

# Circle Speaker

OCTOBER—DECEMBER, 2022

## Aaniiih & Nakoda Environmental Newsletter

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## WITHDRAWAL ESTABLISHED TO PROTECT ZORTMAN-LANDUSKY MINE RECLAMATION SITE

Contact: Gina Baltrusch | [rbaltrusch@blm.gov](mailto:rbaltrusch@blm.gov) | 09/09/2022 | Bureau of Land Management  
<https://www.blm.gov/press-release/withdrawal-established-protect-zortman-landusky-mine-reclamation-site>

(MALTA, Mont.) – The Bureau of Land Management issued a Public Land Order today to protect more than 2,600 acres at the Zortman-Landusky Mine reclamation area from future mining activities. The BLM administers the site, located in Phillips County, Montana.

The 20-year mineral withdrawal of this reclamation area prevents new mining activities and disturbance of the public lands, and provides time to assess and monitor the effectiveness of on-going reclamation activities – <https://www.federalregister.gov/documents/2022/09/09/2022-19503/>

public-land-order-no-7913-withdrawal-of-public-land-for-the-zortman-landusky-mine-reclamation-site. A withdrawal of this area was first approved in October 2000 and expired on October 4, 2020. The BLM is also considering an additional 900 acres for withdrawal and is analyzing public comments.

Approximately \$83.7 million in reclamation bonds and State of Montana and BLM funding have been spent since 1999 to fund site reclamation and water treatment plant operations after the mine operator declared bankruptcy and

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abandoned the mines in 1998. It is anticipated that water treatment will continue indefinitely, with continued funding needed for ongoing operation and monitoring activities. The BLM estimates that approximately \$2.2 million per year will be needed for water treatment into the foreseeable future.

For more information about the Zortman-Landusky Mine reclamation area, please see the environmental review documents associated with this withdrawal on BLM's ePlanning website – <https://eplanning.blm.gov>. Search using the National Environmental Policy Act number: DOI-BLM-MT-L010-2021-0003-EA.

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# Tribe, conservation groups join DEQ to analyze new Zortman mining

By Joshua Murdock | Sep 20, 2022

[https://missoulian.com/news/local/tribe-conservation-groups-join-deq-to-analyze-new-zortman-mining/article\\_fd4955dc-1457-54d1-9280-df206145da79.html](https://missoulian.com/news/local/tribe-conservation-groups-join-deq-to-analyze-new-zortman-mining/article_fd4955dc-1457-54d1-9280-df206145da79.html)

Conservation groups and the Fort Belknap Indian Community have joined the Montana Department of Environmental Quality in opposing a mining company's bid to conduct exploration mining in the Little Rocky Mountains with less rigorous environmental review than the agency wants.

Luke Ployhar and Owen Voigt, and their mining company, Blue Arc LLC, are fighting a decision by the DEQ to conduct an environmental impact statement, or EIS, for proposed exploration mining near the Zortman-Landusky Mine site in eastern Montana. Under the National Environmental Policy Act, an EIS is the most comprehensive study of a proposed action and its impacts, particularly impacts that cannot be mitigated.

Ployhar appealed the DEQ decision to conduct an EIS to the Board of Environmental Review. In a motion to intervene submitted Friday, the Fort Belknap Indian Community, Montana Environmental Information Center, Earthworks and Montana Trout Unlimited requested to support the DEQ in requiring the more extensive review.

"There is substantial history establishing the detrimental effects created by previous mining activity in the Little Rockies," Jeffrey Stiffarm, president of the Fort Belknap Indian Community, said in a statement Monday. "Environmental impacts are being felt to this day. The Fort Belknap Indian Community will continue to actively pursue any issues that detrimentally affect the homelands of the Gros Ventre and Assiniboine people. This includes supporting the positions of other agencies that understand the need of a comprehensive review of any proposed mining exploration. The Fort Belknap Indian Community will continue to monitor this situation and provide support wherever

we can, including providing information regarding cultural and spiritual aspects of the Gros Ventre and Assiniboine Tribes."

Earlier this summer, the DEQ fined Ployhar, Voigt and Blue Arc \$516,567 for what the agency said was illegal exploration mining in the reclamation area without a valid permit. In correspondence with the DEQ regarding the fine, Ployhar denied exploration mining and said that activities on his mining claims were instead related to a tourism facility he planned to construct. The DEQ called the pair's activities a "violation of major gravity that has compromised reclamation work at the site and represents a risk of acid rock drainage."

The Zortman-Landusky site is a cluster of abandoned open-pit and underground gold mines located in the Little Rocky Mountains near the small settlements of Zortman and Landusky, about 66 miles southeast of Havre. The site is just south – and, crucially, upstream of – the Fort Belknap Reservation.

The site is also a federally designated Superfund cleanup site where the BLM and DEQ have since 1999 spent more than \$83.7 million to perform reclamation and implement water treatment, primarily to stem the flow of acid mine drainage into water on the reservation. The mines were permitted by the agencies in 1979 and '81. In 1993, Montana, the U.S. Environmental Protection Agency and the Fort Belknap Reservation sued mine operator Pegasus Gold for Clean Water Act violations related to acid mine drainage, which had contaminated surface and groundwater on the reservation.

When the company declared bankruptcy in 1998,

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## Tribe, conservation groups join DEQ to analyze new Zortman mining

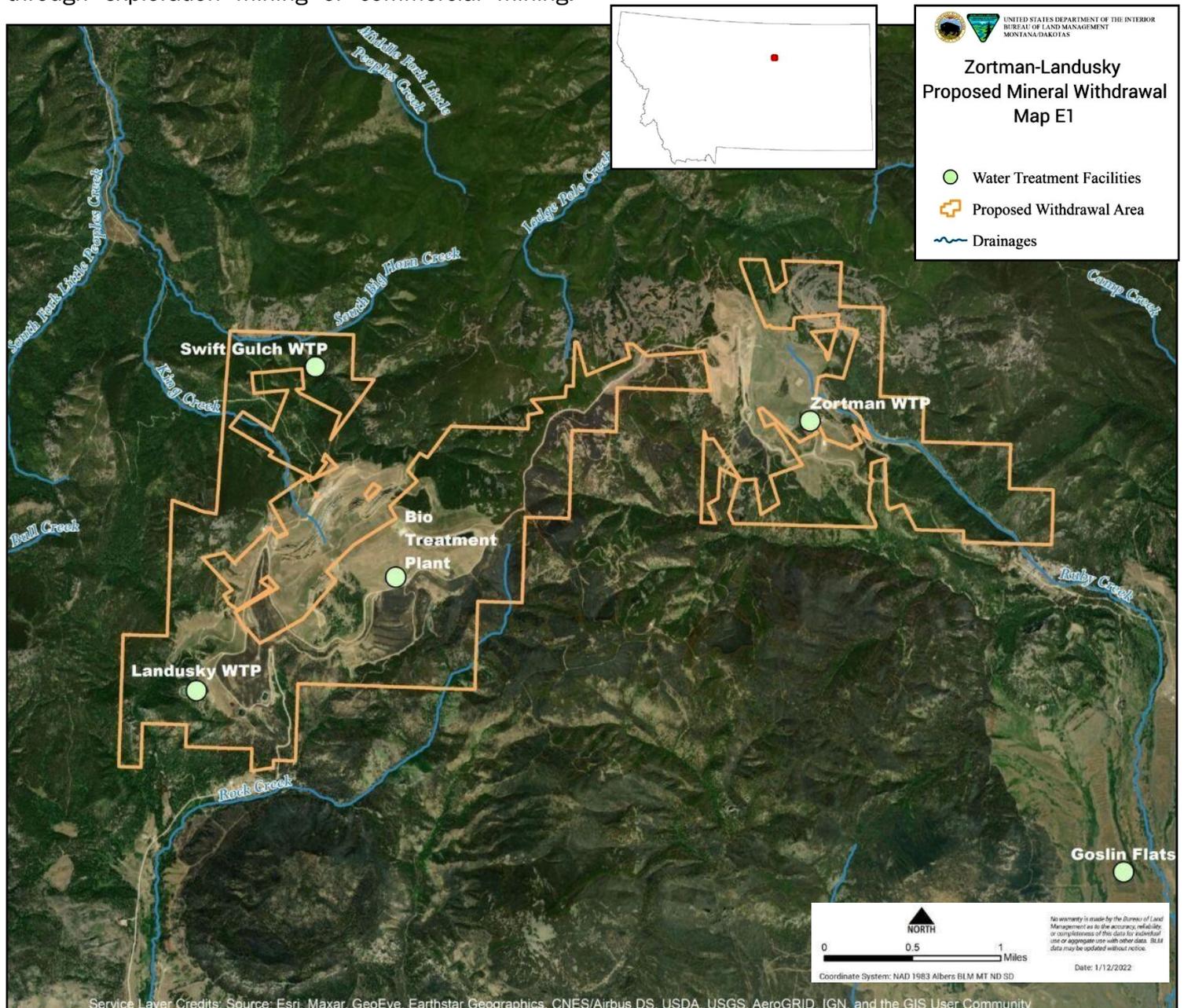
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reclamation and remediation work fell to the state and federal agencies, which have spent the mines' posted reclamation bond and taxpayer funds to sequester and revegetate multiple cyanide heap leaching sites, waste rock dumps and mine pits. The agencies also established and operate multiple water treatment facilities at the site. Water treatment will need to operate forever.

Acid mine drainage occurs when sulfide-laden rock underground is dug up and exposed to air and water, such as mine tailings and open mine pits created through exploration mining or commercial mining.

Once exposed, sulfides react with air and water to form sulfuric acid, which can react with metals in surrounding rock and gets washed into waterways.

Earlier this month, the BLM withdrew 2,688.13 acres of public land in the area from eligibility for new mining claims for 20 years, in an effort to protect reclamation and remediation work in the area. The agency plans to withdraw an additional 912.33 acres. Blue Arc's claims are on private land in the area, and as such are not subject to the withdrawals, but the DEQ has not issued a permit for mining the claims.



The Bureau of Land Management on Sept. 9 implemented a 20-year withdrawal of 2,688.13 acres of land from eligibility for new mining claims. The land, outlined in orange on this map, had previously been withdrawn from 2000–2020 to facilitate reclamation and water treatment at the Zortman-Landusky Mine site. Courtesy of the Bureau of Land Management



# SOVEREIGNTY

By Randall Werk Sr.

Sovereignty in its most basic form is the recognized ability or right of a group of people to create their own laws. This is often joined with an agreement by members of the group to be governed by these laws. Recognized by whom? By the group's constituents. The People. It can also be recognized by people outside of said group or other sovereigns such as municipalities, counties, states, and countries. However, outside recognition is not an essential component of sovereignty. These laws are usually based upon socially defined norms within said group. It is also an agreement by the group to behave within the parameters of these laws or face delineated repercussions be they civil or criminal. Among tribes this right to govern is said to be inherent. This means it has existed so long as the group has lived as a collective of people or as often cited since "Time Immemorial". Sometimes inherent is described as "god given" right.

