

Circle Speaker

JANUARY—MARCH 2020

WHITE CLAY & NAKODA ENVIRONMENTAL NEWSLETTER

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The Mission of the Fort Belknap Environmental Protection Department, with respect to the unique cultural values of the White Clay and Nakoda Nations, is to ensure the Fort Belknap Reservation and the People are protected from harmful levels of pollution.

Tribes Win KXL Order in Rosebud Sioux Tribe v. Trump



<https://www.narf.org/keystone-xl/>

On Friday, December 20, 2019, NARF and their clients, the Rosebud Sioux Tribe and the Fort Belknap Indian Community (the Tribes) received some great news from a Montana court. The federal court denied the United States federal government’s and the TransCanada’s (TC Energy) efforts to dismiss the Tribes’ case against the KXL Pipeline.

NARF Staff Attorney Natalie Landreth praised the decision, “The court’s decision means that ALL of the tribes’ claims on the current permits will proceed. The only claims dismissed are the ones that the Tribes conceded should be dismissed because they were based on an old permit. So this is a complete win for the

tribes on the motions to dismiss. We look forward to holding the Trump Administration and TransCanada accountable to the Tribes and the applicable laws that must be followed.”

NARF Staff Attorney Matthew Campbell also reacted to the news, “Of course, the treaties were agreed to by the president of the United States and ratified by the Senate, so the treaties clearly apply. The court rightly found that today.”

#HonorTheTreaties

Learn more about *Rosebud Sioux Tribe v. Trump*, go to <https://www.narf.org/cases/keystone/>



Solid and Hazardous Waste Management Code Public Meetings

By Ina Nez Perce, Environmental Manager

On July 1, 2019, the FBIC Council approved the “Solid and Hazardous Waste Management Code of the Gros Ventre and Assiniboine Tribes of the FBIC” (“SHWM Code”) by FBIC Resolution No. 239-2019. On November 18-21, 2019, the FBIC Environmental Protection Department had their first series of public meetings at the Senior Citizen Centers in each community to begin public notification of approval of the SHWM Code, and over the next few years, its implementation. More community outreach and education on the SHWM Code is necessary for the community to understand what is in the code, and for Tribal programs, enterprises, and others to understand how it may affect their activities. So in response to this

concern, additional public meetings will take place over the next two years. The next series of public meetings will take place in June 2020. Plan on attending a meeting in your community!

- **Monday, June 8th, 2020 @ 6:00 p.m.**
Kills at Night Center—Hays, MT
- **Tuesday, June 9th, 2020 @ 6:00 p.m.**
Medicine Bear Senior Center—Lodge Pole, MT
- **Wednesday, June 10th, 2020 @ 6:00 p.m.**
Wathatau Senior Center—Dodson, MT
- **Thursday, June 11th, 2020 @ 6:00 p.m.**
Fort Belknap Agency Community Center

USDA Notice of Trade for Second Round of Approved Hemp Plans

<https://www.ams.usda.gov/content/usda-approves-seven-state-tribal-hemp-production-plans>

Monday, January 27, 2020



USDA Approves Seven State, Tribal Hemp Production Plans

The U.S. Department of Agriculture (USDA) today announced the approval of plans for the production of hemp under the U.S. Domestic Hemp Production Program for the states of Delaware, Nebraska and Texas and for the Colorado River Indian Tribes, the Fort Belknap Indian Community, the Iowa Tribe of Kansas and Nebraska, and the Yurok Tribe.

USDA continues to receive and review hemp production plans from states and Indian tribes on an ongoing basis. Plans previously approved include those for the states of Louisiana, New Jersey, and Ohio, and the Flandreau Santee Sioux, Santa Rosa Cahuilla, and La Jolla Band of Luiseno Indian Tribes. To check the status of a plan or to review approved plans, visit: [Status of State and Tribal Hemp Production Plans](#).

The Agriculture Improvement Act of 2018 (2018 Farm Bill) directed USDA to develop a regulatory oversight program for hemp and include provisions for USDA to approve hemp production plans submitted by states and Indian tribes. Accordingly, on October 31, 2019, USDA issued an [interim final rule](#) establishing the U.S. Domestic Hemp Production

Program and the provisions for USDA to approve submitted plans. State and tribal plans provide details on practices and procedures that enable hemp producers in their jurisdictions to operate according to their individual plans and in compliance with federal laws.

To produce hemp, growers must be licensed or authorized under a state, tribe, or USDA production program. The program a grower is licensed under depends on the location of the hemp growing facility. If a state or tribe has an approved plan or is in the process of developing a plan, growers must apply and be licensed or authorized under its hemp program. If a state or tribe does not have a plan and does not intend to have a plan, growers can apply for a license from USDA as long as production of hemp is allowed in the state or tribe.

For additional information about the program and the provisions of the interim final rule, visit the [U.S. Domestic Hemp Production Program](#) web page.

For information or questions related to a specific plan, please contact the applicable state or tribe.

