Tubbs

00:36:40 Mr. Mason

00:37:16 Ms. Lindeen

00:37:38 Mr. Mason

00:38:08 Ms. Lindeen

00:38:36 Ms. Juneau

00:39:00 Governor Bullock

00:39:18 Mr. Tubbs

00:39:31 The motion to approve items 514-3A and 514-3B carried unanimously.

514-4 Land Banking Parcels: Final Approval for Sale

00:39:41 Mr. Tubbs gave an overview of the item.

Public Comment

00:40:27 Randall Knowles

00:41:34 Ms. Lindeen moved to approve item 514-4. The motion was seconded by Ms. Juneau.

Board Discussion/Comments

00:41:50 Ms. Juneau

00:42:31 Mr. Tubbs

00:42:45 Mr. Thomas

00:43:26 Ms. Juneau
00:43:48 Mr. Thomas
00:44:36 Ms. Juneau
00:44:52 Mr. Thomas
00:45:11 Ms. Juneau
00:45:24 Mr. Thomas
00:45:29 Governor Bullock
00:45:48 Mr. Tubbs

00:46:03 The motion to approve item 514-4 carried unanimously.

514-5 Land Banking Acquisition: Preliminary Approval for Purchase

00:46:11 Mr. Tubbs gave an overview of the item.

Public Comment

00:47:16 Mr. Knowles

00:49:25 Ms. McCulloch moved to approve item 514-5. The motion was seconded by Mr. Fox.

Board Discussion/Comments

00:49:36 Ms. Lindeen

00:50:15 The motion to approve item 514-5 carried unanimously.

514-6 Easements

00:50:36 Mr. Tubbs gave an overview of the item.

Public Comment

00:51:13 Mr. Knowles

00:52:27 Ms. Lindeen moved to approve item 514-6. The motion was seconded by Ms. Juneau and carried unanimously.

Information Items

514-7 Real Estate Management Bureau: 2014 Project Management List – Annual Update

00:52:50 Mr. Tubbs

00:53:09 Mr. Grimm gave an overview of the informational item.

514-8 DNRC: Tribal Relations Update

00:54:58 Mr. Tubbs

00:55:16 Ms. Germann gave an overview of the informational item.

Board Discussion/Comments

01:02:57 Governor Bullock

01:03:01 Mr. Tubbs

01:03:59 Governor Bullock

01:04:17 Mr. Tubbs

General Public Comment

01:05:14 Mr. Knowles

01:08:21 Governor Bullock

01:08:40 Randy Perez, Fort Belknap Indian Community Council

General Board Discussion/Comments

01:16:48 Ms. Lindeen

Adjournment

01:20:01 Adjournment

PRESIDENT

ATTEST

/s/ Steve Bullock
Steve Bullock, Governor

/s/ John E. Tubbs
John E. Tubbs, DNRC Director



Montana Department of Natural Resources & Conservation
Trust Land Management Division

May 19, 2014

Information Item 514-8: DNRC / Tribal Relations Update

Background

One year ago, the Montana Board of Land Commissioners ("Land Board") requested the Montana Department of Natural Resources and Conservation ("DNRC") Director and the Trust Land Management Division ("TLMD" or "Division") to plan a meeting whereby the Division would invite representatives from Montana's tribal nations to discuss cultural resources as they relate to the management of state trust lands.

On October 30th, 2013, the Montana DNRC, TLMD hosted the event entitled *Montana DNRC and Tribal Governments: Understanding Tribal Cultural Resources*. The objectives of the meeting were:

- For the tribes to share their perspectives on cultural resources in general – what cultural resources are and why they are culturally significant.
- For the tribes to share their experiences in and processes for interacting with the TLMD in regards to cultural resources.
- For DNRC to share the TLMD's capacity and processes for managing cultural resources on state trust lands.
- For DNRC to share the Division's plans for projects on state trust lands.
- For the tribes to provide feedback to the Division on how to improve current processes.

On January 14th, 2014, the Division presented a report to the Land Board depicting lessons learned from the meeting as well as actions the Division will begin to implement as a result of those lessons learned. Those actions moving forward include:

- *Cultural awareness training for DNRC TLMD staff.*
- *Cultural resources identification training for DNRC TLMD staff.*
- *Visits to the tribal nations.*
- *Providing project scoping information.*

This presentation reports on the status of those actions to which the Department committed.

Cultural Awareness Training

- DNRC is partnering with the Office of Indian Affairs to offer a variety of cultural awareness trainings for all state employees, not only DNRC employees. Plans are

underway to accomplish this within the next year. These trainings may be offered in conjunction with the annual Tribal Relations Training.