Sovereignty can be thought of as a muscle. Meaning the more a group exercises it the stronger it will become. Conversely, it can also atrophy with disuse. Examples of times tribes have delegated some of their sovereign rights to another entity was the signing of treaties with other sovereigns. This was usually done in a manner that highlighted conceptually mutual agreements between the two parties. Think, I can cross your land and you won't kill me, deal? Or we had land along with natural resources and they had material and technological resources. Quid pro quo or this for that. We agreed to cede some of our rights to portions of the land in exchange for resources in the form of annuities. What we did not yield we kept or reserved to ourselves, hence RESERVATIONS. It is important to keep in mind this yield should not be thought of as a giving up of rights. Rather it is often viewed as a grant of rights by a group within an area over which they exercise a recognized [dominion](#).<sup>1</sup> Often when tribes sit idle another sovereign will attempt to exercise its sovereignty in an attempt to chip away

## Disclaimer:

The views and opinions expressed in this article are those of the author and do not necessarily reflect the views or opinions of the Fort Belknap Indian Community or the Fort Belknap Environmental Protection Department.

the edges of tribal domains. We commonly did this to each other in the form of intertribal warfare. Today counties, states, and at times the federal government will look to test these boundaries. This is a good reason for tribes to remain vigilant in both knowing and exercising their rights when and where they exist. An informed government is one avenue for this feature to operate with efficiency.

One venue in which sovereign decay has proliferated at least from the perspective of the United States of America is within the American Judicial System. In the 1831 US Supreme Court case opined under Chief Justice John Marshall, tribes were first defined as "Domestic Dependent [Nations](#)."<sup>2</sup> This concept is born out of the fact that the US considers itself a Nation of Laws based upon the constitution. There are three branches of Government within the US. Each has its own unique powers and responsibilities. They are:

1. Legislative, the House of Representatives and the Senate (law creation),
2. Executive, President, Vice President, and Politically appointed Cabinet people who exercise the delegated secretarial authority within their areas of operation (law enforcement),
3. Judicial, The Supreme Court (review and interpretation of law).

Most States have similar structures, usually with a Governor and Lieutenant Governor Serving in the executive capacity.

Within the Constitution, Article I Section 8. Clause 3 states, Congress shall have the authority to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; Federal Indian Law from the paternal perspective of the US is born out of this one statement based upon exchange of

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<sup>1</sup> United States v. Winans, 198 U.S. 371 (1905)- ...reserved to the Yakima Indians in the Treaty of 1859, was not a grant of right to the Indians, but a reservation by the Indians of rights already possessed and not granted away by them... In other words, the treaty was not a grant of rights to the Indians, but a grant of right from them – a reservation of those not granted.

<sup>2</sup> Cherokee Nation v. Georgia, 30 U.S. 5 Pet. 1 1 (1831)- The Indians are acknowledged to have an unquestionable, and heretofore an unquestioned, right to the lands they occupy until that right shall be extinguished by a voluntary cession to our Government. It may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may more correctly, perhaps, be denominated domestic dependent nations.

## Sovereignty

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goods and services with other sovereigns. Treaties stood apart with its own area within the Constitution<sup>3</sup> as a unique feature until the sovereignty of each tribe. The powers of tribes from the perspective of the United States were limited in the opinion of one Supreme Court Case with the appearance of the overreaching term, “PLENARY AUTHORITY”.<sup>4</sup> Many legal scholars have suggested that the initial intent of plenary authority in this sent simply meant that the right of congress to regulate commerce existed to the exclusion of the other branches.

Now from a Tribal Perspective Each Tribe has retained all rights that have not been expressly ceded. These include but are not limited to:

1. Formation of Government
2. Inclusion/Exclusion
  - a. Definition of Membership Requirements
  - b. Disenrollment
3. Land and Mineral Rights within the Exterior Boundaries of the area RESERVED by themselves.
4. Civil Authority
  - a. Sanitation
  - b. Curfew
  - c. Parking
  - d. Eminent Domain
  - e. Settlement of disputes between two parties
5. Criminal Authority
6. Commerce
7. Taxation
8. Water Rights (Never Expressly Ceded)

It is this last facet of sovereignty I would like to expand upon briefly. Theoretically, each tribe that exists within the Fort Belknap Indian Community should have a claim to essentially all the water that existed within the defined boundaries of the 1855 Treaty between the Gros Ventres, the United States, and other parties. I cite this document because it is the Legal Document used to define the parameters of the Water Compact agreed upon by the Fort Belknap Indian Community and the State of Montana in 2001. Every other Tribe in the State has a ratified compact with both the State of Montana and the United States in

which they yield some of their claims to these rights. The Gros Ventre and Assiniboine People as separate but equal sovereign entities would theoretically have equal senior claims to bodies of water existing within boundaries laid out in their respective treaties and agreements with the United States as neither tribe has expressly ceded these specific rights in any treaty or agreement. Most people note the fact that Fort Belknap had agreed to the Establishment of a Reorganized Governmental Structure under the Indian Reorganization Act of 1935. They often fail to note the caveat that exists within the corporate charter stating that each tribe would deal with tribal specific issues related to property rights as they have prior to the ratification of the tribal constitution and corporate charter.<sup>5</sup> Montana’s Department of Natural Resources and Conservation defines water rights as a property right that is able to be separated from a land right.

The tribe as the Fort Belknap Indian Community has recognized sovereignty that has existed in its current form since the Indian Reorganization Act of 1935. Theoretically, whatever rights this body may have as a consolidated entity would only be able to claim seniority from that point forward. The Tribes that exist within the community would be the only groups able to claim any rights prior to this agreement. Back to that ugly word “Plenary Power.” This judicial concept coupled with the wardship nature that exists within the “Domestic Dependent” relationship as it is viewed by the government of the United States allows for seemingly unlimited broad strokes to be used related congressional action. The limiting factor that exists with these defined powers is the fiduciary responsibility assumed by the United States in adopting and recognizing the “guardian” to “ward” relationships with tribes. This basically means that the US is obliged to look out for the best interest of tribes in all matters related to the regulation of commerce.

Take a moment to think about the negotiated water settlement. Why is the federal government willing to pay over 568 million dollars over ten years to the Fort

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<sup>3</sup> United States Constitution – Article VI. Clause 2- *This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.*

<sup>4</sup> Lone Wolf v. Hitchcock, 187 U.S. 553 (1903)- *Congress has always exercised plenary authority over the tribal relations of the Indians and the power has always been deemed a political one not subject to be controlled by the courts.*

<sup>5</sup> Corporate Charter of the Fort Belknap Indian Community- Section 7 Subsection a, b, & d.

## SOVEREIGNTY

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Belknap Indian Community? Possibly because it is exactly that a SETTLEMENT meaning the Fort Belknap Indian Community is willing to quiet their claim on any water rights that may have existed within the bounds of the 1855 treaty which theoretically are none. There is not a treaty that exists with the Fort Belknap Indian Community and the United States. So, is the Federal Government Paying FBIC 568 million for rights that existed since 1935?

Back to that ugly word “Plenary Authority” once the House and the Senate pass water settlement bills it will be settled law that could only be interpreted by the supreme court of the United States. Provided 2/3 of voting tribal agree through a referendum vote. This means if only 3 people vote no matter the tribe they are enrolled with and two vote in agreement it pass-

es. Most times SCOTUS does not take up these types of cases until they have exhausted all other avenues.

The other option, seemingly held as the Sword of Damocles over the tribes’ head is to have the matter adjudicated in state water courts established under the McCarran Amendment.<sup>6</sup> As a Court of Competent Jurisdiction the state water court would at least have to consider that the tribes have a claim based on their treaties. Would they also only be adjudicating FBIC’s rights since 1935 as well? Just food for thought. Either way FBIC has authority to deal with the US Government base on IRA 1935 Act but at what point does the caveat written into the documents founding this government come into play. Who decides? Our elected officials and the people themselves? Who is the real sovereign? The People.

<sup>6</sup> McCarran Amendment, 43 U.S.C. § 666 (1952) is a federal law enacted by the United States Congress in 1952 which waives the United States’ sovereign immunity in suits concerning ownership or management of water rights.

## The Supreme Court’s attack on tribal sovereignty, explained

Four federal Indian law experts digest the Supreme Court’s ‘shocking’ decision to grant state governments the power to prosecute crimes in Indian Country.

By Nick Martin | July 1, 2022

<https://www.hcn.org/articles/indigenous-affairs-justice-law-the-supreme-courts-attack-on-tribal-sovereignty-explained>



As part of its recent precedent-breaking spree, the U.S. Supreme Court turned federal Indian law on its head this week on Wednesday, June 29. In the case of *Oklahoma v. Castro-Huerta*, a majority of five conservative justices sided with the state of Oklahoma, finding that state governments have the legal jurisdiction to prosecute non-Native citizens for crimes committed against Native citizens on sovereign tribal lands. The opinion, authored by Trump-appointed Justice Brett Kavanaugh, breaks with centuries of established federal Indian law. Until this decision, state law enforcement agencies could intervene in Indian Country crimes only by an act of Congress.

The *Castro-Huerta* case revisited questions of jurisdiction and sovereignty that were central to the landmark July 2020 case *McGirt v. Oklahoma*. That case concluded that Congress had never disestablished

the reservations of the Cherokee, Choctaw, Seminole, Chickasaw and Muscogee Creek nations in Oklahoma — roughly half of the state’s present land base — and that individuals charged with crimes on tribal lands could be prosecuted by either federal or tribal officials. This latest case now narrows the court’s previous ruling on tribal sovereignty in *McGirt*, and inserts state jurisdiction, as well. As the author of the dissenting opinion, Justice Neil Gorsuch denounced the majority decision reached by his conservative colleagues. “This declaration comes as if by oracle, without any sense of the history recounted above and unattached to any colorable legal authority,” Gorsuch wrote. “Truly, a more ahistorical and mistaken statement of Indian law would be hard to fathom.”

High Country News spoke with four federal Indian law

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## The Supreme Court's attack on tribal sovereignty, explained

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experts in an effort to unpack precisely what this new ruling means for the citizens and nations of Indian Country, and to better understand what the court's willingness to eschew established precedent will mean for the health of Indigenous sovereignty in the months and years to come.

*This conversation has been edited for clarity and length.*

**High Country News:** On Wednesday, the U.S. Supreme Court ruled 5-4 in *Oklahoma v. Castro-Huerta* that the state of Oklahoma, and presumably all states, have jurisdiction to charge non-Natives committing crimes against Native citizens. How significant of a departure is this from existing precedent, where a state's right to prosecute in Indian Country required an act of Congress?

**Stacy Leeds (Cherokee Nation; foundation professor of law and leadership at the Sandra Day O'Connor College of Law, Arizona State University):** The ruling represents a shocking disregard for centuries of prior precedent and a profound disconnect from historical context. The most basic tenet for federal Indian law is that the power over Indian Affairs is consolidated with the federal government to the exclusion of the states.