Recycling Facts

By Morris Belgard, Environmental Technician



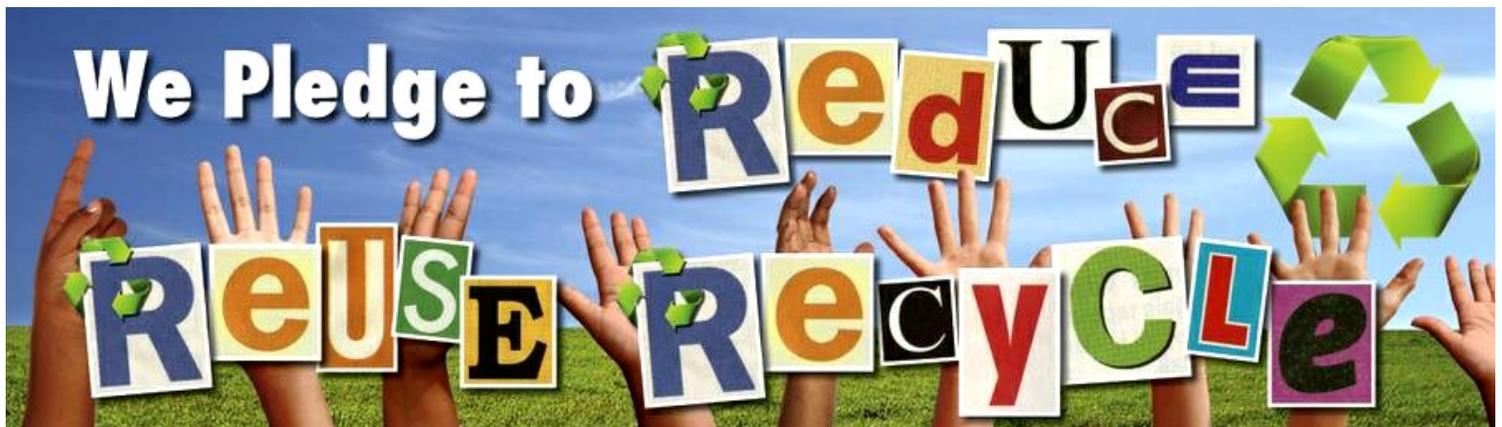
This day and age, there are a lot of people out there that take part in recycling. Some do it because they want to, and others do it because they are pushed to do so. Either way, recycling can really make a difference in the environment and it is something that more and more people should begin to do. Here are a few facts about recycling that you may not have known before. Article was taken from EPA's website.

- In 2015, food was the largest component added to landfills at about 22 percent.
- In 2015, the total generation of municipal solid waste was 262.4 million tons, approximately 3.5 million tons more than the amount generated in 2014.
- The number of landfills in the US is decreasing while their size is increasing.
- In 2017, landfills in the United States received 18.4 million tons of MSW (Municipal Solid Waste) paper and paperboard.
- Recycling two aluminum cans saves enough energy to power a computer for one workday.
- Experts estimate that U.S. consumers throw away 400 million used pieces of electronic equipment every year.
- Recycling one ton of paper can save 7,000 gallons of water.
- Recycling and composting reduces greenhouse gas emissions.
- Every year over 100,000 marine animals are killed by consuming or becoming tangled in plastic bags.
- Recycling helps conserve the Earth's limited natural resources.
- Humans have been practicing recycling for thousands of years.
- To produce one ton of newspaper requires 24 trees.
- Recycling one aluminum can save enough energy to power a television for up to three hours.
- Glass that ends up in landfills takes over a million years to decompose.
- Americans use 2,500,000 plastic bottles every hour

and most are not recycled.

- One million tons of recovered paper is enough to fill more than 14,000 railroad cars.
- Over a ton of resources is saved for every ton of glass recycled.
- A used aluminum can is recycled and back on the grocery shelf as a new can in as little as 60 days.
- In the United States, in 2014, about 136 million tons of waste went into landfills.
- Recycling plastic saves twice as much energy than incinerating it.
- In 2014, in the United States, over 89% of corrugated boxes were recycled.
- Most bottles and jars contain at least 25% recycled glass.
- Over 80,000,000,000 aluminum soda cans are used every year.
- Over 25 billion Styrofoam cups are thrown away in the United States each year.
- Recycling 1 ton of plastic can save over 7 cubic yards of landfill space.
- Around 1 billion trees worth of paper are thrown away every year in the U.S.
- Recycling one glass bottle saves enough electricity to light a 100-watt bulb for four hours.
- 99% of lead acid batteries get recycled.
- Recycling 1 ton of aluminum cans conserves the equivalent of 1,665 gallons of gasoline.
- In 2014, in the United States, about 258 million tons of municipal solid wastes were generated.
- On average, each person creates over 4 pounds of waste every single day.

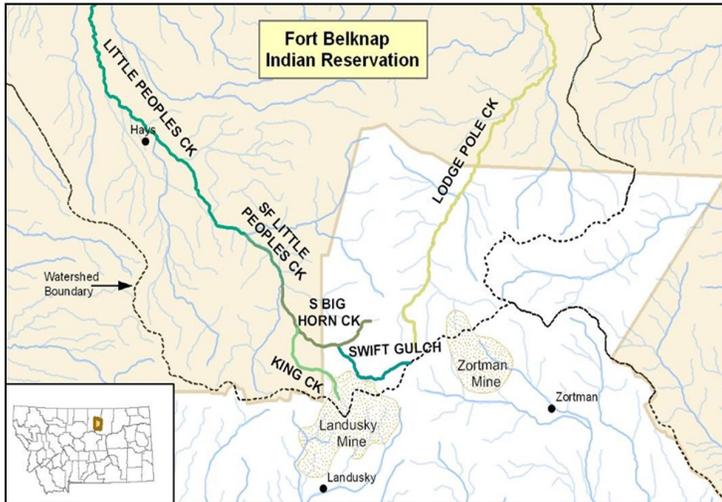
So once again folks, for the safety of your family clean your yard, toss old tires that make great breeding grounds for mosquitos after a rainstorm and old abandoned cars (war ponies) that litter our tribal property and could harbor stray animals and a great place for rattle snakes during the height of the summer season.