Cultural Resources Identification Training

- DNRC is seeking opportunities to co-teach a course with Tribal Historic Preservation Officers to educate DNRC field practitioners on how to identify cultural resources on state trust land.
- DNRC will be combining this training with a half-day cultural awareness training for field practitioners to be held the day before the cultural resources identification training. We are contracting with seasoned trainers to help instruct this portion of the course.
- Two trainings will take place – one on the eastside of the state, and one on the westside. Our goal is to have these trainings take place on corresponding reservations.

Visits to Tribal Nations

DNRC is in the midst of setting up and making visits to tribal nations.

- Southern Land Office Meeting with Crow Nation
 - Discussed projects on state trust lands, potential cultural resource concerns with those projects, bettering communications between SLO and the tribe, and ways DNRC can help the Crow Nation accomplish some natural resource related issues.
- Southwestern Land Office and Northwestern Land Office are scheduling a meeting with the Confederated Salish and Kootenai Tribes to discuss timber harvest plans for the year as well as cultural resource concerns related to those projects.
- Northeastern Land Office staff met with Fort Belknap tribal representatives to discuss grazing licenses on state trust land within the reservation boundaries.
- Several areas are having active conversations with tribal fire representatives regarding the upcoming fire season.
- The Forest Management Bureau (FMB) Chief will have a presence at the State Historic Preservation Office / Tribal Historic Preservation Officers meeting on May 20, 2014.
- The FMB Chief will be assisting other Areas in setting up visits with local tribal nations to discuss state trust land management and other issues as they arise.

Project Scoping

- During visits to tribal nations, DNRC is actively soliciting ideas on how to best communicate with tribal representatives regarding land management activities.



Montana Department of Natural Resources & Conservation
Trust Land Management Division

To: Montana Board of Land Commissioners

From: John Tubbs, DNRC Director

Re: Report – *Montana DNRC and Tribal Governments: Understanding Tribal Cultural Resources*

Date: January 14, 2014

Prepared by: Montana DNRC, Trust Land Management Division

Introduction.

On May 20th, 2013, the Montana Board of Land Commissioners (“Land Board”) requested the Montana Department of Natural Resources and Conservation (“DNRC”) Director and the Trust Land Management Division (“TLMD” or “Division”) to plan a meeting whereby the Division would invite representatives from Montana’s tribal nations to discuss cultural resources as they relate to the management of state trust lands. The objectives of the meeting were:

- For the tribes to share their perspectives on cultural resources in general – what cultural resources are and why they are culturally significant.
- For the tribes to share their experiences in and processes for interacting with the TLMD in regards to cultural resources.
- For DNRC to share the TLMD’s capacity and processes for managing cultural resources on state trust lands.
- For DNRC to share the Division’s plans for projects on state trust lands.
- For the tribes to provide feedback to the Division on how to improve current processes.

During the summer of 2013, DNRC staff worked with Superintendent of Public Instruction Denise Juneau and staff, the Director of the Office of Indian Affairs Jason Smith, DNRC Director John Tubbs, DNRC Deputy Director Joe Lamson, TLMD Administrator Shawn Thomas, and Salena Hill and Heidi Wallace with the Missoula Chapter of the National Coalition Building Institute to design an event focused on accomplishing the above-listed objectives. In early September, formal invitations were sent to tribal chairs and presidents from each of Montana’s tribal governments. Specifically invited to attend were the following: chairs and presidents, natural resource directors, culture committee members, and Tribal Historic Preservation Officers. Follow-up calls were placed to answer any questions tribal representatives had as well as to extend personal invitations to those who had interest in attending the event.

On October 30th, 2013, the Montana DNRC, TLMD hosted the event entitled *Montana DNRC and Tribal Governments: Understanding Tribal Cultural Resources*. In attendance were 63 people: representatives from the Crow Nation, Chippewa Cree Tribe of the Rocky Boy Reservation, Northern Cheyenne Tribe, Assiniboine and Gros Ventre Tribes of the Fort Belknap Reservation, Assiniboine and Sioux Tribes of the Fort Peck Reservation, and the Confederated Salish and Kootenai Tribes; Land Board members and staff; Director of Indian Affairs; DNRC Director; DNRC Deputy Director; TLMD Administrator; DNRC Archaeologist; DNRC Area Managers, TLMD Bureau Chiefs, and staff; the State Historic Preservation Office; Department of Fish, Wildlife, and Parks Field Services Division Administrator; Missoula Chapter of the National Coalition Building Institute; and interested members of the public.