The sweeping language in this case upends the very foundations of the field. The court casually states without citation to any legal authority.

**Elizabeth Reese (Yunpoví; assistant professor of law, Stanford Law School):** This decision is a sweeping change in Indian law. It flips precedent and existing presumptions on their head. Yesterday, the preemption was that states have no power over crimes in Indian Country. The narrow exception, from *McBratney*, that states have jurisdiction over non-Indian on non-Indian crime was always a bit of a puzzle, given how contrary its reasoning was to the rest of Indian law decisions. It was treated like an outlier, a case with fragile foundations that scholars would occasionally ask me to make sense of because it was so inconsistent with the rest of federal



Indian law doctrine. The holding in this case is ostensibly limited to just non-Indian on Indian crimes, but its reasoning supports a new era where state authority over tribal lands is the default assumption. I barely recognize the federal Indian law or the American history described in the majority opinion — it's just that off base.

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**Matthew Fletcher (Grand Traverse Band of Ottawa and Chippewa Indians; foundation professor of law and director of the Indigenous Law and Policy Center, Michigan State University):** Castro-Huerta is a dramatic departure and cannot be reconciled with *McGirt v. Oklahoma*. The court seems to believe that the (1832) *Worcester v. Georgia* rule that state law has no force in Indian Country — one of the foundations of federal Indian law — is dead. It doesn't point to any case that says that, so it cannot even point to a year when that general rule went away, but there it is. The majority is going back to what I call "Canary Textualism," where the Supreme Court takes the lead on national Indian affairs policy instead of Congress or the tribes.



**Bethany Berger (Wallace Stevens professor of law, UConn School of Law):** It's big. It rejects the established law taught to every federal prosecutor working in Indian Country, every law student studying federal Indian law, and agreed to by every state court considering the question.



**HCN:** I recognize there will be a litany of responses to this question that will be determined by the relationship between states and the bordering tribal nations, but what do you perceive as being the immediate effects of this decision for tribal citizens throughout Indian Country?

**Leeds:** Read in its most restrictive light, this case is

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## The Supreme Court's attack on tribal sovereignty, explained

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only about state concurrent jurisdiction over non-Indians who commit crimes inside Indian Country. It may lead to more law enforcement confusion in the field because starting Oct. 1, when the expanded Violence Against Women Act kicks in, all three sovereigns will be recognized as having jurisdiction over some situations. Two of those situations, the federal and tribal jurisdiction are expressly provided for by Congress in various statutes. Only one of those situations springs anew by judicial fiat.

Read in its most expansive light, this case seems to support many types of state intrusion into Indian Country with the erasure of Indigenous nations and their rights to be governed by their own laws to the exclusion of state law. Tribal sovereignty is the right to make local laws and be ruled (only) by those local laws. Now it seems as if the court would support states' rights to pass laws that tribes oppose and the barrier to state power would not be tribal sovereignty and express treaty rights, but instead, whether a case-by-case federal preemption analysis would keep the state at bay.

**Reese:** You are correct to flag that a lot will depend on what different states decide to do and their relationships with tribes. Immediately, however, this means that non-Indian crime on Indian crime — including the domestic violence cases that led to all the VAWA activism and reform over the last few decades — are now going to fall to the state and federal government. Increased state police presence could happen on tribal lands immediately, and tribal laws or federal law which previously may have shielded non-Indians from certain state law decisions are no longer a shield.

**Fletcher:** I don't know that states and counties are going to swoop into Indian Country to subvert federal and tribal criminal justice prerogatives right away, but they could. Suddenly, without any preparation or cooperation, states and counties are a third sovereign in Indian Country. Who knows what could happen? Justice Gorsuch's dissent provides an easy suggestion for Congress to fix the decision. Some state legislatures could choose — at tribal request — to stand down from exercising jurisdiction. And — though very unlikely given the history of conflict between sovereigns, states and counties — (it) could actually enhance Indian Country criminal jurisdiction.



The *Castro-Huerta* opinion, authored by Trump-appointed Justice Brett Kavanaugh, breaks with centuries of established federal Indian law. Justice Neil Gorsuch wrote the dissenting opinion. Aaron P. Bernstein/Bloomberg via Getty Images

**Berger:** It will mean that tribal citizens will face less protection and more abuse by police. We have years of studies of criminal justice on reservations where Congress gave states full criminal jurisdiction, and state jurisdiction just undermines support for tribal and federal systems without increasing effective responses to crime. Tribal victims are less likely to trust or report crimes to state police, and witnesses are less likely to work with them. But states don't do the effective community policing that makes tribal citizens safer. The *Castro-Huerta* case is an example of this. For two years, the Oklahoma Department of Human Services had received reports of possible neglect of the victim in this case, a little girl with severe disabilities who could not feed herself and needed five bottles of specialized feeding a day. Her mother had several other children, and her stepfather, Mr. Castro-Huerta, was an immigrant who worked multiple jobs. It was only when Mr. Castro-Huerta and her mother — who had just given birth — brought the child to the emergency room that the state took her into custody. Oklahoma also never notified the girl's tribe, the Eastern Band of Cherokee Indians in North Carolina, to seek their help in finding a better placement for the child. The state's response — to arrest the stepfather and sentence him to 35 (years) — is sadly typical in cases involving state criminal jurisdiction in cases involving Indians, focusing just on punishment and not on effective prevention.

**HCN:** I have a two-parter to end on: First, do you anticipate that the politicization of the court and its ruling today will embolden more states and private enti-

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## The Supreme Court's attack on tribal sovereignty, explained

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ties to challenge the sovereign rights of tribal nations?

**Leeds:** Yes, this provides the road map for the extension of state power.

**Reese:** Unfortunately, yes. Tribal sovereignty is even more vulnerable when the court is willing to disregard precedent and history. I fear that this case demonstrates how Oklahoma's campaign to claw back power was more persuasive to the court than its precedents — that, in the words of Justice Gorsuch in *McGirt*, that “rule of the strong, not the rule of law” is what we can expect from this five-justice majority.

**Fletcher:** Justice Kavanaugh's majority opinion is his first major writing in an Indian law case and it's not good for Indian Country. He's firmly in the Scalia-Rehnquist camp of skepticism toward Indian tribes, skepticism toward congressional policy decisions in Indian affairs, and extreme deference to states' preferences. He claims to be a textualist, but he is happy to deviate from the text to fulfill those political commitments. The jury is still out on Justice Coney Barrett, another justice who has stated a commitment to textualism (and even wrote about textualism in her work as a law scholar). Her opinion in the *Ysleta del Sur Pueblo* bingo case was a good omen. When she is confronted with relatively clear text, she doesn't so easily give up on her commitment to textualism just because a state government complains. Her vote in *Castro-Huerta* is disconcerting, however. We don't have a separate writing from her in that case so we can't be sure, but it appears she approved of the assertion of judicial power that has wreaked havoc in Indian affairs since the 19th century.

This court is quite likely the most radically activist court in American history. The court's overruling of *Roe* is the tip of the iceberg. The court struck down the separation of church and state as well. In the next term, it'll strike down affirmative action in higher education as well. This is a self-proclaimed textualist court that gratuitously deviates from its methodological commitments to advance certain political commitments — deference to states, deference to the police, deference to mainstream religion, and extreme skepticism of racial, gender and sexual minorities.

**Berger:** States and private entities have never

stopped challenging the sovereign rights of tribal nations. This case just shows that — after a handful of cases where tribal sovereignty and precedent seemed to get some respect — the Supreme Court remains a very dangerous place for tribal rights.

**HCN:** And the second part: Given this is our bench for the foreseeable future, how much faith can those invested in the long-term political and legal strength of tribal nations truly put in this court? Particularly, I am thinking about *Brackeen v. Haaland*, the state-backed Indian Child Welfare Act challenge, among others. Put simply, can tribal citizens (and electeds and attorneys, etc.) trust SCOTUS after this decision?

**Reese:** Very little and no. I join the growing chorus of legal experts who are criticizing the faith we've put in the Supreme Court — particularly since *Brown v. Board of Education* — to be a guardian of law and the moral arc of the universe's bend toward justice. We've given them a lot of power by putting so much faith in them. Far too much, I think. It's time to stop waiting for the court to fix things or hoping that the best legal argument will prevail. It's time to start talking about institutional reform to the Supreme Court, and to the Constitution broadly.

**Fletcher:** I would not trust this Court much at all, but that's been true for the entire history of the United States. What makes this Court worse, however, is the extremity of its radicalism and lack of discipline. Nothing is sacred to this Court.

**I would not trust this Court much at all, but that's been true for the entire history of the United States.**

**Berger:** Given how much easier it is for the Justices to sympathize with states and non-Indians than with tribes and tribal citizens, trusting SCOTUS was never a safe move. For a few years starting in 2016, the Court seemed to be actually paying attention to precedent and the realities of life in tribal communities, and this breaks from that. It's a bad sign for *Brackeen*, but that case always played into a lot of justices' biases. But the choices facing tribes and their citizens are still the same: Try to stay out of the court, and try to make the best case possible if you have to go.

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# Tribal Sovereignty

Submitted by: William Bell, Island Mountain Protectors

Websters Dictionary defines sovereignty as supreme power over a body politic, freedom from external control. This definition does little to describe the sovereign power of tribal nations. A simpler definition of tribal sovereignty refers to the inherent rights or power to govern. Tribes are sovereign by nature and necessity; they conducted their own affairs and depended on no outside source of power to legitimize their acts of government. (American Indian Law, 1981) This power of sovereignty was not granted by the United States but was recognized as an inherent right tribes retained as guardians of their traditional territories and homelands. Tribal sovereignty allows tribes to honor and protect their cultures and traditional ways of life. Tribal sovereignty is a political status recognized by the federal government, protected by the US constitution and treaties made generations ago, and upheld by the U.S. Supreme court. Tribal sovereignty applies to laws, customs and natural resources within the exterior boundaries of reservations. Does that mean that tribes have no power to regulate and manage traditional homelands and resources that were ceded through various treaties that were signed. Vine Deloria Jr authored the book titled "*Custer Died for Your Sins* (1969) in which he was able to articulate sovereignty in a way that made sense for Native peoples politically, legally, and most importantly culturally. He believed that cultural integrity was the heart of native sovereignty, with that integrity having been fully acknowledged in the several hundred treaties that had been signed and ratified by the United States. (Red Prophet, 2018). Also related to Indigenous sovereignty, was the essential conceptualization of tribal self-determination. The last piece to recognize with respect to sovereignty is the acknowledgement and recognition of the sacred. The importance of sacredness of space and place for indigenous nations cannot be minimized or discredited with respect to sovereignty. Deloria's insight into these three ideas help "form the major framework of the federal relationship with Indian tribes". (Red Prophet, 2018) The issue of sovereignty extends to every reservation border and every natural resource within said border and those that are outside of reservation borders. Water, land, air, and minerals are

at the heart of natural resource issues in Indian country. With water being the most contentious issue mineral extraction in ceded territories are also of grave concern.