Water Quality Program History and Mission

By Mitchell Healy, Water Quality Coordinator

HISTORY



The Fort Belknap Water Quality Program was established in 1992 to initially monitor Tribal waterbodies impacted by the Zortman/Landusky mines. The Tribal Government foreseen environmental issues with the mines, ultimately leading to cyanide spills, mine tailing slides, and massive removal of topsoil, which is a process developed for strip mining. Montana Department of Environmental Quality manages both mine sites and much of the land the mines reside on is BLM land in addition to private land and private mining claims.

The Water Quality Program is funded by EPA under Section 106 of the Clean Water Act and ONLY monitors surface waters, i.e. streams, creeks, rivers, lakes, ponds, reservoirs, etc. and NOT private wells. If you have a private well, then I believe you can contact the IHS sanitation folks for your questions.

Zortman/Landusky Mines at a glance

The mines were first permitted in 1979 and operated until 1998. The two open-pit mines were operated by Pegasus Gold Inc. until the company filed for bankruptcy in Reno, Nevada. Pegasus pioneered "heap-leach" mining techniques in mountainous terrain to extract microscopic amounts of gold from ore bodies using Cyanide. After closure of the mines, plans were made for clean-up or Reclamation and by 2004, both mine sites were complete. However, the environmental impacts, primarily with water, are perpetual, meaning they are forever lasting and requires perpetual water treatment.

The tribal waterbodies that have been impacted by

the mines include King Creek, South Big Horn, and Lodgepole Creek. All the tribal waters downstream of both mines within the Little Rocky Mountains are monitored for heavy metals and include: Arsenic, Cadmium, Copper, Cyanide, Lead, Nickel, Selenium, and Zinc.

LANDUSKY MINE



Near Full Build Out 1993

2004 Reclamation

Monitoring Locations

By 2002, the monitoring expanded to include other pollution impacts from agricultural practices and non-point source pollution. Since 1994, many monitoring sites have been determined throughout the Reservation for both lotic and lentic ecosystems, for example – streams, rivers, ponds, lakes, etc.

Have roughly 67 monitoring locations:

- ◆ 4 Watersheds
 - Peoples (42 sites/17 streams/drainages)
 - Beaver (8 sites/3 streams)
 - Middle Milk (14 sites/5 streams/drainages)
 - Fort Peck Reservoir (3 sites/2 streams/pool)
- ◆ 27 waterbodies and drainages
 - Perennial, intermittent, or ephemeral
- ◆ Future Plans—Revise to most beneficial locations
 - Border locations
 - Areas with impacts and potential impacts
 - Areas with no impacts—reference areas
 - Accessible areas—no landowner issues
 - Ensure all locations are ideal for WQ protection

Data History:

- Surface Water Laboratory & Field Data 1994-Current (Annual and Watershed Rotation)
- Benthic macroinvertebrates 1994-2016 (Periodic Collection)
- Sediment 2012-2016 (Periodic Sampling)
- Fish Tissue 2011-2019 (Periodic Sampling)

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Water Quality Program History and Mission

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PURPOSE/GOALS

Purpose of the Water Quality Program

In conjunction with EPA's goal of ensuring the health of the Nations waterbodies – our drive is to restore, conserve, and protect our tribal waterbodies for our Uses and continue to have and establish working relationships with State Agencies, Organizations, tribal members, and all other entities to ensure we are making every effort in protecting our tribal waters.



Data Interpretation

The Water Quality (WQ) Program does comprehensive studies on tribal waters within the Reservation boundary for the purpose of tracking, monitoring, and determining water quality conditions, habitat changes, impacts to aquatic life, impacts to cultural uses, impacts to recreational uses, etc.. The purpose is all centered on one primary goal, and that is developing Tribal Water Quality Standards (TWQS) to be able to protect our Tribal waterbodies to the fullest extent from harmful levels of pollution.

Data Analysis Methods:

We have completed 4 types of data analysis:

1. Watershed Assessment
2. Individual Stream Assessments
3. Data Analysis Summary's
4. Use Attainability Analysis

Each method is different in how data is used, but ALL methods share a common goal—to help develop Tribal Water Quality Standards (TWQS) to protect our Waters.

Types of Data Collection:

Primary scope—What is collected every year

- ⇒ Surface Water Collection
 - Laboratory/Chemical Analysis—metals, nutrients, pathogens
- ⇒ Field Measurements
 - Water Quality (pH, Turbidity, Conductivity, Dissolved Oxygen, Temp.)
- ⇒ Habitat Assessments—scores stream and riparian health
- ⇒ Stream Survey's—depth, width and velocity (stream flow)

Depending on Objectives for a particular year

- ⇒ Benthic macroinvertebrates
 - Pollution indicators & stream health
- ⇒ Fish Survey's—fish tissue analysis and electroshocking
- ⇒ Sediment—laboratory analysis (metals)
- ⇒ Wollman Pebble Count 0 stream bed characterization
- ⇒ Special sampling 0 other data than what is normally analyzed
 - Oil and Gas Bi-products
 - Other metals

Summary

The WQ Program has been around for 26 years and has obtained valuable data. It's been a work in progress since 2007, but the Program has been working on Tribal Water Quality Standards and at this point, the Standards are very close to being completed. Once completed, there is a process to follow to get them Tribally Adopted, which would be a great accomplishment and a first step towards the ultimate goal of Federally Approved Water Quality Standards. All the work done from its beginning until now is a great deal and my job is to ensure the Program continues to improve and build capacity to take on the work that comes with protecting our tribal waters. With that, I'm glad and grateful to be the Water Quality Coordinator and having this opportunity to help my Reservation.

