

Testimony of D. Fred Matt, Chairman, Tribal Council  
Confederated Salish and Kootenai Tribes of the Flathead Nation

On

The Status of Tribal Fish and Wildlife Management Programs

Before

The Committee on Indian Affairs, United States Senate  
June 3, 2003

## BACKGROUND

For thousands of years the ancestors of my Tribes occupied a vast homeland. In 1855 my ancestors signed a Treaty with the United States Government from which my Tribe ceded to the United States 22 million acres of aboriginal territory and reserved for themselves the 1.2 million acre Flathead Reservation as a permanent homeland. The Flathead Reservation is located in the heart of western Montana. The Flathead Reservation has mountains, high mountain lakes, streams and rivers, valley lakes, Flathead Lake (the largest natural freshwater lake west of the Mississippi), Flathead River, fisheries and other aquatic resources, wildlife and other land based resources, timber and plant resources. Tribal cultural resources are extensive throughout the Reservation and our aboriginal territory. In 1935 my Tribe was the first to adopt a constitution under the Indian Reorganization Act. Over the years my Tribe has also been first to advance fair, unique, creative, powerful and effective fish and wildlife management programs and initiatives. To complement our fish and wildlife goals we have also implemented special grazing management systems. Important federal initiatives have also supported some of our efforts in fish and wildlife management. Some of the Tribal efforts have been achieved through litigation and some through negotiations. In the end, it is important that Tribal governmental exercise Tribal authority over Tribal resources.

## GOVERNMENTAL ORGANIZATION

The Confederated Salish and Kootenai Tribes have a strong infrastructure organized, under the Tribal Council, into multiple departments, enterprises and committees. The attached Tribal Organizational Chart shows the structure that supports our programs. Administrative support is provided by the Accounting Department and legal support is provided by the Tribal Legal Department. These two key departments provide support needed for the extensive contracting, compacting, implementation and auditing requirements for Tribal programs. Cultural resource activities are located in two Culture Committees, the Cultural Preservation Department and the Peoples Center. The Tribal Council and most Tribal programs look to these departments for advice and support in all major endeavors.

The Confederated Salish and Kootenai Tribes fish and wildlife programs are organized within the Tribal Natural Resources Department, under the Division of Fish, Wildlife, Recreation and Conservation. The attached Natural Resource Department Organizational Chart shows the structure of the Department. The following information summarizes the Fish and Wildlife Programs.

As you hear about our programs it is also important to keep in mind that our programs are successful because of the people who staff the programs. We have always strived to meet multiple objectives. When we hire people for our programs we set high qualifications and seek out the necessary expertise to meet our objectives. We also strive to place Tribal members in these programs. We also support education and training

objectives that allow Tribal members to work toward the goals they are interested in. Education and experience play an important role in our success. Among the Tribal professional fish and wildlife biologists alone we estimate that they have over 160 years of management experience.

## TRIBAL FISH AND WILDLIFE PROGRAMS

The Division's mission is to protect and enhance the fish, wildlife, and wildland resources of the Tribes for continued use today and by seven generations to come. We strive to accomplish this by maintaining professional staffing, monitoring resources, coordinating with other agencies, crafting and implementing management plans and regulations, and educating users in the wise and ethical use of the resources. We have been fortunate during the past few decades to primarily finance these needs through hard Tribal dollars and funding from various mitigation activities, which has allowed us to assume fish and wildlife management functions previously engaged in by the U.S. Fish and Wildlife Service and the Montana Fish, Wildlife and Parks. Continued funding is always a question of Tribal priorities and availability, consequently, the availability of Federally mandated dollars for the future financing of our sound resource management programs is necessary.

Current staffing within the Division is at fifty employees, with twelve fish and wildlife biologists, one wetland/riparian ecologist, one watershed coordinator, three biologist trainees, one information and education specialist, one licensing agent, three recreation specialists, six field technicians, seven seasonal field technicians, ten game wardens, four secretaries, and one general manager.

Let me tell you about each of our programs and some of their recognized work tasks and accomplishments. A record that has been given tribute by such organizations as the American Fisheries Society, the Northern Region of U.S.F.S, and the Montana Wilderness Society, and a record that benefits all Americans today.

### Wildlife Program

Tribal wildlife biologists have been active in developing data bases related to wildlife and habitat resources to assist with management prescriptions. Program staff has been in leadership roles in the reintroduction of rare species of native wildlife, including the peregrine falcon, the trumpeter swam and the northern leopard frog, with each species once again re-occupying voids that it once filled in the Reservation's ecosystems. Staff members are also active in numerous interagency management committees and working groups that work cooperatively to address management issues for rare, threatened and endangered species. In addition, special conservation areas for grizzly bears, elk, and bighorn sheep have been established, and benefit those species, as well as many others. Wetland and riparian habitat resources are benefiting from hydroelectric mitigation agreements, with habitat acquisition and restoration activities underway as several sites.

### Fisheries Program

Our fisheries biologists have been the leaders in Montana for protecting and restoring native fisheries populations through establishment of minimum in stream flows and reservoir levels, construction of irrigation canal fish screens, management of non-native fish species, and stream channel reconstruction and riparian habitat protection. The Tribal Fisheries Program and Montana Fish, Wildlife, and Parks have written and implemented the Flathead Lake and Upper River Fisheries Co-Management Plan, a plan unique for Montana and perhaps the entire United States. The Plan represents the coming together of two governments and two cultures voluntarily, in a common direction for the shared fishery of the West's largest freshwater lake. This Lake had once harbored one of the most robust populations of native bull trout in the lower 48 states, but in the early 1990's the fisheries took a serious decline from the effects of non-native fish, resulting in the listing of the species. The current management plan strives to shift the species balance to benefit the bull trout while maintaining a recreation sport fishery. The co-management plan has been published as a model of cooperation and public involvement.