The Fort Belknap Indian Reservation consists of roughly 670,000 +/- acres, which is governed by the Fort Belknap Tribal community council. The tribe is negotiating the tribal reserved water rights appropriation with the federal government and the state of Montana. Negotiation of the Water Compact will settle tribal water rights claims that were reserved at the creation of the establishment of the Fort Belknap Indian Reservation. Also known as the *Winters* Doctrine which noted that sufficient water to fulfill the purposes of the reservation was implicitly reserved. (Negotiating Tribal Water Rights, 2005) This compact will allow Fort Belknap Tribes to settle all historic, present, and future claims to water right. Quantifying a water right according to state and federal statutes is quite tricky and involves two sets of legal principles. The state doctrine of prior appropriation and federal reserved water rights doctrine. In the negotiation to settle water rights claims, the tribes will claim an amount of water to fulfill all irrigation needs of the reservation also called practicably irrigable acres (PIA). In lieu of full appropriation of water according to *Winters* the tribes have identified certain lands to be returned to tribal ownership. The *Grinnell* notch as it is referred to in current water compact settlement language is an area of roughly 40,000 +/- acres in the Little Rocky Mountains. Ceded in 1895 under duress the tribes are seeking to repatriate their traditional homelands. While terms of the water compact are not finalized this is a key stipulation for the tribes. It is important to look at the issue of sovereignty through the lens of Native American tribes that have traditional homelands continuously from the passing of the Dawes Act to the end of the allotment era in 1934. In that span tribal land bases shrank by 92 million acres. To regain ownership of traditional and sacred homelands is key to tribes becoming true protectors over land, sky and water which was granted from our occupation since time immemorial.

# Fort Belknap Reservation Forest Land Development and Protection Fundamentals

By Chet Gladstone, BIA Forester - Fort Belknap Agency

Selective tree thinning overstocked trees in dry ponderosa pine forests increases the size and value of the remaining stems. Poorly formed, diseased, and weak trees are cut leaving the best trees to grow. Along with the room to grow, the selected trees receive more water and respond by growing more vigorously. These trees will become healthier and more resistant to droughts and lethal attacks from bark beetles. Thinning is the first step in forest development. The subsequent treatment of the slash created from the thinning activity will determine the success of the project in meeting the forest management objective of reducing the threat of wildfire.

Fire, other disturbances, physical setting, weather, and climate shape the structure and function of forests throughout the Western United States. More than 100 years of fire research have shown that physical setting, fuels, and weather combine to determine wildfire intensity (the rate at which it consumes fuel) and severity (the effect fire has on vegetation, soils, buildings, watersheds, and so forth). Millions of acres of forestlands (mainly in dry forests dominated by ponderosa pine) contain a high accumulation of flammable fuels compared to conditions prior to the 20th century. Forests with high stem density and fuel loading combined with extreme fire weather conditions have led to severe and large wildfires (such as those seen in the 2017 July Fire near the towns of Zortman and Landusky and the 2021 Pine Grove Fire near the

towns of Hays and Lodge Pole) that have put a number of important values at risk. Although homes in the path of the wildfire are perhaps the most immediately recognized value, these wildfires also put numerous other human and ecological values at risk such as drinking water supplies, firefighting safety, critical habitat, and soil productivity.

For a given set of weather conditions, fire behavior is strongly influenced by stand and fuel structure. Crown fires in the dry forest types represent an increasing challenge for fire management as well as a general threat to the ecology of these forests and the closely associated human values. Crown fires are dependent on the sequence of available fuels starting from the ground surface to the canopy. Limiting crown fire in these forests can be accomplished by actions that manage in concert the surface, ladder, and crown fuels. Reducing crown fire and wildland fire growth across landscapes decreases the chances of developing large wildfires that affect human values adjacent to forested areas. However, a narrow focus on minimizing crown fire potential will not necessarily reduce the damage to homes and ecosystems when fires do occur. Homes are often ignited by embers flying far from the fire front, and by surface fires. Fire effects on ecosystems can also

occur during surface fires where surface and understory fuels and deep organic layers are sufficient to generate high temperatures for long periods.

**The Center for Large Landscape Conservation (CLLC) with support and guidance from the FBIC Environmental Protection Department (EPD), Fire Management Department, and Aaniiih Nakoda College (ANC) submitted an application to the Wildlife Conservation Society's (WCS) Climate Adaptation Fund, which provides grants to conservation non-profits with the purpose of advancing innovative, science-driven projects responding to the impacts of climate change on wildlife and people. WCS funds administered through CLLC were used to assist FBIC address one section of our Climate Change Adaptation Plan, Forest Health. FBIC EPD Climate Change Program along with the Bureau of Indian Affairs Forestry Program implemented a 100-acre climate adaptive forest restoration treatment, the Little Rockies Forest Resilience Project, in the Little Rocky Mountains. The forest thinning project will increase forest resilience, by promoting forest restoration and fire prevention, and protecting the carbon sink capacity, that will improve Ponderosa Pine Health and Adaptive Capacity in the Little Rocky Mountains. The project was successfully completed in November, 2022.**

*(Continued on page 12)*

# Fort Belknap Reservation Forest Land Development and Protection Fundamentals

(Continued from page 11)

Fuel treatments can help produce forest structures and fuel characteristics that then reduce the likelihood that wildfires will cause large, rapid changes in biophysical conditions. Fuel treatments can also help modify fire behavior sufficiently so that some wildfires can be suppressed more easily. Subsequent sustained fuel treatments can maintain these conditions. Different fuel reduction methods target different components of the fuel bed. Thinning mainly affects standing vegetation, and other types of fuel treatments, such as prescribed fire, and pile burning woody fuels are needed to modify the combustion environment of surface fuels. In forests that have not experienced fire for many decades, multiple fuel treatments—that is thinning and surface fuel reduction may be required to significantly affect crown fire and surface fire hazard. Fuel treatments cannot guarantee gentle fire behavior but can reduce the probability that extreme fire behavior will occur. Fuel treatments can be designed to restore forest conditions to a more resilient and resistant condition than now exists in many forests, and subsequent management could maintain these conditions, particularly in dry ponderosa pine forests where crown fires were historically infrequent. The degree of risk reduction will depend to some degree on the level of investment, social and economic acceptability of treatments, and concurrent consideration of other resource values (for example, wildlife).

For additional information on the scientific knowledge of fuel treatments used to modify wildfire behavior especially in dry ponderosa pine dominated forests, a review of scientific principles and applications relevant to forest fuel treatments is described in the 2004, U.S. Department of Agriculture, Forest Service, Rocky Mountain Research Station, General Technical Report, RMRS-GTR-120. Science basis for changing forest structure to modify wildfire behavior and severity. 43 pages.

*The following pictures are from the Fort Belknap Indian Reservation, Little Rocky Mountains, Government Coulee area, Center for Large Landscape Conservation Project.*



Pictured above is a young lodgepole pine tree stand. The plentiful number of tree stems make it and a good candidate for thinning. In any timber stand, trees compete with each other for light, soil moisture, and nutrients. The more crowded the stand, the more intense the competition. In a crowded, overly-dense stand, growth rate is reduced as all trees weaken from the stress. Eventually the weakest trees die, but before they do, the entire stand is put at risk of loss from insects, diseases, and wildfire.



Above and below. Thinned lodgepole pine stands. The tree slash generated from the thinning activity may increase the fire hazard. Piling and burning the slash will reduce the wildfire threat.



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# Fort Belknap Reservation Forest Land Development and Protection Fundamentals

(Continued from page 12)



Above and below. Young mixed ponderosa pine and lodgepole pine stands. After the slash is piled and burned, prescribed burning the forest floor can be accomplished. This will release more nutrients back into the ground and clear the way for more precipitation to reach the ground. These treatments will stimulate and maximize growth and vigor in the new stand.



Thinned young ponderosa pine and lodgepole pine trees beside older and larger ponderosa pine trees that survived the last wildfire. Old fire scars can be seen near the base of the larger trees.



Groups of larger trees provide vertical and structural diversity to the forest and promote wildlife biodiversity. They also serve as living windbreaks that disrupt the wind and create eddy effects that alter wind speed and direction, causing snow to settle out and accumulate. This improves the mountains' capability to capture snow and recharge the ground water.

Fort Belknap Environmental Protection Department

Thank You For Your Service

VETERANS Day 2022

SPEC4 Kermit Snow, Jr—U.S. ARMY  
Brownfields Compliance Officer  
&  
PFC Mitchell Healy—U.S. ARMY  
Water Quality Coordinator

U.S. ARMY

# Diatoms in the Middle Milk River, the Northern Boundary of the Fort Belknap Indian Reservation: A Case Study.

By Daniel Kinsey and Liz McClain - Aaniiih Nakoda College



Northern boundary of the Fort Belknap Indian Reservation.

The Milk River itself headwaters in the high elevations of Glacier National Park, flows into Canada, and re-crosses the international boundary north of Havre. Along its length, the river has a cross-basin diversion, passes through dams and reservoirs, and is regulated for irrigation, which is a major use of its waters. The river also supplies municipal water to 12 communities.

The middle reaches of the Milk River comprise the northern boundary of the Fort Belknap Reservation. The biological assemblages of the Milk River remain understudied, in spite of these critical usages and the multiple challenges to the river's biological function. A case can be made for studying the aquatic life

of the Middle Milk and monitoring the health of this linear ecosystem. The 78.35 river miles of this sovereign boundary are characterized by turbid waters, streambanks that are vertical, highly erosive and deeply incised.

The river is sinuous, and many oxbows have formed in the floodplain. Substrates are generally silt and sand, aquatic habitats are deep, with riffles nearly non-existent. The river supports a warm water fishery. The riparian areas of the Milk River are generally limited to mature cottonwood and willow trees sparsely scattered among grasses and forbs (again photos anywhere here) We chose to study the diatoms in the

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## Diatoms in the Middle Milk River, the Northern Boundary of the Fort Belknap Indian Reservation

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middle Milk as much work has shown that these microscopic plants are biological indicators of water quality. However, little information on the diatom flora of the Milk River is available and none for this part of the river that is the sovereign northern boundary. We set about characterizing the diatom assemblages at certain sites (Figure 1) and to explore the diversity or composition of the assemblages along the length of the sampled reaches or over the years of sampling. This basic profile could then be compared to subsequent monitoring events in helping to gauge biological health of the Middle Milk. Five sampling sites were established (Figure 1) to represent diatom assemblages above and below the Fort Belknap Agency water treatment facility, above and below the irrigation diversion dam and several miles downstream. Diatom samples were collected for four years (2012-2015) in late July through early September employing a diatom sampler (housing glass slides) positioned at each site in the middle of the stream about 15-30 cm below the surface and anchored to the river bed.