If anybody ever has any questions, complaints, concerns, comments, suggestions, etc. please give me a call at 353-8433 or stop by the Environmental Protection Department, I'd be glad to talk. Until next time, please help keep our communities clean, even if it's just around your homes.



Doug Benevento Nominated as EPA Deputy Administrator

Contact Information: EPA Press Office (press@epa.gov)

<https://www.epa.gov/newsreleases/doug-benevento-nominated-epa-deputy-administrator>

WASHINGTON (February 13, 2020) — Today, President Donald J. Trump announced his intention to nominate Douglas H. Benevento as deputy administrator for the U.S. Environmental Protection Agency (EPA).

Doug Benevento has spent much of his career working to help protect the environment. He served as EPA Region 8 Administrator from October 2017 through March 2019. He then moved to EPA Headquarters where he has served as Senior Counselor for Regional Management and State Affairs and later as Associate Deputy Administrator. He was previously executive director for the Colorado Department of Public Health and Environment, where he managed the state's environmental and public health programs. He also served as the Department's director of environmental programs, where he managed the state's air, water, waste, and consumer protection programs. From 2010 until 2017, Mr. Benevento was working on energy and environmental issues in the private sector at Xcel Energy in various roles, and practiced law at Greenberg Traurig. He also has a wonderful wife, Gwen and two daughters Anna and Kate.

"I have known and worked with Doug for many years and he is uniquely qualified for this important position," said EPA Administrator Andrew Wheeler. "I have the upmost confidence that he will succeed in helping me advance President Trump's agenda and the agency's mission of protecting human health and the environment."

His nomination is receiving high accolades from across the country:

U.S. Senator Cory Gardner (CO): "I want to congratulate Doug Benevento on his nomination to serve as the U.S. Environmental Protection Agency's Deputy Administrator. It's welcome news any time a Coloradan can serve in a leadership position across any administration because we need more Colorado in Washington. I have known Doug for nearly twenty years, and his appreciation for a clean environment and his pro-business background make him well suited for this important role. During his time at the Colorado Department of Public Health and Environment,

the state successfully achieved compliance with federal health-based air quality standards. When Doug was in the private sector, he worked on the transformation of our state's largest investor-owned electric utility to produce cleaner energy and reduce emissions. I welcome Doug's nomination and look forward to his consideration in the U.S. Senate."

U.S. Senator Steve Daines (MT): "I want to congratulate Doug Benevento on his nomination to serve as Deputy Administrator of the EPA." Daines said. "Doug has been a great partner on important issues facing Montana including putting Montana's Superfund sites on a solution-oriented glide-path to help many areas find a final resolution. He has a strong understanding of the West, and will bring a wealth of experience and knowledge to his new role."

Former Obama EPA Region 8 Administrator Jim Martin: "I have known and worked with Doug for a number of years and in many capacities. Doug brings to every issue he encounters an open mind and a keen intellect. He is perfectly suited for this position."

Mississippi Governor Tate Reeves: "Doug Benevento is a great choice to serve as Deputy Administrator for the U.S. Environmental Protection Agency. I look forward to working with Doug and the rest of the EPA to protect Mississippi's natural resources that we treasure in this beautiful state."

Navajo Nation Environmental Protection Agency Environmental Assistant Director Dariel Yazzie: "The Navajo Nation is both pleased with and supports the White House's decision to appoint Doug Benevento as the new Deputy Administrator of EPA. Early last year, as the Associate Deputy Administrator, Mr. Benevento spent considerable time touring the Navajo Nation in order to better understand the various environmental issues facing our Navajo people. In particular, Mr. Benevento was greatly concerned about the negative impacts to human health and the environment as a result of the 524 abandoned uranium mines scattered across Navajo lands. Since that visit, Mr. Benevento has continued to reach out, be accessible, and provide his support to the Navajo Nation. In light of this, not only does the Navajo Nation appreciate Mr. Benevento's support and advocacy, but even more so, we greatly value his friendship. Conse-

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Doug Benevento Nominated as EPA Deputy Administrator

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quently, we extend our warmest congratulations to Mr. Benevento and his family as they begin this new chapter."

Montana Attorney General Tim Fox: "On behalf of the State of Montana, I wish to congratulate Doug Benevento on his nomination to the position of Deputy Administrator of the United States Environmental Protection Agency. Doug's initial position within EPA was as EPA Region 8 Administrator which includes Montana. The people of Montana appreciated his hands on approach to cleaning up legacy sites in Montana, and his personal touch and understanding of the significance of the EPA's work on our land, water, air and people. I thank President Trump for nominating Doug, and the U.S. Senate for confirming him to this important position."

Louisiana Coastal Protection and Restoration Authority Board Chairman Chip Kline: "Throughout his time as Chair of the RESTORE Council, Doug has shown a clear understanding and dedication to advancing the projects and programs needed to help the Gulf Coast fully recover from the BP Oil Spill. Under his leadership, we are implementing the largest ecosystem restoration project in the history of Louisiana's coastal program. Doug's new role as Deputy Secretary is not only a good thing for the Gulf Coast, but for the nation as a whole."

