

Introducing the People's Compact

A Sea Change in the CSKT Compact Debate

Earlier this year, we were reminded that you can only stand against something for so long. It was time for people to step up in the wake of governments' failure to resolve the federal reserved water rights for the CSKT, and to offer a viable alternative. Even the most vocal proponents of the very bad water compact have been taunting us for "our" solution.

This left us with a choice: to let a divisive and onerous water compact work its way through Congress and wait until it was ratified to begin litigation, or develop a fair and viable resolution of the federal reserved water rights for the Flathead Indian Reservation. We chose the latter.

The People's Compact, now being publicly introduced, accomplishes what our state and federal governments failed to do.

SO WHAT IS THE PEOPLE'S COMPACT?

The People's Compact begins by rejecting the failed and divisive CSKT Compact in its entirety. **This because the government's solution is so seriously flawed, there is nothing in it to salvage. Once you peel off the faulty assumptions, revisionist history and its onerous and unconstitutional provisions, there is nothing left to redeem.** In its place, the People's Compact builds a water and monetary settlement from the ground up, utilizing as its foundation the Constitution and federal reserved water rights law, and the history of the reservation including the tribe's Indian Claims Commission and Court of Claims cases.

It begins with a sincere desire to develop a solution that benefits people, including individual tribal members, to heal the divisiveness promoted by our respective governments, and to provide a final resolution of the federal reserved water claims of the CSKT. With these goals in mind, the resulting People's Compact:

STAYS within the constraints of federal reserved water rights law and the Constitution and **RESPECTS** equal protection and due process under the law for all citizens.

QUANTIFIES and limits the claims of the CSKT to the Flathead reservation, based upon the primary purposes of the reservation according to the Hellgate Treaty.

ACKNOWLEDGES AND RESOLVES an old grievance of the tribe against the United States related to Flathead Irrigation Project water. Damages for this claim will

be paid directly to individual tribal members as opposed to billions of dollars placed in a fund out of their reach.

FUNDS the development of the tribal water right, and rehabilitates the irrigation project for the benefit of both tribal fisheries and irrigators.

PROTECTS existing water rights of all Montanans both eastern and western as well as the water rights of individual tribal members, and **DISMISSES** all “off reservation” claims because there is no foundation in the law or the tribe’s treaty for them.

SETTLES for all time, any and all existing claims of or on behalf of the Confederated Salish and Kootenai Tribes to water within the State of Montana.

This table highlights some of the top level differences between the People’s Compact and the Government’s CSKT Compact:

	Government’s CSKT Compact	People’s Compact
How much water?	28-48 million acre feet	508,000 acre feet
Priority Date	Time Immemorial	1855
Settlement Funds	\$2.4 billion	\$600-775 million
Off Reservation Claims?	Yes	No
Administration	An unaccountable and political board administers the water of state based water users (UMB)	Montana administers the water of state based water users

MENDING FENCES

For several years, the parties to the CSKT Compact have actively participated in a litigation threat strategy to divide Montanan’s to advance their very bad deal through the state legislature. These same tactics are now being used in their effort to seek Congressional ratification. Sadly, our respective governments have encouraged and participated in efforts that have divided neighbor against neighbor, family members against one another, and even eastern and western Montanans.

The People’s Compact offers a solution that can move us away from the divisiveness at long last. It is designed to benefit everyone.

- The CSKT water rights are fairly quantified and a large portion of settlement money goes to individual tribal members where it rightfully belongs

- Because there is enough water in the irrigation project for fisheries and historic uses of irrigation water, both the tribe's and irrigators will benefit
- Because there is no foundation in the law or the tribe's treaty for off reservation water rights, the off reservation water rights of both eastern and western Montanans are preserved and protected
- People living on private land within historic reservation boundaries will have the same legal and constitutional protections as all other Montanans (No UMB)
- Clear and concise language concerning finality is included in the legislation

For these reasons, we call the People's Compact legislation the Mending Fences Act. It is our sincerest hope that the People's Compact will start the process of healing our community and shift the debate away from the divisiveness and fearmongering that our respective governments have actively participated in.

OUT WITH THE FAILED COMPACT

The Flathead Water Compact is arguably one of the most divisive pieces of legislation to ever come out of the state of Montana. Three years after its questionable ratification in 2015, Montanans still have no idea of what is hidden within its 1,500 pages, including how much water was ceded by the state of Montana to the U.S. / Confederated Salish and Kootenai Tribes (CSKT) in their proposed settlement. **It was a failure by any standard.**

The government parties squandered their opportunity to offer a reasonable and decisive solution to this issue. Where governments have failed, the burden of resolution falls upon the people, and they have delivered a workable and final solution in the People's Compact. Montana failed to resolve the issue, and does not get a do over. The People's Compact will be delivered directly to Congress for consideration.

FOR MORE INFORMATION ON THE PEOPLE'S COMPACT

We need your help to get this over the finish line.

To learn more about it, and what you can do to support it, check out the People's Compact website at: <https://thepeoplescompact.wordpress.com/>

Be sure to look for a copy of Both Sides of the Divide, a newsletter that explains the framework and objectives of the People's Compact. It will be distributed as an insert in the following papers this week:

Daily Interlake	Lake County Leader
Leader / Advertiser	Mineral Independent
Valley Press	Sanders County Ledger
Western Ag Reporter	

At long last we have a significant opportunity to shift the debate to a positive solution that will benefit the people, not governments.

By working together in support of the People's Compact, we can influence a massive SEA CHANGE that will shift the momentum away from government overreach toward government accountability to the people for generations to come.