

MEMORANDUM

TO: Flathead Negotiating Team
FROM: Sonja Hoeglund, Staff
RE: Summary of Flathead Meetings, November through December, 2001
DATE: January 9, 2002

November 1, 2001 3:00 p.m.
Flathead Joint Board of Control
St. Ignatius, Montana

Present:
Chris Tweeten
Susan Cottingham
Anne Yates
Bill Tash
Sonja Hoeglund

November 1, 2001 7:30 p.m.
Lake County Conservation District
Ronan, Montana

Present:
Chris Tweeten
Susan Cottingham
Anne Yates
Bill Tash
Sonja Hoeglund

November 7, 2001 8:00 p.m.
Eastern Sanders County Conservation District
Plains, Montana

Present:
Tara DePuy
Cindy Younkin
Susan Cottingham
Anne Yates
Sonja Hoeglund

November 8, 2001 10:00 a.m.
Lake County Commissioners
Polson, Montana

Present:
Tara DePuy
Cindy Younkin
Susan Cottingham
Anne Yates
Sonja Hoeglund

December 17, 2001 9:15 a.m.
Flathead Basin Commission
Whitefish, Montana

Present:
Cindy Younkin
Susan Cottingham
Anne Yates
Sonja Hoeglund

December 17, 2001 12:00 noon
Representatives from the cities of Polson, Ronan and Hot Springs
Polson, Montana

Present:
Cindy Younkin
Susan Cottingham
Anne Yates
Sonja Hoeglund

December 17, 2001 3:00 p.m.
Meeting with local Legislators
Bigfork, Montana

Present:
Cindy Younkin
Susan Cottingham
Anne Yates
Sonja Hoeglund

December 18, 2001 10:30 a.m.
Northwest Montana Association of Realtors
Kalispell, Montana

Present:
Cindy Younkin
Susan Cottingham
Anne Yates
Sonja Hoeglund

The major concerns from these meetings were as follows:

- **Tribal Administration** – Persons were concerned about and generally opposed to solely Tribal administration of the water on the Reservation, because non-Tribal members would have no representation. Commenters believed that programs run by the Tribes in which there was an outside entity to which to appeal Tribal decisions worked better than those programs solely administered by the Tribes. An example of this is the water quality program in which decisions can be reviewed by the EPA.
- **Equality** – Commenters believed that Tribal and non-Tribal persons should be treated the same.
- **Protecting Current and Future Uses** – Commenters were concerned about protection of their current level of uses and the ability to obtain water in the future, especially for domestic purposes. Planned growth is problematic in the current situation. Growth is spreading outside city limits to stay below the 35 gpm limit. There is concern over fire protection for the growth outside the city limits. There was also some concern expressed that Tribal administration might result in costs for future uses.
- **Depressed Property Values** – Commenters were concerned that the inability to retain or obtain water could depress property values in the area. Some commenters feared that the Tribes would attempt to depress property values in order to purchase the property at a reduced price.

Commenters at most of the meetings also expressed that negotiation of a settlement was important. Other questions and concerns expressed by the public at these meetings were:

The following questions and comments were expressed in the meetings:

Do the Tribes' really own all the water?

What is your political assessment of the proposal?

Are the Tribes' really asking us to work with this proposal or are they asking for a counter-proposal?

If the Tribe is willing to negotiate, we don't want to shut that down.

What does the "unitary system" mean to the Tribes'?

What will be our priority date be?

What is the ability of the Tribe to market water?

What kind of appeal process will there be?

The shoreline protection is working well on a small scale but the Tribal Counsel can veto any advisory board including the power authority.

What are you claiming for aboriginal rights? Many of those basins are closed already.

Are aboriginal rights all of western Montana?

Dual jurisdiction is important because of checkerboard ownership on the reservation.

Personal water wells should be under state jurisdiction.

The in stream flow that the Tribes are claiming is too high, it is above what is naturally in the streams.

Groundwater and surface water need to be treated differently.

Tell the legislature to prioritize the Flathead negotiations.

How long will the negotiations take?

Are permits being granted for drilling wells?

Can homeowners drill a well?

Can you drill a well less than 35 gallons per minute?

State must adjudicate water rights on fee land on the reservation.

How will adjudication affect the Tribes?

There should be hearings in Polson and Ronan, upset with the leadership on both sides.

Are there enough staff resources at the state to complete the negotiations?

We need a prompt negotiation.

Will water supply augmentation play a role in these negotiations?

How do you quantify the block of water that goes to the Tribe?

How large is the Tribes' water right in Flathead Lake?

Do the Tribes claim the water in Whitefish Lake?

For what purposes do the Tribes get water?

We do not want to sacrifice a good, long-term solution for interim solution.

How is the administration of water rights in this proposal different from administration in past settlements?

Could the cities on the reservation lose their water rights?

How will you measure the water? The Tribe says one thing and we say another.

What is the possibility for federal funding and would we have to pay that back?