Texas Commission on Environmental Quality Chairman Jon Niermann: "I have appreciated Doug's responsiveness to states' issues and Texas looks forward to working with him in his new role."

Oklahoma Secretary of Energy & Environment Ken Wagner: "Oklahoma is thrilled with the nomination of Doug Benevento to be Deputy Administrator of US EPA. He's a proven leader and problem-solver, which was fully-evident during his time as Regional Administrator leading the mountain region. His common sense approach, along with a history of leading a state environmental agency, a US EPA Region, years as hill staffer, successful career in the private sector, and his time at headquarters make him uniquely qualified to serve as Deputy to Administrator, Andrew Wheeler."

Wyoming Department of Environmental Quality Director Todd Parfitt: "I look forward to working with Doug in his new role at EPA. He demonstrated his knowledge of complex environmental challenges in Wyoming while he was the Region 8 Administrator. It will be nice to have someone who understands western issues in that position."

Mississippi Department of Environmental Quality Interim Executive Director Chris Wells: "Having worked closely with Doug on the work of the RESTORE Council, helping restore Gulf of Mexico resources injured by the Deepwater Horizon Oil Spill, I have seen first hand the value of Doug's experience and leadership abilities. Those abilities will serve him and EPA well in this new role. I look forward to continuing to work with him in the future."

Florida Department of Environmental Protection Secretary Noah Valenstein: "I couldn't be more pleased with the nomination of Doug Benevento as Deputy Administrator. Doug has always been a great supporter of Florida's environmental initiatives. I look forward to working with him in this new capacity to continue protection of our state's natural resources."

Montana Department of Environmental Quality Director Shaun McGrath: "We commend the choice of Doug Benevento for the Deputy Administrator role. He understands well the needs of states, particularly in the West, and he has been a collaborative partner in our dealings with him."

West Virginia Department of Environmental Protection Cabinet Secretary Austin Caperton: "Doug is certainly deserving of this appointment. He is a knowledgeable professional and always conducts himself accordingly. I look forward to working with him."

Alabama Department of Environmental Management Director Lance LeFleur: "Doug is an excellent choice for Deputy Administrator. We know him to be a seasoned no-nonsense professional who gets things done. He is accessible and a pleasure to work with. I look forward to continuing working with him on state issues."

Jefferson County (CO) Commissioner Libby Szabo: "I have known and worked with Doug Benevento for many years and I know he would be a great Deputy Administrator of the EPA. He is a skilled professional and has vast experience in EPA-related issues. The Doug I know will put his heart and soul into this position, giving the work his very best. There is not anyone I think is more deserving of this position."

Former Colorado Governor Bill Owens: "Doug's nomination as Deputy EPA Administrator is good news for the country. His time in my Administration running the Department of Public Health and Environment demonstrated his commitment to environmental protection. Perhaps more importantly he will bring a western perspective to EPA. I wish my friend a speedy confirmation."



Brownfields 2019 National Conference

Sustainable Communities Start Here

By Kermit Snow Jr., Compliance Officer



Wa hey, aye toss ina kee, nee tine. Hello, how are you doing, my friends. I am coming at you from the nice warm winter here in the land of angels, Los Angeles, California. I am attending my first National Brownfields Conference since joining

our Brownfields Tribal Response Program and what a place to visit. I was told this would be different than some of the conferences I have attended in the past, and it sure was, I hope to attend more in the future. My first experience was the traffic we encountered on the way to my hotel, it was kind of what I expected, long and bumper to bumper. I did have a great conversation with my uber driver, we talked about everything from where he was from, his family, the life in LA and how different it was from his country. I told him about myself and life on the reservation and what Montana is like, compared to California. I got to my hotel and decided to check out the surroundings and where the conference would be held. I thought the venue would be quite a walk from my hotel, as I had looked on google earth to familiarize myself with the area, but I found everything within short walking distance. I even ran into an ice skating rink full of people, between my hotel and the Staples Center, where the conference venue was right next door. I would be back to the Staples Center the next day to watch a hockey game with friends and our Contractor from Montana, an awesome event, Los Angeles Kings v New York Rangers. I then went back to my awesome hotel to rest up for an exciting week of fun, learning, visiting old friends, and making new friends.

I got up early and ate breakfast and then went to the

Los Angeles Convention Center to register and take part in my first pre-conference training workshop. The day consisted of workshops and ended with a meet & greet with Region 8 personnel, Project Officers, Contractors, people from other reservations in the region, and old friends. The night ended with my first Professional Hockey game with friends, new friends, and our Contractors (Christin Hileman of NewFields). Day two started off with a great plenary session and listening to the Mayor of LA, Eric Garcetti and Peter Wright (Assistant Administrator for Office of Land and Emergency Management). We then got to listen to a very passionate lady who co-founded www.saveyourtown.com, Deb Brown. She talked about how she got stakeholders together to do something about the abandoned buildings and making the community a better place. It was just great listening to the passion in her voice when she talked about the work she is doing and how they are not only cleaning up their neighborhood, but also making their community a better place to live. I just had to attend her break-out session after the opening, just to see how she brings her passion to life. This session involved working in groups, which I love, as you get to see how others from across the country tackle problems and you get to involve yourself to see what you can bring to the table. Our topic was on States and how to deal with bad blood between them and communities. I then attended a few more sessions on Local Cleanup Oversight-Benefits & Challenges, Rural Brownfields:Blight Removal as Economic Development, and Equitable Engagement of Tribal Communities Impacted by Brownfields. The next day started off with a Mayor's Roundtable, we listened to ICMA (one of the