Most of the day was dedicated to exploring the following questions with the tribal representatives from the attending tribal nations:

- From your tribe's perspective, what are cultural resources and why are they culturally significant?
- What is your tribal process for interacting with the TLMD in regards to cultural resources?
- What are some of the challenges or barriers your tribe faces in this process?
- What are some of the successes your tribe has experienced in this process?
- What are ways to improve upon these processes?

Lessons Learned.

Each tribal nation's responses to the above-listed questions were recorded. The key points are summarized below.

Develop a better understanding of Montana's tribes. Each tribe in the State of Montana is unique. State trust land officials are encouraged to educate themselves on the history of the tribes of Montana and to understand those unique characteristics associated with each respective tribe and tribal government. State trust land staff members are invited to visit the tribes to meet leaders and to develop a better understanding of tribal culture and policy.

Each tribe has a unique process for how they handle culture resources and it's important for trust land staff to learn those processes. A number of things tribal nations consider cultural properties or cultural resources might not fit into established definitions. Government agencies want Indian people to go with their interpretation of cultural resources. Each tribe is different and will have their own idea of what cultural properties are. State agencies are also encouraged to develop an understanding as to how all of the Tribal Historic Preservation Officers work together.

We all collectively need to understand one another's responsibilities, positions, and need to work together. DNRC TLMD needs to better understand the tribes' respective ways of life. Archaeologists are often times seen as the authority on cultural resources, but it's important to remember that Indian people are the best resources for cultural properties.

Ancestral territory outside of the reservation boundaries. Montana tribes view many lands outside of reservation boundaries as ancestral lands and therefore have an interest in projects on those lands including state trust lands. There are important resources that Montana tribes care about on these lands.

Government-to-government consultation. The State of Montana needs to take seriously its responsibility to consult with the tribal governments and to come up with better processes by which that consultation occurs. Ideas include: having regular meetings between the Montana tribal nations and state agencies (not just DNRC TLMD); hiring a native staff member in the State Historic Preservation Office; creating tribal liaison positions for each state agency; and creating a statewide cultural resource management group comprised of tribal and state representatives.

It's important for state agencies to have follow-through on their communications with and commitments to tribal nations. Don't avoid consulting with the tribes because you think they have too much to do. It's very important to provide the tribal nations an opportunity to engage on projects and to understand the best way to communicate with each respective tribe. Placing follow-up phone calls and doing face-to-face visits is important in addition to sending letters.

Legislative changes. There was expressed interest in introducing legislation to revise the Montana State Antiquities Act to provide more assurances for tribal nation involvement in the identification, protection, and listing of cultural resources on state-owned lands.

Land exchanges. It's important for DNRC TLMD and the affected tribal nations to continue to look at land exchanges in order to remove state trust land ownership within the reservation boundaries.

DNRC Actions Moving Forward.

In order to begin to act on some of the above lessons learned, DNRC will implement the following within the TLMD:

- *Cultural awareness training for DNRC TLMD staff.* Staff members will be encouraged to attend the annual Office of Indian Affairs Tribal Relations Training. Additionally, DNRC will provide regular trainings beyond this to develop the agency's overall understanding of the unique cultural heritage and history of each tribe in Montana and to develop skills in our practitioners to best support them in building positive and respectful relationships with tribal representatives.

- *Cultural resources identification training for DNRC TLMD staff.* DNRC will develop and provide regular training for staff members on ways to identify cultural resources within their project areas. DNRC would like to invite Tribal Historic Preservation Officers to be a part of this training.
- *Visits to the tribal nations.* DNRC TLMD managers and staff will commit to visit neighboring tribal nations within the next year to discuss management plans on state trust lands as well as to develop a better understanding as to the makeup of each tribal government, the processes for those governments, and to discuss any further concerns those governments may have in regard to projects on state trust lands.
- *Providing project scoping information.* DNRC TLMD will continue to send scoping information to those tribal governments who would like to receive information about projects on state trust lands.

Thank You.

DNRC Director John Tubbs, Deputy Director Joe Lamson and Division Administrator Shawn Thomas would like to thank the representatives from the tribal governments for presenting on behalf of their nations, the Land Board members and staffers, DNRC managers and staff, and members of the public and other state agencies who participated in the day. Additionally, we would like to thank Salena Hill and Heidi Wallace with the National Coalition Building Institute for providing training for DNRC staff and facilitation for the event.