



State-Tribal Relations Committee

67th Montana Legislature

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LAURA SANKEY KEIP, Staff Attorney
BETHANY MCDOWELL JAMES, Secretary

AGENDA (updated 4/1/2022)

April 6 & 7, 2022

Meeting locations are noted within each portion of the agenda

NOTE: Agenda item times are approximate. Some items may take more or less time than is allotted.

Site visits

The site visits and tours listed below in italics are limited to committee members and confirmed guests -- space is limited. Guests must register by noon on March 30. If you wish to participate in these visits, please contact Pad McCracken (406-444-3595 or padmccracken@mt.gov).

Wednesday, April 6, 2022 – Fort Belknap Indian Community (FBIC)

8:00 a.m. *Meet at Smokehouse Grill in Fort Belknap Agency to board transit buses for tours of Island Mountain Development Group facility in Hays and the FBIC Buffalo Pasture*

12:00 p.m. Lunch for STRC and FBIC Council at Smokehouse Grill

1:00 p.m. STRC call to order, roll call, opening prayer and welcome (Returning Buffalo Building, Room 213, Aaniiih Nakoda College)

1:15 p.m. Meet with the FBIC Council

2:15 p.m. STRC business meeting (Room 213):

- Director of Indian Affairs Misty Kuhl updates and agency intros/updates
- Fee-to-trust refresher – Pad
- Satellite/alternate election offices overview – Laura
- Discussion with Blaine and Phillips County and FBIC representatives:
 - Voting access – satellite/alternate election offices

FBIC NATURAL RESOURCES ATTACHMENTS:



- ITEM 3.1: DEQ Mining
- ITEM 3.2: Drought Relief Coordination
- ITEM 3.3: Water Settlement
- ITEM 3.4: Tribal Historic Preservation Office



ATTACHMENT 3.1: DEQ Mining

Fort Belknap Indian Community



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Summary of Luke Ployhar and Blue Arc, LLC Mining Exploration Proposals Impacting the Fort Belknap Indian Community

On November 29, 2021, the Montana Department of Environmental Quality (DEQ) released a draft environmental review document (Environmental Assessment) on the most recent Luke Ployhar mineral exploration proposal. The project, known as the Ross Pit Highwall Trench Exploration Project, is discussed more below.

At the public hearing on January 4, 2022, the Fort Belknap Community Council members, Tribal Historic Preservation Officer and Fort Belknap community members universally opposed attempts to explore for potential new mining opportunities in the Little Rocky Mountains. Everyone who spoke at the hearing pointed to the damage inflicted on the area in 1980s and '90s, by Zortman Mining Inc., a wholly-owned subsidiary of Pegasus Mining Co. Back then Pegasus used cyanide heap leach mining to extract gold from the area via two open-pit mines totaling about 1,200 acres of land, half public and half private, before going bankrupt in 1997. The process, which uses chemicals including cyanide to leach minerals like gold from ore, left heavy environmental damage. The bond posted by Pegasus did not cover the costs, and the state and federal government have spent millions on the cleanup so far with millions more to come in annual water treatment along with reclamation. Approximately \$77 million into reclamation efforts have been spent to address the environmental impacts of from the cyanide heap leach mining operation in the Little Rockies. The state of Montana alone has contributed approximately \$32 million to the effort.

Summary of Luke Ployhar's most recent proposal to the DEQ:

The Proposal. Ployhar proposes to excavate one trench measuring approximately 35 long, 10 feet wide, and 25 feet deep. If structural integrity of the trench walls were to become an issue, the trench would be limited to 15 feet deep. Ployhar proposes to extract a 125-ton bulk sample for metallurgical testing before backfilling the trench with waste rock and soil to match existing topography.

Ployhar's proposal includes improving approximately 686 feet of an existing bulldozer cut to use as an access road. The improved road would not be reclaimed but would be left in place at project completion for use by the private landowner. Excavated ore would be transported

via a front-end loader from the trench location to an awaiting haul truck on the main road above the project site.

The total disturbed surface area is estimated to be 0.18 acre. The project would be located within the former Zortman Mine site operation boundary, and within the area of the Zortman Mine that has been reclaimed by the State of Montana and the federal Bureau of Land Management (BLM) under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The site would be located approximately 2 miles northwest of the town of Zortman. DEQ states in the Environmental Assessment that “The area being analyzed as part of this environmental review includes the immediate project area . . . , as well as immediate downstream water sources and neighboring lands surrounding the analysis area as reasonably appropriate for the impacts being considered.”

The project area would be located above an intermittent tributary (Glory Hole Gulch) of the headwaters of Lodge Pole Creek. Lodge Pole Creek is a perennial stream and is a tributary to Peoples Creek and eventually the Milk River.

Ployhar states that he would initiate work after issuance of a license and that the work would last 10 days, with final reclamation, expected to take one day, completed no later than 2 years later.