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Brownfields 2019 National Conference

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Sponsors of this conference) and how China is going through some of the same issues we are. They talked about what they are doing, how they are collaborating, and also working with the USA, all through an interpreter. Dr. Manual Pastor then talked about Geography of Demography. He said by 2050, there will be more people of color than white, by a margin of 53%-47%. We then listened to a panel discussion with the Mayors of Pontiac, MI. and Richmond, CA., Todd Davis (Hemisphere Brownfield Corp.), Mary Hashem (RE Solutions), Matt Holmes (Groundwork Trust), and Jacob Hannah (Coalfield Development Corp.). I then attended some sessions that apply to what we are doing on our reservation, Tribal Homelands and Brownfield Development, Everything Under the Sun- Brownfields to Brightfields, Outreach and Uplift: Brownfields as a Platform for STEM Education, and Leveraging Brownfields to Build Tribal Resilience. One of the great things of this conference, was the coffee with Exhibitors, we got to see what all the vendors were offering and of course, all the free stuff they give out. This conference is like others in one sense, they have so many great sessions, but you can't go to them all

and have to choose those that best fit to your program and what you are doing. There was still one more day to the conference, but I had to leave early on Friday morning, so missed out on the last day of sessions. But I did get to pose with all the statues in front of the Staples Center, it was awesome. If you are in the Brownfield Program, I highly encourage you to participate in this conference, as it has so much to offer. My journey home was an eventful one, as I ended up getting stranded overnight in Denver, maybe I should have stayed for the last day. I eventually made it home the next evening, as we had delay after delay. It was great to get back to Montana, where I ended my night there watching HABC & Nakoda Fight Teams box at the Montana Silver Gloves Championships in Billings. My granddaughter (my niece Tristin Healy's daughter), Bree Cochran would go on to win the National Silver Gloves Championship and make not only herself & her family proud, but also the Fort Belknap Indian Community and be a role model for our young. I had to get this in there, very proud of our youth and their accomplishments. Until next time, atana ha been, see you later. Aho!

ICYMI: Rep. Gallego Introduces Fort Belknap Indian Community Water Compact

For Immediate Release: January 27, 2020

Contact: Christina Carr | christina.carr@mail.house.gov | (202) 225-4065

United States Representative
RUBEN GALLEGO
Representing Arizona's 7th District



WASHINGTON, DC – Rep. Ruben Gallego, Chairman of the House Subcommittee for Indigenous Peoples of the U.S., introduced legislation on Friday that will ratify the Fort Belknap Indian Community (FBIC) water rights settlement with the State of Montana, establish resources for critical water infrastructure development, provide for Tribal and non-Tribal irrigation rights, and return sacred FBIC lands to federal trust. The bill is a companion to the legislation introduced by Senator Tester of Montana last month.

“Recognizing, safeguarding, and supporting Tribes’ Indian water rights is not only the legal responsibility of the federal government, it is essential for tribal sovereignty and self-government,” said **Chairman Gallego**. “That is why I am proud to introduce and work to pass this bill to ratify the Fort Belknap Indian Community’s Water Compact, an agreement that is the result of years of hard work and negotiation by

Tribal leaders and Montana stakeholders.”

“We are grateful for Congressman Gallego’s leadership on Indian water rights in the House. The U.S. Supreme Court affirmed our water rights on the Milk River more than 100 years ago in the ‘Winters’ case and established the precedent for Indian water rights on tribal reservation homelands. Our settlement will provide important water infrastructure, certainty for Montana water users, and economic opportunities that will benefit our Reservation and the entire region,” said **Fort Belknap Indian Community Council President Andrew Werk Jr.** “Congressman Gallego is a true friend of Indian country. He has a real commitment and dedication to resolving water issues for tribes and others. We thank him for his service in Congress and in the Marine Corps where I also served. Semper fidelis Congressman Gallego.”

Can We Protect Nature By Giving It Legal Rights?

By Emily Levang, Environmental writer

<https://ensia.com/articles/legal-rights-of-nature/>

Around the world, communities are using “Rights of Nature” laws to defend waterways, species and more from human threats



February 4, 2020 — A great blue heron walks slowly on long legs. A loud splash just might signal the presence of an endangered lake sturgeon. At the headwaters of the Great Lakes, North America’s largest freshwater estuary teems with life. This place called *Gichigami-zibi* in native Anishinaabemowin — the St. Louis River in English — is rich in biodiversity and an important place for migratory birds and native fish.

This body of water in Duluth, Minnesota, is also rich in challenges. Forty years ago, U.S. Steel left behind what has been called the “most widely contaminated” Superfund site in the Rust Belt, where it’s still not safe to eat the fish or swim in the water. Currently over US\$300 million is being invested into restoration. At the same time, concerned citizens worry that upstream the same river is threatened by two proposed projects: an open-pit copper-nickel mine that would store hazardous waste in an already aging and leaking dam, and an oil pipeline that would bring the ongoing threat of spills.

The stakes are high, especially since the St. Louis River feeds Lake Superior, which holds 10% of our entire world’s fresh surface water.