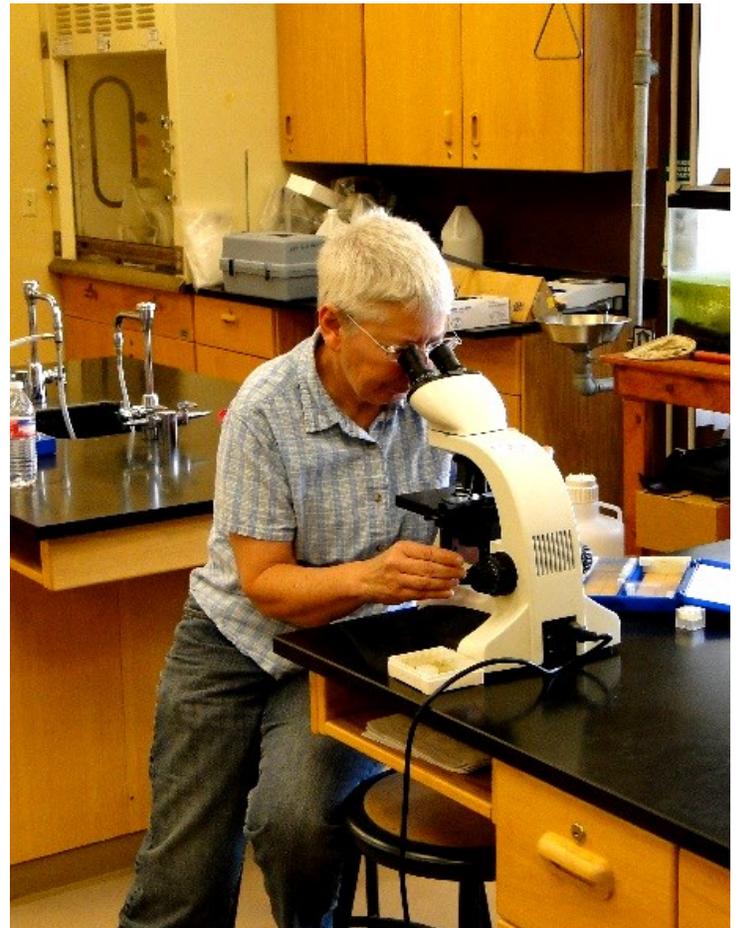
A checklist of the taxa found in the samples of the Middle Milk included a total of 193 diatom taxa, including varieties and subspecies. The taxa also included 51 genera and 23 families. Photos of many of these taxa are given in Figures 2,3, and 4. Across all samples, the diatom species with the highest relative abundance were *Cocconeis placentula* v. *lineata* (12.9%), *Cocconeis placentula* (7.7%), *Nitzschia palea* (6.4%), and *Gomphonema kobayasii* (5.2%). The taxa that were distributed most widely among the samples were *Nitzschia palea* (present in all 19 samples), *Cocconeis placentula* (18 samples), and *Nitzschia inconspicua* (18 samples). Forty-four species were narrowly distributed, each occurring in only a single sample.

These diatom assemblages can now be monitored giving clues to the biological integrity of the Middle Milk and helping to ensure environmental sovereignty of the Aaniiih and Nakoda Tribes of the Fort Belknap Indian Community.

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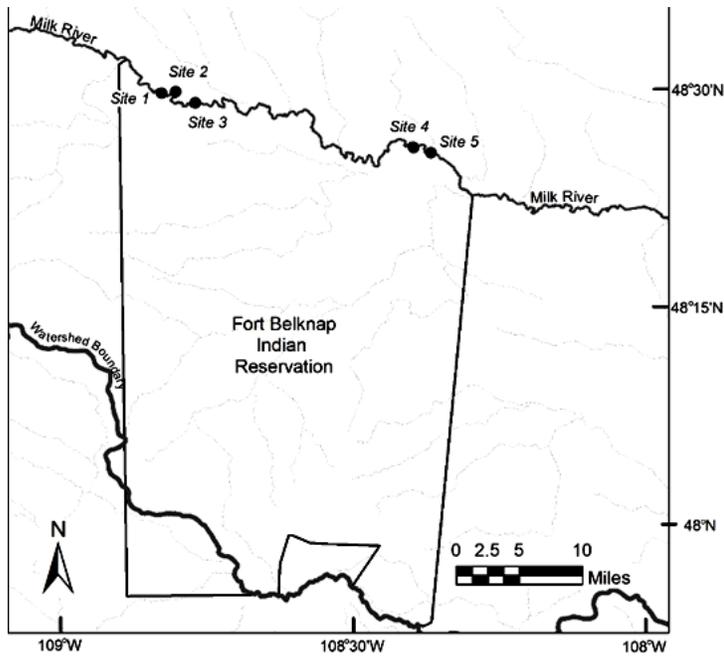
These (diatom samplers) were left for two weeks after which diatoms were identified to species using microscopy.



Weise Bollman, President and Owner of Rhithron Associates, Inc. of Missoula, MT. The diatoms are sent to Rhithron for identification.

# Diatoms in the Middle Milk River, the Northern Boundary of the Fort Belknap Indian Reservation

(Continued from page 15)



Diatom Sample Site Map (Fig. 1)



Sample Site #3



Sample Site #5

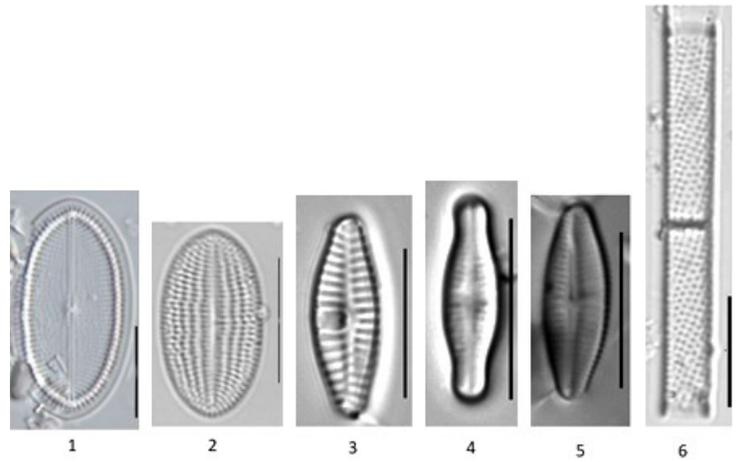


Figure 2. Achnantheaceae. 1. *Cocconeis placentula* 2. *Cocconeis placentula* var. *lineata* 3. *Planothidium frequentissimum*  
Achnanthidiaceae. 4. *Achnanthidium minutissimum* 5. *Achnanthidium pyrenaicum*  
Aulacoseiraceae. 6. *Aulacoseira granulata* var. *angustissima*

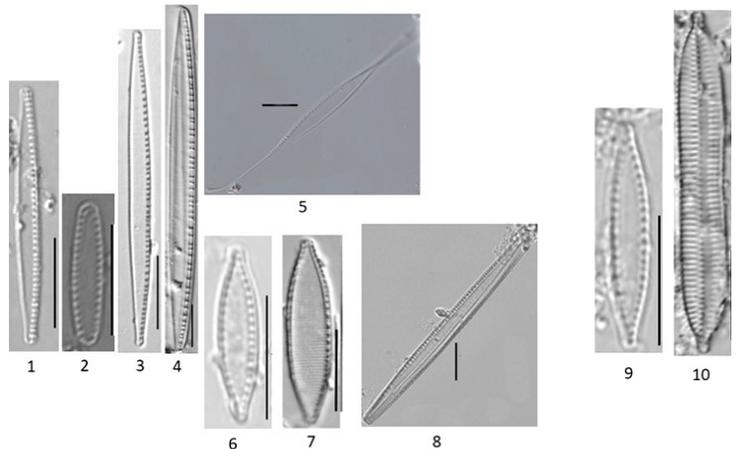


Figure 3. Bacillariaceae. 1. *Nitzschia archibaldii* 2. *Nitzschia aurariae* 3. *Nitzschia palea* 4. *Nitzschia recta* 5. *Nitzschia reversa* 6. *Nitzschia rosenstockii* 7. *Nitzschia solita* 8. *Nitzschia sublinearis* 9. *Nitzschia supralitorea* 10. *Tryblionella apiculata*

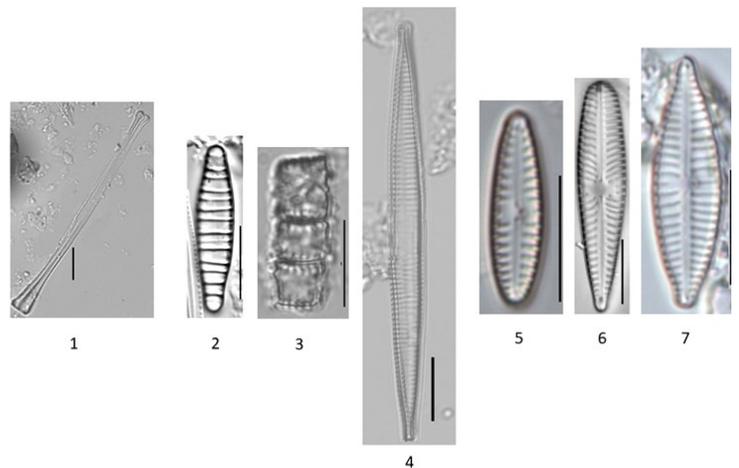


Figure 4. Fragilariaceae. 1. *Asterionella formosa* 2. *Diatoma moniliformis* 3. *Stausosira construens* var. *venter* 4. *Ulnaria ulna* Gomphonemataceae. 5. *Gomphonema kobayashii* 6. *Gomphonema olivaceum* 7. *Gomphonema parvulum*



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington D.C. 20240



## DIRECTOR'S ORDER NO.: 227

Subject: Fulfilling the Trust Responsibility to Tribes and the Native Hawaiian Community, and Other Obligations to Alaska Native Corporations and Alaska Native Organizations, in the Stewardship of Federal Lands and Waters

### **Sec. 1 What is the background and purpose of this Order?**

Relationships, knowledge-sharing, and co-stewardship with federally recognized Tribes, Alaska Native Corporations (ANC), Alaska Native Organizations (ANO), and the Native Hawaiian Community are essential to the U.S. Fish and Wildlife Service (Service) mission. We have the direction and tools available to ensure the principles for collaborative interactions between the Service and Tribal governments, ANCs, ANOs, and the Native Hawaiian Community are implemented in furtherance of our shared interests in the conservation of fish, wildlife, and their habitats as well as protection and use of cultural, trust, and treaty resources that exist on Service lands and where Tribes have subsistence or other rights or interests. The Service recognizes the need for strong, healthy communication and relationships with Tribal governments, ANCs, ANOs, and the Native Hawaiian Community so that we can work together in support of Tribal sovereignty, Tribal self-determination, and our shared goals. We recognize that the Service is entrusted with the management of lands that are the ancestral homelands of Tribes and the Native Hawaiian Community that predate the National Wildlife Refuge System. When the Service and Indigenous peoples work together on managing our lands and waters, along with the fish and wildlife that inhabit them, our long-standing relationships are strengthened and resources are better protected. This Director's Order:

a. Steps down the requirements in Secretarial Order No. 3403, (of November 15, 2021), Joint Secretarial Order (Secretaries of the Interior and Agriculture) on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, and the forthcoming 502 Departmental Manual (DM) 1, Cooperative and Collaborative Co-Stewardship with Tribes, by ensuring

that the Service is managing Federal lands and waters in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of Tribes, ANCs, and the Native Hawaiian Community; that such management is consistent with the nation-to-nation relationship between the United States and federally recognized Tribes and the government-to-sovereign relationship between the United States and the Native Hawaiian Community; and that such management fulfills the United States' unique trust obligation to federally recognized Tribes and their citizens, and the United States' special political and trust relationship with the Native Hawaiian Community. Furthermore, this Order outlines our goals for co-stewardship with 1 ANCs and ANOs.