### Wildland Recreation Program

The Wildland Recreation Program is very proud of the responsibility to manage this country's first Tribally designated wilderness area and wilderness buffer zone. The twenty year old and 92,000 acre sized, Mission Mountains Tribal Wilderness Area is second to none in it's spectacular resources, conservation management rules, and visitor educational programming. This designation combined with other Tribal preservation designations provide for nearly one quarter of the Tribes land base in natural area management. The recreation staff has also been instrumental in crafting the Lower Flathead River Plan, a Tribal guidance plan akin to a federal scenic river designation, and the implementation of an annual 1,000-student river ecology event for all Reservation schools. This program's ability to provide recreation facilities with limited funding, signifies the best in cooperative and creative management found anywhere in Indian Country.

### Conservation Program

The Conservation wardens provide enforcement for fish, wildlife and recreation rules through Tribal and Federal Law, and most interestingly, the Tribal-State Cooperative Fishing and Bird Hunting Agreement. This twelve-year old litigation settlement agreement regulates non-member bird hunting and fishing on the Reservation through a Tribal licensing system and joint State and Tribal fish and wildlife board, and allows for continued public input and management actions and regulations.

The late Tribal Chairman Michael Pablo and Marc Raciot, former Governor of Montana, once stated "the agreement has shown that by working together, we can continue to enjoy this magnificent place we call the Flathead Indian Reservation". (1994 - 1998 Joint Report)

Tribal, State, and Federal wardens all enforce the joint regulations, citing violators into courts of appropriate jurisdiction. Our wardens, who are cross deputized with the U.S. Fish and Wildlife Service and Montana Fish, Wildlife and Parks, patrol the Reservation's 30,000 individual non-member users and 7,000 Tribal member users for compliance checks and information contacts. The wardens have been recognized for their technical search and rescue skills and training and continue to offer their services to all of Western Montana.

## OTHER IMPORTANT HIGHLIGHTS

The many accomplishments of my Tribe are numerous. I will list some of the other plans, laws, and programs that affect Fish and Wildlife management on the Flathead Reservation, either directly or indirectly. They include:

1. Tribal primitive area designations – Tribal use protection/preservation areas (97,000 acres under this designation).
2. Flathead Reservation Comprehensive Resource Plan – Overall natural and land based resource guidance plan.
3. Flathead Forest Management Plan – An ecosystem based forestry management plan with the primary goal to restore historic vegetation patterns.
4. Kerr Dam Mitigation Fish and Wildlife Implementation Strategy – Specific mitigation planning for the effects of Kerr Dam on the Flathead River.
5. Tribal planning with the NEPA process – The Tribes utilize NEPA for planning and decision making processes.
6. Flathead Reservation Class 1 Air Quality Designation – The tribes maintain the most stringent air quality standard available through EPA.
7. Shoreline Protection Ordinance – Tribal shoreline standards to provide environmental safeguards for construction activities.
8. Aquatic Lands Conservation Ordinance – Provides protection of all aquatic lands, including wetlands.
9. Hunting, Fishing, and Recreation Ordinance – Provides for both member and non-member use regulations.

Finally, we look forward to adding the National Bison Range to our list of highlights in the near future. We are excited about the opportunity to negotiate for the management of the National Bison Range. The National Bison Range is currently managed by the United States Fish and Wildlife Service and under current federal law is required to negotiate with a Tribe, who shows interest, for the management of certain federal facilities, (Those facilities are listed and the National Bison Range is on that list) if a Tribe can show a historic, geographic or cultural connection to the facility. The National Bison Range is located in the middle of the Flathead Reservation and the Confederated Salish and Kootenai Tribes clearly have historic and geographic and cultural connections to the National Bison Range lands.

## SUPPORT AND NEED FOR FUTURE PROGRAMS

I would like to remind the Committee of some important items for your considerations. Indian Tribes, when compared to States, do not have equal access to all the Federal funding opportunities available today, such as the Dingell-Johnson and Pittman-Robertson excise taxes, or U.S. Coast Guard funding assistance, even though Tribal lands, waters, people and visitors are used to derive the funding base and disbursements of funds to the States. In addition, when funding is available, the unique needs and internal limitations of the Tribes prevent application for certain grants that would otherwise greatly behoove Tribal efforts in resource management and economic development. Current and forecasted population growth in and around our Reservation will continue to place increasing demands upon our resources and staffing which also increases our need for enhanced and new funding opportunities.

## CLOSING AND CONCLUSIONS

The Confederated Salish and Kootenai Tribes have always been good stewards of the natural resources. Today we strive to achieve good stewardship through, among other things, excellent Fish and Wildlife Program Management. Our efforts include continuing out cultural traditions, interdisciplinary consultation, setting high standards and professional qualifications, providing due process and public involvement as part of the regulation development process, including non-Tribal members on regulatory boards, staying active in the political process and coordination with Federal agencies and State Government. These efforts have gained us recognition by Federal agencies and benefit Tribal Government, Tribal members, the reservation economy and all Americans. In the future we need to be strong to continue to be a vital part of the regional economy and to meet the challenges that we will face from population growth. It will take your support to help keep us strong.

As always we appreciate your time and your efforts to find ways to keep Tribal governments and Tribal people healthy, viable and sovereign.