The St. Louis River, which flows into the western end of Lake Superior, is a focal point for efforts to protect nature by recognizing it as having legal rights. Photos © iStockphoto.com | Jacob Boomsma

In August 2019, a group of citizens met in Duluth to learn about an unconventional strategy that could protect this place and potentially change its story going forward. Rights of Nature is a growing international movement that recognizes species and ecosystems not simply as resources for humans to use, but as living entities with rights of their own. Twenty people from different backgrounds attended the gathering: activists and organizers, grandmothers, a Catholic priest and an Indigenous elder, each with their own concerns about the ecosystem. Now community

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Can We Protect Nature By Giving It Legal Rights?

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members are working on a ballot initiative for 2020 to recognize rights of the estuary.

This way of seeing the natural world is fundamental to many Indigenous worldviews. If Rights of Nature finds a place in Western law, it could transform our ability to protect nature.

Key Differences

Rights of Nature differs from conventional environmental protection in three key ways.

First, with Rights of Nature, communities work together outside of the regulatory system to establish legal rights. Under conventional environmental law, “communities can’t prohibit what state law permits,” says Thomas Linzey, executive director of the Community Environmental Legal Defense Fund (CELDF), a Pennsylvania-based nonprofit law firm. Linzey says rights-based law steps outside of the state permitting system entirely, placing the power in people’s hands to establish “constitution-type” rights for nature that could eventually take precedence over regulations.

For example, people in Duluth who are concerned about mercury, asbestos, cadmium, lead and arsenic ending up in their drinking water as a result of the proposed copper-nickel mine upstream are funneled toward the state regulatory system, where their primary recourse is to comment on the project’s Environmental Impact Statement, fight permits in court and struggle to uphold pollution standards. But the regulatory system defines what, where and how much pollution is allowed, not *if* the pollution is allowed. By recognizing the rights of nature, the community can make protecting the ecosystem the top order of business.

“The American legal system has been flexible enough to expand rights and legal personhood to slaves, women, children and corporations,” then-University of California, Berkeley, law student Allison Katherine Athens wrote in *Ecology Law Quarterly* in 2018. That, Athens wrote, sets a precedent for expanding who and what has rights.

Second, Rights of Nature laws are enforced differently than other environmental protections. When a com-

munity bill of rights is adopted into law, it designates a guardian to enforce the rights of an ecosystem. Duluth residents would be the guardians, who could then take action to ensure that the estuary’s legal rights are upheld.

A third key difference is that Rights of Nature attempts to incorporate Indigenous worldviews into the Western legal framework. In the Anishinaabe cosmology, Mother Earth comes before people, and there’s a responsibility to care for rivers because they are her veins. It’s a worldview that includes reciprocity between humans and nature, rather than a hierarchy that places humans above nature — and some humans above other humans.

This shift in worldview means treating both nature and Indigenous peoples differently, including honoring Native leadership. In order for it to be truly different from other environmental protections, the movement for Rights of Nature will need to have “genuine Indigenous voices, thought and leadership,” says Anishinaabe elder Ricky DeFoe. DeFoe says this begins with “each of us doing the work to decolonize our own minds.”

“If you’re going to be an ally,” he says, “stand behind us, beside us. We have our own speakers, orators, scholars, thinkers.”

Exist, Flourish, Thrive, Regenerate

The Rights of Nature concept has been gaining ground over the past decade. Ecuador wrote rights-based protection of nature into its constitution in 2008, so that any citizen can go to court on behalf of nature.



Thanks to legislation passed in 2017, the Whanganui River in New Zealand now has the ability to defend itself from harm in court. Photo courtesy of Evan Goldenberg from Flickr, licensed under CC BY-SA 2.0

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Can We Protect Nature By Giving It Legal Rights?

(Continued from page 11)

In New Zealand, the Indigenous Māori people worked with the government to establish rights for the Whanganui River. As a result of the law passed in 2017, the river can be represented in court by a governing body made up of two appointed representatives; one from the Māori, and one from the national government. For Māori leaders, this is more than a legal win: It is the beginning of a process of regaining the reciprocal relationship with the river that was lost in colonization.

In the United States, Linzey says, some three dozen communities in Oregon, California, Ohio, New Mexico, Colorado, Virginia, Pennsylvania, New York and New Hampshire have laws that acknowledge legally enforceable rights for ecosystems: the right to exist, flourish, thrive and regenerate. In addition, communities like Toledo, Ohio; Grant Township in Pennsylvania, and Pittsburgh are adopting bills of rights that establish the right to local self-government, the right to a healthy environment, the right to clean water, and protection for the local environment. This challenges the belief that nature is property, and the idea that state and federal laws prevail over local governance.

In Minnesota in 2018, the White Earth Band of Ojibwe passed a law in tribal court protecting the rights of *manoomin* (wild rice), the first law in the world recognizing that a specific species has rights. If the city of Duluth decides to acknowledge the existence of the rights of the St. Louis River Estuary and the wild rice that grows there, it would be the first municipality in the U.S. to recognize rights for an estuary through local law, by amending the city charter.

Mixed Success

Not everyone, of course, agrees with the Rights of Nature approach. Some argue that nature is an object and should not have rights. Others contend we should fix how we apply rights law to humans before bringing nature into the picture.

Where it has been adopted, the approach has met with mixed success. The world's first legal test of the Rights of Nature approach took place in Ecuador in 2011. The Provincial Court of Justice of Loja ruled in favor of the Vilcabamba River as a plaintiff on the basis that the river has the right to flow and be healthy.