b. Establishes a consistent national framework for guiding the Service in administering trust responsibilities to Tribes and the Native Hawaiian Community in the stewardship of Federal lands and waters, including where Tribes have subsistence or other rights or interests. This framework provides flexibility to respond to regional and local variations in history, knowledge systems, ways of knowing, applicable laws, treaties, and Service relationships with Tribes, ANCs, ANOs, and the Native Hawaiian Community. It applies to all Service employees who have official duties that may affect these interests.

c. Reaffirms the Service's commitment for government-to-government relationships, which furthers the United States' and the Department of the Interior's trust responsibility to Tribes. It likewise reaffirms the Service's government-to-sovereign relationship with the Native Hawaiian Community, acting through Native Hawaiian organizations,

*(Continued on page 18)*

which furthers the United States' special political and trust relationship with the community.

- d. Supplements existing Service policy at 510 FW 1, the Service's Native American Policy, and 510 FW 2, the Alaska Native Relations Policy (forthcoming), which includes detailed Service requirements for implementing government-to-

government relationships, communications, resource management, cultural and religious considerations, law enforcement, Tribal capacity building, and implementation and monitoring.

To continue reading the Order, please see the following link:

<https://www.fws.gov/media/directors-order-no-227>

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## White House Releases First-of-a-Kind Indigenous Knowledge Guidance for Federal Agencies

CEQ | NEWS & UPDATES | PRESS RELEASES

<https://www.whitehouse.gov/ceq/news-updates/2022/12/01/white-house-releases-first-of-a-kind-indigenous-knowledge-guidance-for-federal-agencies/>

Today, the White House Council on Environmental Quality (CEQ) and the White House Office of Science and Technology Policy (OSTP) jointly released new government-wide guidance and an accompanying implementation memorandum for Federal Agencies on recognizing and including Indigenous Knowledge in Federal research, policy, and decision making. This announcement coincides with the Biden-Harris Administration's 2022 Tribal Nations Summit and responds to a 2021 OSTP-CEQ memorandum that called for development of the guidance with Tribal consultation and Indigenous community engagement, as well as agency, expert, and public input

Indigenous Knowledge is a body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment. The Biden-Harris Administration has formally recognized Indigenous Knowledge as one of the many important bodies of knowledge that contributes to the scientific, technical, social, and economic advancements of the United States and our collective understanding of the natural world.

"As the original stewards of the natural environment, Tribes and Indigenous communities have expertise critical to finding solutions to the climate crisis and protecting our nation's ecosystems," said CEQ Chair Brenda Mallory. "The guidance released today will help ensure that their voices are included across the Federal Government for the collective benefit of our communities and the planet."

"Federal decision making is best when informed by all forms of knowledge," said the President's Science and Technology Advisor and OSTP Director Arati Prabhakar. "This Guidance will help Federal agencies integrate Indigenous Knowledge in their work—from research, to environmental rulemaking, to co-management of lands and waters."

To develop the guidance, OSTP and CEQ led a working group of more than 25 Federal departments and agencies. The White House engaged more than a thousand individuals, organizations, and Tribal Nations on elevating Indigenous Knowledge in Federal decision making. Engagement included Nation-to-Nation Consultation, meetings, and input from more than 100 Federally recognized Tribes, public listening sessions, Native Hawaiian and Pacific Islander Roundtables, a Native and Indigenous Youth Roundtable, conference outreach, and dozens of individual meetings with others with experience and expertise on Indigenous Knowledge. In summer 2022, a draft of the guidance was released to Tribal Nations for consultation. Input from that consultation has shaped the final guidance.

"Tribes have long sought federal recognition of the value of their knowledge. With this new guidance, Indigenous Knowledge will be better recognized, considered, and included in decisions across the Federal Government," said Daron Carreiro, Senior Policy Advisor for Native Affairs at the White House Domestic Policy Council. "This new guidance is a reflection of

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## White House Releases First-of-a-Kind Indigenous Knowledge Guidance for Federal Agencies

(Continued from page 18)

President Biden’s commitment to strengthening Nation-to-Nation relationships.”

Specifically, the White House guidance on Indigenous Knowledge will assist agencies in:

- Understanding Indigenous Knowledge
- Growing and maintaining the mutually beneficial relationships with Tribal Nations and Indigenous peoples needed to appropriately include Indigenous Knowledge
- Considering, including, and applying Indigenous Knowledge in Federal research, policies, management, and decision making

This guidance also identifies promising practices, based on agency experience and Tribal and Indigenous input, for collaborating with Tribal Nations and Indigenous peoples, as well as for considering and applying Indigenous Knowledge in implementing stat-

utory and regulatory requirements, and respecting the decisions of Tribal Nations and Indigenous peoples on whether and how to engage in Federal processes.

Together with the guidance, OSTP and CEQ also released an implementation memorandum which tasks agencies with reporting on progress within 180 days, and announced the formation of a new interagency group under the National Science and Technology Council that will assist in coordination and implementation of the new guidance across agencies.

Complementing the White House guidance, several Federal departments and agencies release their own Indigenous Knowledge guidance this week, including the Department of the Interior, the National Oceanic and Atmospheric Administration, and the Advisory Council on Historic Preservation.

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## Welcome New Employees to the Environmental Protection Department

Fort Belknap Environmental Protection Department

We are pleased to announce two new employees to the Fort Belknap Environmental Protection Department. Please join us in welcoming Jeri Lawrence and Adrian Kulbeck. We look forward to the both of them making their Programs a success!



**Jeri Lawrence** is the new Nonpoint Source Coordinator and has been selected for the Nonpoint Source Pollution Program. She began her new job on October 10, 2022 as a part-time permanent employee. Her office is located upstairs in the Environmental Department and can be reached at (406) 353-8416 or [jeri.lawrence@ftbelknap.org](mailto:jeri.lawrence@ftbelknap.org).



**Adrian Kulbeck** is the new Brownfields Coordinator and has been selected for the Brownfields/Tribal Response Program. He began his new job on December 5, 2022 as a permanent employee. His office is located downstairs in the Environmental Department and can be reached at (406) 353-8411.

# PUBLIC RECORD

SITE NAME →	Old Agency Landfill	Old Agency Dump	Lodge Pole Community Hall	Peoples Creek Dipping Vat
<i>Type of Site</i>	Abandoned Landfill	Abandoned Landfill	Abandoned Historic Building	Former Cattle Dipping Vat
<i>What Type of Response Action was Taken?</i>	<ul style="list-style-type: none"> <li>• Aug 2002—Phase I ESA Final Report</li> <li>• Dec 2003—Phase II ESA Final Report</li> <li>• Sept 2006—Phase III Final Report (included further sampling activities)</li> </ul>	<ul style="list-style-type: none"> <li>• Sept 2003—Phase I ESA Final Report</li> <li>• Targeted Brownfields Assessment (TBA)</li> <li>• March 2004—Phase II ESA Final Report</li> <li>• April 2019—FBIC Brownfields received a State of Montana DNRC Planning grant to be utilized in conducting further assessment of contamination of the Old Agency Dump.</li> <li>• 2<sup>nd</sup> Phase II ESA Scheduled for Summer/Fall 2020 postponed due to COVID-19 concerns.</li> <li>• April/May 2021—2<sup>nd</sup> Phase II ESA conducted.</li> <li>• September 2021—2<sup>nd</sup> Phase II ESA completed.</li> <li>• November 2021—Phase II Report of Findings Completed.</li> <li>• August 2022—Cleanup Grant secured.</li> </ul>	<ul style="list-style-type: none"> <li>• Jan 2007—Final Report Phase I ESA (Lead and Asbestos survey included)</li> <li>• Dec 2007—Final Phase II ESA Report</li> <li>• April 2008—Phase III Report completed</li> <li>• Oct 2008—Cleanup Process implemented</li> <li>• Dec 2010—Cleanup activities &amp; post sampling completed</li> <li>• April 2011—Final Report</li> </ul>	<ul style="list-style-type: none"> <li>• Sept 2010—Final Report-Phase I ESA complete.</li> <li>• Mar 3, 2010—EPA Site Eligibility form complete and approved.</li> <li>• June 2011—QAPP/ Field Sampling Plan completed.</li> <li>• Aug 16, 2011—Phase II ESA field sampling event completed.</li> <li>• Jan 2012-TBA—Phase II ESA Final Report.</li> <li>• June 2015—Programmatic Quality Assurance Project Plan (QAPP), Sampling and Analysis Plan (SAP), and Correctible Action Plan (CAP) completed &amp; approved.</li> <li>• Oct 12, 2015—Cleanup of arsenic contaminated soils and confirmation sampling.</li> <li>• Dec 29, 2015—Cleanup Verification Report.</li> </ul>
<i>Date Action is Planned</i>	No Action Planned at this time.	<b>2023-2025</b>	Renovation for community hall	Oct 2015—Cleanup of soils and confirmation sampling completed.
<i>Name of Owner at Time of Clean-up</i>	Fort Belknap Indian Community	Fort Belknap Indian Community	Fort Belknap Indian Community	Fort Belknap Indian Community
<i>Owner Address, City, State, Zip</i>	Fort Belknap Agency 656 Agency Main St. Harlem, MT 59526	Fort Belknap Agency 656 Agency Main St. Harlem, MT 59526	Fort Belknap Agency 656 Agency Main St. Harlem, MT 59526	Fort Belknap Agency 656 Agency Main St. Harlem, MT 59526
<i>Latitude/ Longitude</i>	N48.48283° W108.77411°	N48.47454° W108.78374°	N48.20606° W108.31975°	N48.155270° W108.302386°
<i>Legal Description</i>	T32N, R23E, SEC32	T31N, R23E, SEC6	T26N, R25E, SEC8	T29N, R25E, SEC 20
<i>Are Institutional Controls (IC) Needed at Site?</i>	Yes	Yes	Yes-Lead Based Paint Dust exceed cleanup levels	Yes
<i>Are ICs in Place?</i>	Yes	Yes	Yes	Yes
<i>Type of Institutional Control (IC)</i>	<ul style="list-style-type: none"> <li>• Aug 2008-Signage posted</li> <li>• Sept 2009-Tribal Resolution-notification requiring further sampling or soil removal before future use of site</li> </ul>	<ul style="list-style-type: none"> <li>• Aug 2008-Signage posted</li> <li>• Sept 2009-Tribal Resolution-notification requiring further sampling or soil removal before future use of site</li> </ul>	<ul style="list-style-type: none"> <li>• Building locked and signage posted describing environmental concerns.</li> <li>• Final Report provided to Transportation/ Planning.</li> </ul>	<ul style="list-style-type: none"> <li>• Nov 2015-Fencing completed and Signage placed at site.</li> </ul>
<i>Summarize Nature of Contamination at Site</i>	DDD, DDE, DDT, - Specific areas of landfill. Sampling in 2006 confirmed site does not warrant cleanup.	DDE, DDT, DEHP, PCB'S	Lead Based Paint dust remains. Asbestos-abated, DPH, EPH (diesel derivatives)-cleaned up.	Arsenic in soils
<i>Site Size in Acres</i>	5 acres	10 acres	<5	<2 acres