With support from local citizens, Lake Erie gained legally enforceable rights in 2019. Photo courtesy of The Blade | Katie Raush

In the U.S., Lake Erie gained legally enforceable rights for nature in 2019 through a citizen group called Toledoans for Safe Water. However, Drewes Farms Partnership, an Ohio agribusiness, is challenging the law, contending that the city of Toledo didn't have the authority to adopt it. Some environmentalists worry that even if the law stands, the designated guardian may not have the resources to defend it, especially when faced with corporations that have much more money to dedicate to a lawsuit.

Whole New World

However it plays out, Rights of Nature offers a potentially transformative approach to environmental advocacy by offering an enhanced potential for alliance and coalition building. Currently, environmental battles are often fought on a case-by-case basis, with individuals and organizations lining up with a specific cause, rather than pursuing the bigger aim of protecting an ecosystem as a whole, now and into the future. By bringing together people who have previously worked separately to protect not only against the next looming threat, but to establish rights that can be enforced into the future, Rights of Nature could open the door to a whole new world of environmental protection.

DeFoe says that's the beautiful part — the connections and community that come from doing this work together. "We can each have our own focus," he says, "with the same goal: Life. Clean water."

Fort Belknap Headstart Poster Coloring Contest

By Colette Werk, Nonpoint Source Pollution Coordinator

During this year's Fort Belknap Mid-Winter Fair 2020, the Environmental Department held their annual Head Start Coloring Contest. In recent years the contest was done around Earth Day but we decided to bring it back to Mid-Winter Fair. It's a great way for community engagement and a time for us to celebrate our little ones. Each community's Head Start was represented well with a total of 109 students. Three Strikes Center, Lodge Pole, had a total of 18, Ramona King Center, Hays, had 30, and Gilbert Horn, Sr. Early Childhood Center, Agency, had 61 students. It's really exciting to see how big these classes are and the potential impact they will have on our communities.

We displayed their posters up in the Bingo Hall for the community to vote on and the turnout was astounding. There was well over 500 voters from all three days we were set up. It was great to see how delighted community members were to see the little kids colorings and even parents that were trying to find their kids master pieces. We take the top three scored for first, second, and third. For the Three Strikes Center 1st place - Tahniya Bradley, 2nd place - Cash Cole, and 3rd place - Kyree Doney. Ramona King Center 1st place - Brookie Turns Plenty, 2nd place - Lucille Cochran, and 3rd place - Aniya' Lee Hughes. Lastly Gilbert Horn, Sr. Early Childhood Center 1st place- Macy Yellow Earrings, 2nd place - Kaycee Brockie, and 3rd place -Ki-Mora Jefferson. All the kids did an amazing job and we are extremely grateful for the communities' help in picking out winners.



Aaniih Nakoda College Nic?-Mni (Water) Center Update

By Michael Kinsey, Water Project Manager | ANC Nic?-Mni (Water) Center | Aaniiih Nakoda College



FOR IMMEDIATE RELEASE | February 28, 2020

A drop in the Bucket! With a Tsunami to come! Update from the Aaniiih Nakoda Nic?-Mni (Water) Center. The Nic?-Mni Center has been operational for the past year-and-a-half. Personnel hired, Center activities started i.e. *Bioassessment of Streams in the Little Rockies*, *Bioassessment of the Middle of the Milk River*, *Study of Sub Surface Irrigation Systems, in the Milk River Floodplain*, and *an Investigation of Groundwater Resources of the Southern End of the Reservation*. Training, education, gathering and sharing of information also on going.

Current enthusiasm and energy have been focused on an ongoing project, which concerns ground water resources on the southern end of the reservation. A Hydrologist, Mr. James Sweirc, has been contracted to assist and guide in the effort. Aspects of the project consist of characterizing the impact of mining activities to the groundwater quality and looking at aquifer properties to determine the rate of contaminant movement in the local ground water system. This builds on previous research for containing a long-term monitoring of these mine impacted waters, both stream and ground water impacting this valuable resource for the community. Water is life!



Currently USGS Observation Wells have been monitored, for both water levels and water samples were collected for analysis. Ms. Christabel Christenson guided the new Research Technicians (Victor Gone, Beau Black Wolf), and ANC Interns (Truan Yellow-

Stone) in the location of USGS Observation Wells and EPA protocols needed for assessment of the groundwater. They have collected data throughout the year, and now have a huge repository of well sampling chemical data which they are now in the process of analyzing with the Hydrologist, Mr. James Sweirc.

The next field season is about to begin so if you see the white Suburban with the ANC decal pulling a side-by-side off road vehicle behind - know that the health of your water is being looked after. Like a doctor, they visit each well (patient), take the blood pressure (water level), sample the water (take blood sample for a patient) to determine what is in the water, and look for symptoms as any doctor does that profiles the health of the patient.



The most recent Mid-Winter Fair focused the booth on the Center's activity. Stay tuned as they report on what they have found in subsequent *Circle Speaker* articles and/or KGVA 88.1 radio to the Fort Belknap Community, a Tsunami of information to come!



Photos from
2020
Fort Belknap

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February 19, 2020
Fort Belknap Agency

February 26, 2020
LodgePole & Hays



Fort Belknap Indian Community
ENVIRONMENTAL PROTECTION DEPARTMENT

Fort Belknap Agency
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Harlem, Montana 59526



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