(Continued on page 21)

Brownfields/Tribal Response Program Public Record (Continued from page 20)

SITE NAME →	Snake Butte Rock Quarry	Old Lodge Pole Elementary School	Old Sacred Heart Church	Old Agency Water Treatment Plant
Type of Site	Rock Quarry Site	Abandoned School	Abandoned Historic Building	Abandoned Water Treatment Facility
What Type of Response Action was Taken?	<ul style="list-style-type: none"> <li>August 2002—Phase I ESA conducted</li> <li>Dec 2003—Phase II ESA Report (Brownfields Assessment Project)</li> <li>June 28, 2016—START Contractor conducted Phase II ESA Sampling.</li> <li>August 22, 2016—received Draft Phase II ESA – Snake Butte Quarry report for review/comment.</li> <li>August 30, 2016—copy provided to Brownfields Environmental Technician &amp; Environmental Compliance Officer.</li> <li>No additional assessment is recommended.</li> </ul>	<ul style="list-style-type: none"> <li>July 2019 TBA submitted to EPA Region 8 to conduct ESA.</li> <li>December 10-14, 2019, Weston Solutions, Inc., EPA Contractors, conduct Phase II ESA.</li> <li>March 2020—Phase II ESA Completed.</li> <li>August 2022—Cleanup Grant secured.</li> </ul>	<ul style="list-style-type: none"> <li>July 2019 TBA submitted to EPA Region 8 to conduct ESA.</li> <li>December 10-14, 2019, Weston Solutions, Inc., EPA Contractors, conduct Phase II ESA.</li> <li>March 2020—Phase II ESA Completed.</li> <li>August 2022—Cleanup Grant secured.</li> </ul>	<ul style="list-style-type: none"> <li>July 2019 TBA submitted to EPA Region 8 to conduct ESA.</li> <li>December 10-14, 2019, Weston Solutions, Inc., EPA Contractors, conduct Phase II ESA.</li> <li>March 2020—Phase II ESA Completed.</li> <li>August 2022—Cleanup Grant secured.</li> </ul>
Date Action is Planned	Spring 2017—Signage & fencing at site.	2023-2025	2023-2025	2023-2025
Name of Owner at Time of Clean-up	Fort Belknap Indian Community	Fort Belknap Indian Community	Fort Belknap Indian Community	Fort Belknap Indian Community
Owner Address, City, State, Zip	Fort Belknap Agency 656 Agency Main St. Harlem, MT 59526	Fort Belknap Agency 656 Agency Main St. Harlem, MT 59526	Fort Belknap Agency 656 Agency Main St. Harlem, MT 59526	Fort Belknap Agency 656 Agency Main St. Harlem, MT 59526
Latitude/ Longitude	N48.23445° W108.50179°	N 48.48428° W108.7722°	N48.4488° W108.65863°	N48.48428° W108.7722°
Legal Description	T31N, R22E, SEC 35	T26N, R25E, Sec 5	T31N, R24E, Sec 18	T32N, R23E, Sec 32
Are Institutional Controls (IC) Needed at Site?	Yes	Yes	Yes	Yes
Are ICs in Place?	No	Yes	Yes	No
Type of Institutional Control (IC)	<ul style="list-style-type: none"> <li>Signage- Spring #1 (Alternate DW) &amp; Springs #2 &amp; #3 (Toluene Presence).</li> <li>Fencing-Spring #1 (Spring Box); Springs #2 &amp; #3 (Perimeter); and 2-Tunnels (Remove Access).</li> </ul>	<ul style="list-style-type: none"> <li>Building is locked up.</li> </ul>	<ul style="list-style-type: none"> <li>Building boarded up.</li> </ul>	<ul style="list-style-type: none"> <li>Building is not locked up/ secured.</li> </ul>
Summarize Nature of Contamination at Site	Springs #2 & #3 indicate low levels of toluene, but due to no human contact, pathway is incomplete. Spring #1 indicates no exceedances above EPA Regional Screening Level (RSL). No contamination of surface soils or waste rock soil piles.	Lodge Pole Elementary School was built in 1957. ACM - Shop, Residence, North Addition, School Old Section Exterior, School Old Section Interior, School New Section. LBP - Shop Interior, Shop Exterior, School Residence Interior, School Residence Exterior, School Old Section. Lead in Soils - Around Shop and Residences. PCB-Containing Ballasts - School Old Section, School New Section. Mercury Thermostat Switches - Maintenance Garage and School Old Section. Mold - School Old Section. Guano - School Old Section. Petroleum Hydrocarbons & Unknown Chemicals - Several containers in Maintenance Garage.	Sacred Heart Catholic Church was built in 1931. ACM in Boiler Jacket in Basement. LBP on exterior door frame, door jam, window frame. Guano	Agency Water Treatment Plant was built in 1973. ACM in Dry Wall Compound, in ceiling, walls throughout building, seam tape in north addition. PCB-Containing Ballasts Guano > 1 foot in interior throughout building. Petroleum Hydrocarbons & Unknown Chemicals 3-drum diallyl dimethylammonium chloride; 1-drum corrosive liquid coagulant; 1-drum unknown contents, labeled "mixup"; and 1-drum over-packed (inside and outside facility).
Site Size in Acres	<800 acres	8.750 acres	10 acres	314.390 acres



## Joint Region 7 & 8 RTOC Meeting and Brownfields

Kermit Snow Jr, BTRP Compliance Officer

Wahey Nee ee na stik een. Hello and good morning. The new fiscal year got started with a trip to Lawrence, KS and the Haskell Indian Nations University campus for a Joint Region 7 & 8 Regional Tribal Operations Committee (RTOC) meeting with EPA. This is the second Joint meeting of two different regions that the Region 8 RTOC has been involved in. They had their first Joint meeting with Region 10 RTOC in 2019 at Fort Hall, ID. That meeting was great and a trial run on what to expect for the next venture. This idea of a Joint meeting was thought about before 2019 and hoped that through this type of collaboration, the Tribes could get more out of what we can do as a whole to help out all Tribes. It is a good way to see how Tribes in other Regions work with each other and



how they work with their Regional EPA Offices. The day started with the Tribal Caucus. We did introductions, then Jason Walker (Chair Region 8 RTOC) gave a welcome to all attending. Alisha Bartling (Chair Region 7 RTOC) followed with a welcome from Region 7. I think one of the main takeaways from this discussion in

my eyes, was the concern of my boss about the inadequate funding for personnel. We need more funding in our programs to hire and keep qualified professionals. We can't expect to keep these people if we don't provide them with a salary to make them want to stay. We have been going through this problem here and it makes it hard to hire someone when they see what salary is offered. This seems to go along

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## Joint Region 7 & 8 RTOC and Brownfields

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with another discussion we had about Program Managers at the EPA Office. We are having a problem with turnover here at Region 8, they stay long enough to get some experience and then move on. It also seems like the Tribes are also left to train these new Managers, which should not be our job. An idea from Alisha, was that maybe giving them a one hour training and a fact sheet about Tribes in their Region. There was a big issue with ETEP's and Tribes not liking them and also that they probably wouldn't get funded. They also mentioned that EPA HQ's are already using some Tribes ETEP's. A good thing on the Tribal front, is that they are ahead on Climate Change Adaptation. It was good to have the Institute for Tribal Environmental Professionals (ITEP) there, Mehrdad Khatibi talked about the help they can provide through training and conferences. Those were some of the discussions on day one, along with updates from Felecia Wright (AIEO), Paige Hingst (PFAs Workgroup, and Mark Junker (TWAR). Day two was started with Alisha Bartling, Haskell Indian Nations University Honor Guard, and Miss Haskell Indian Nations Brittany Hall welcoming us to their campus. We got to be part of the signing ceremony of the MOU between Haskell and Region 7 EPA. That started the day with many other presentations to follow, with the night ending in a group dinner. Day three started with a tour of the historic Haskell Wetlands and some of the work students are doing in this area. The rest of

the day was followed by presentations, one of which was on the McGirt Decision (McGirt v Oklahoma) and it's possible impacts on Indian Country. I really enjoyed the last presentation by Anna Marie Romero (Env. Justice Liaison) and student Intern Luisa Garcia, on the Region 7 and the Haskell On-Campus Liaison Pilot Program, which Luisa then talked about her experience. This is something I would like see in our Region, as we were also told that Denver is looking for at least 30 interns. I would like to see our college, Aaniiih Nakoda College, look into doing something like this.

On the homefront, we have a lot going on, first and foremost is our new Brownfields Coordinator, Adrian Kulbeck. We are excited to have a new Coordinator get hired, as we have a big Brownfields Grant concerning four sites that need cleanup. He will have to hit the ground running, as we have sent out the RFP for the cleanup and have been getting hits from several companies showing interest. We are looking at cleaning up the Old Agency Landfill, the former Water Treatment Plant, the former Lodge Pole Elementary School, and the Old Sacred Heart Catholic Church (Pink Church). Once we get a company hired, we will most likely hold Public Meeting in each community to get input from Tribal members on what they would like to see done at each site. This is a big task for our

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L-R: Old Agency Landfill; former Agency Water Treatment Plant; former LodgePole Elementary School; Old Sacred Heart Catholic Church.

## Joint Region 7 & 8 RTOC and Brownfields

(Continued from page 23)

Program and Department and each site poses a lot of potential for good things to be done at each property after cleanup. These are the types of cleanups that will benefit the communities and the Tribe in different ways, such as jobs, new buildings being put to use for good, and protecting the environment and Tribal members.

I am still working with Little River Trading Post (LRTP) and their UST Project and makeover of the C-Store. We have the new fuel dispenser's put up and are still working out kinks every now and then. We have done a Phase I ESA and are in the midst of getting the Phase II ESA done. The snow and cold weather are holding us up, as the drillers cannot start their drilling of seven (I believe) soil sample bore holes, to see if there is any contamination, we hope not. We are working with a new Contractor, Granite Peak Environmental and Christin Hileman (Formerly of Newfields). She has been a great help in this area and has been great to work with. It has been good to see how far LRTP has come in this endeavor. Michelle Dejarlais (General Manager, Island Mountain Enterprises) has tackled this problem from the beginning with a desire to learn what all entails owning a Fueling Station. Eddie Moore (Business Development Officer, IMDG) has come a long ways concerning UST's, as he accompanied me to the UST Bootcamp and has learned a lot since then. Amy Main, LRTP Manager, has also

learned about the UST part of the store and the inspections that are required to stay in compliance. I was really impressed on how fast they themselves and their clerks came into compliance, by getting their Class A/B/C Certifications, before EPA's 3-Year UST Inspection this past June 2022, and passed the Inspection. We are still working on getting new Tanks, as the ones we have now are 34 years old and need to be replaced. We will also be getting a new canopy, along with new design of how the dispenser layout and tank location will be. We still have a ways to go, but are headed in the right direction. It has been a great pleasure working with this group, as they not only want a good C-Store, but also want things done the correct way to stay in compliance with EPA. As you know, we had a decommission of UST's in Hays at the old Village Grocery last year. The company of GSI and their subcontractor did a great job on the cleanup. The money for the cleanup from EPA covered only the work that was done, we still had some contamination, but know where it is at. I got a call from EPA a few months back, that they will come in and put in nine (9) monitoring wells to see if it moves offsite. I believe this will give us information on if more cleanup is needed. It has been fun with all that is going on and can't wait to see what goes on with the cleanups and with LRTP. Until next time, ata na haa been, see you later. A'ho.



# Water Conservation & Preparing for Winter

By Mitchell Healy, WQ Coordinator



Water is essential to everything. We need it to survive, we need it for our everyday uses in our homes, animals need it, etc. So, if there's things we can do to help with water conservation, then we should all be doing it. No matter the time of year, we can contribute to the cause, and with the winter months arriving and the cold temperatures, there's going to be some issues happening such as water lines freezing, water breaks, etc., these are common issues, but if we prepare beforehand, we can minimize the risks, and if we make some minor adjustments on our water use, we would be doing our part in water conservation. The following is some information that might be helpful, or at least, for your awareness. Good reading.

## Request an Inspection:

- ✧ Whether you rent or own a home, it might be worthwhile to call a professional to inspect your water lines and water heater in the fall time for leaks and/or damage, maintenance, insulation, etc. This way, you can be sure the water lines are good to go for winter.

## Prevent Frozen Pipes:

- ✧ Keep garage doors closed if there are water supply pipes in the garage. If it seems too cold or pipes still freeze in garage, maybe try using a space heater during extreme cold temperatures, but place in a safe area as to not cause any damage to anything.
- ✧ Open kitchen and bathroom cabinet doors to allow warmer air to circulate around the plumbing.
- ✧ During really cold days and nights, let the cold water drip from the faucets. This keeps the water flowing through the pipes and helps prevent freezing. In perspective, a reservoir with standing water or water not moving will freeze faster than a river where the water is continuously flowing or moving. Same concept with water pipes, if you don't let the faucets drip, the water is not moving and stagnant, with faucets dripping, the water is pressurized and moving continuously.

- ✧ Keep the thermostat at a reasonable temperature to keep your house warm. Maybe leave it at 70-72 all day during winter months, turn up the heat if the temperatures are extreme like well below zero.



## How to Thaw Frozen Pipes:

- ✧ If there's no choice other than you doing it, be careful, and apply heat sources to the frozen pipe. Heat sources could be electric heating pad wrapped around the pipe, electric hair dryer, and you can wrap pipes with towels soaked in hot water. But if the pipes are froze and no water is coming out of faucets, then the alternative source is hopefully having a few 5 gallon jugs of water on hand, and boil a pot of water then soak the towels. Absolutely no open flame devices are to be used, you can cause more damage to pipes and other things, its high risk, not recommended.
- ✧ If anything, the best bet would be to contact a professional to take care of this issue.
- ✧ If you notice a faucet has no water coming out of it, then check all other inside faucets to see if other water lines are frozen as well. This information should be shared with the professional so he/she knows what lines are frozen, and get your water running faster.

## Check Water Meter:

- ✧ If you have a water meter or on a metering bill system, schedule a time to check the water meter and record the reading, then wait 2 hours, but do not use the water at all during this time, this in-

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## Water Conservation & Preparing for Winter

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cludes bathroom, then check the meter again, if it changed, it's possible there's a leak. Call a professional.

### Toilet Checks

- \* Squeeze a few drops of food coloring in the toilet tank, NOT BOWL, wait about 10 minutes and if there's color in the toilet bowl, there's a leak.
- \* Replace the toilet flapper in the tank. This is the rubber plug at bottom of tank that keep water in the tank at a certain level, after the toilet is flushed.
- \* Check the water line connected to the toilet for leaks at the shutoff valve and where it connects to the toilet. If no leaks, the water line is connected well.

### Laundry Room Tips

- \* Set washing machine to use cold water and not hot water. This saves money since hot water comes from the hot water heater, which is powered by electricity or gas.
- \* Wash only full loads, and not small loads. This saves a lot of water and money each month.
- \* If you decide to continue washing different loads rather than wait until you have a full load, then set the load size to the load you are washing. Don't leave it on large load when you only put in a small load, this is wasting water and costing you more money each month, if you are on a metered water system. If you are paying a fixed monthly rate and connected to public water supply, as is the case on the reservation, then it's likely you're over using the water and not really paying for the amount of water you are actually using if it were metered. Just something to consider.

### Kitchen Tips

- \* If you have a dishwasher, scrape your plates and do not rinse them off. If you have invested in a good dishwasher, it will do its job and clean your plates.
- \* Just like the washer, make it a habit to wash only a full load of dishes rather than a small load.
- \* If you do not have a dishwasher, wash all of your plates first, set in adjacent sink, and rinse off all together, rather than washing and rinsing individually.

### Bathroom Tips

- \* In the military, it was not possible to have a 5 minute shower, more like 3 minutes each. So, when you take a shower, limit it to 5 minutes. I know the hot water is comfortable and all, but even 5 minutes of showering is a lot of water going down the drain, and sufficient time to get cleaned up. Try it out and see how fast you can shower, it's definitely possible, we just choose not to do it. If everybody in a household did this, it would be a lot of savings and a lot of water conservation going on.
- \* Take showers instead of baths. Again, probably highly unlikely that anybody is going to stop taking 30 minute showers or bathing, but if you were on a water meter, then a lot of these tips would make a big difference in the old water bill.
- \* When brushing your teeth, turn off the water. Brush your teeth first, then turn on the water to rinse off toothbrush.

Water is very critical and any little bit that we can do in our households, will greatly make a difference. Much of the water conservation tips mentioned are more for people that are billed through a water meter system, and confident to say that these folks likely pay good attention to how much water they are using, as in many cases, it can be very expensive. But on the other hand, if you consider water essential, not just for drinking, but for all the other uses, then why not begin to implement some water conservation in your homes, it's a great thing to do knowing your contributing to a great cause, and it's quite possible that someday all of us may experience water shortage issues in our areas. It's already happening in other parts of the world, rivers drying up, huge water reserve dams going low, and with huge populations that depend on these water sources for survival. It's actually pretty scary thinking about it. Thanks for reading. Good health to all.



# Polar Bear Story

As retold by Morris "Davy" Belgard – Hays, Montana

Indian Sign Language was the universal language of all tribes throughout the North and South America. If one meets up with a Nez Perce, you can assure yourself that you can communicate with him using sign language. This story related to a time when the bison Indians still knew the art of sign language and storytelling...

Years ago, Hays Mountain Crows, and Old Hays Black Lodges, would compete on which community put on the best celebration, best giveaways, really tried to out-do each other. This midwinter celebration would bring people from Ft. Peck, Rocky Boy, Crow, Browning, and First Nation Indians of Canada to Hays to celebrate with them.

Up in the bleachers in the old round hall, three old Bison Indians were talking sign to each other and having a great time, laughing, and waving and trying to out-do each other...

The old Gros Ventre warrior told of a time of when they were heading south to steal horses below the Missouri River into the Yellowstone country, in late fall. He said the horse stealing party made it to the Coburn Buttes, south of the Fur Caps aka "Little Rocky Mountains", when a severe snowstorm came and caught all of God's creatures by surprise. The party took refuge in a war-lodge in the buttes and hunkered down. A war-lodge consists of fallen pine trees assembled into cone shape with smaller branches and twigs to fill in between the poles.

They had a small fire going inside the lodge for warmth and were eating a light meal, when one of the warriors heard crunching snow outside. He told the party to be quiet and listen. Sure enough, sound of feet in the snow. They all became frightened and coaxed a young warrior out to investigate. He peeked outside and seen deer, elk, bear, porcupines, skunks huddled next to the lodge for warmth.

An old Nakota warrior from up the South branch of the Saskatchewan River told of one winter, it was extremely cold, he stepped behind his lodge and commenced to pee when he noticed his pee was turning to snow, yellow snow, and blew away.

Then finally an old Bush Cree from up above the Parkland told of winters of extreme cold and how he made a living, trapping, making buckskin, pemmi-

can, dry meat to trade at the trading post. He and his family would trade for winter supplies they needed for the upcoming winter months; flour, jams, broadcloth, needles, thread, beads, powder, shot, new traps. Then he would hunt for meat throughout the winter.

Early one morning he got his snowshoes, rifle and a meal and told his wife he was going out to hunt and should be back by dusk. She told him to be careful of sudden snowstorms.

He took a route north of his camp to a knoll and thought this would be a good starting point. As soon as he reached the top, he seen tracks, big tracks, bear, and they were fresh. So, he tracked the animal always keeping an eye open. For several hours he tracked and thought, "Right over this hill." but never seen the animal. Finally, a light breeze picked up and snow was starting to swirl into a blizzard. "One more hill", he thought. After reaching the top he looked for the animal and could not spot it. So, turning around he kicked a shard up from the snow. It made a prism of colors in the sun. He put it in his parka and headed south for home. A ground blizzard kicked up and he had to wait for it to settle down.

He got home late and his wife was mad and relieved to see him. "You cool down before you come into this warm camp. I got bread, jam, and tea for you." After he came inside and was telling his family of the big tracks and said, "Oh! Look at what I found.", as he placed the shard on the table. And there was just enough of a show for the kids to grab it and play with it at the fire. Geez!! the colorful lightshow of different colors, it was pretty. Soon his wife wanted to handle it and ran the kids to bed.

Gee, she turned it close to the fire and a prism of color would radiate from the shard. "Oh, this is pretty!!" as she spun it in the fire. Soon she placed the shard over her eyes and was looking through it. When all of a sudden, the shard blew up and was stink. The Polar Bear fart melted!!



Fort Belknap Indian Community  
**ENVIRONMENTAL PROTECTION DEPARTMENT**

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*Merry  
Christmas*  
AND HAPPY NEW YEAR