Comments Submitted by the Fort Belknap Indian Community. The Fort Belknap Indian Community along with other partner organizations (Coalition) submitted comments raising several issues, including 1) DEQ’s failure to provide sufficient information and/or take a hard look at the potential cumulative effects of the proposed project with the additional exploration activities previously proposed by Blue Arc LLC and approved by DEQ¹ and 2) DEQ’s failure to provide sufficient information to show that the proposed project would not interfere with the existing water treatment, reclamation and monitoring activities being conducted by DEQ and BLM at the Zortman Mine. Overall, given that operations at the former Zortman Mine inflicted severe damage on surface and groundwater in the Little Rocky Mountains and on the lands and cultural resources of the neighboring Fort Belknap Indian Community, and that management of contaminants from the prior mining activity at the Zortman site continues to pose major challenges with respect to the protection of water, land, and cultural resources in the area, the Coalition’s draft comment letter concludes that the exploration proposal raises significant concerns.

Final EA issued on February 1, 2022. The final environmental assessment requires additional analysis in an environmental impact statement for Ployhar’s proposed exploration

¹ Note, this exploration license approval is the subject of a state court lawsuit in which FBIC is one of the plaintiffs. Blue Arc, owned by Luke Ployhar, has not posted the required bond with respect to this project so may not go forward at this time.

project near the former Zortman Mine. This was good news to the Fort Belknap Indian Community Council, Tribal Historic Preservation Office and community members who aggressively opposed by the project since it posed significant risk of further environmental harm and threatened cultural resources.

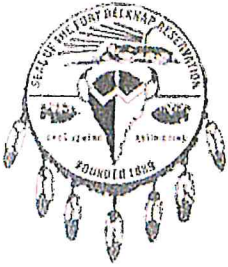
Here is a quote from the DEQ press release:

"Comments on the draft EA presented DEQ with conflicting evidence from credible and potentially expert sources," the release says. "This evidence raises substantial questions regarding whether significant impacts could occur to historical, archeological, social and cultural resources as a result of the proposed actions. Based on the current information before us, DEQ cannot say with certainty that potentially significant impacts do not exist, DEQ must comply with the requirements of Montana Environmental Policy Act and complete an environmental impact statement (EIS) that will further analyze potential impacts."



ATTACHMENT 3.2: Drought Relief Coordination

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DROUGHT IMPACT ON THE FORT BELKNAP INDIAN RESERVATION

The Fort Belknap Indian Reservation is primarily an agricultural economy. The Fort Belknap land base consists of 943,261.533 acres combined, both tribal and allotted lands. Currently there are approximately 53 operators, with an approximately 8,000 total livestock base. The drought is currently negatively affecting livestock and hay producers. This includes non-Indian producers Floyd Frey, Merle Olsen, Larry and Gary Parnell (Parnell are enrolled), Ryan and Jerry Lankford (Lankfords are enrolled) among others.

Although the Fort Belknap Indian Reservation is currently designated as D-4 based upon the two weather machines located on Fort Belknap, the current drought situation warrants a more severe designation. The current designation precludes operators and the FBIC from qualifying for available funding opportunities that would assist us in addressing the ongoing drought. The attached USDA map and the State drought maps vary greatly in designation of drought severity.

As you are aware, this ongoing drought continues to affect production of hay and the livestock producers and has widespread affects that spill over into the businesses outside of the Fort Belknap Indian Community.

Some of the ways that farmers, ranchers and businesses both Indian and non-Indian are affected include:

1. Livestock producers are faced with having to sell off their livestock herds and sometimes closing down their business altogether, as the expense of hay and feed has dramatically increased making it financially impossible to continue.
2. The lack of available water also impacts the health of the livestock and may cause them to be underweight thereby decreasing the profit to the producer.
3. Slow sales create an income shortage which then causes an inability to make lease payments or having to make late lease payments that acquire late fees. In some cases, the Bureau of Indian Affairs will send out 10-day show cause notices which will then be sent to US Treasury for collections.
4. Hay crops are stunted or low quality; a second cutting is not always possible and CRP because of the lack of feed, livestock may overgraze the land to the point of hindering regrowth; aftermath or "filler hay", which is what is left after harvesting the crop, is not available, creating another income shortage.
5. There can be a related expense to having to haul water for livestock.

Additionally, there are outside economic impacts on non- FBIC businesses.

1. Trucking operations will not be needed as there will be less/no shipping and hauling services needed.
2. Less livestock means State livestock brands will not be needed or renewed.
3. Veterinary services will not be needed due to the reduced livestock.
4. Equipment repair and purchases will not be needed, affecting outside businesses.
5. Leases to non-Indians may not be available.

The drought has long-term effects in other areas:

1. Selling all livestock or reducing herds will shrink the size of herds in the following years.
2. Current and forecasted effects of the drought will have a "chilling effect" on next generations of ranchers and farmers, thereby reducing livestock and crop production.
3. The amount of grasshoppers and other insects will increase and cause further damage as witnessed in 2021.
4. Noxious weeds will increase and spread, causing further damage to the lands and less available grazing.
5. The possibility of wildfires will increase, causing more damage as did the July fire and the Pine Grove fire. Costs to prevent and to respond to the fires will increase dramatically as will damage to land, property and potentially lives.
6. Wildlife will be impacted, causing negative impacts to hunting and fishing, both commercially and subsistence activities.

All told, the dramatic effects of the drought thus far and in the near future are of grave concern to the Fort Belknap Indian Community Council for the FBIC as well as the surrounding areas.

In order to alleviate the current situation and head off future damage, the Fort Belknap Indian Community is requesting that the Governor's Office:

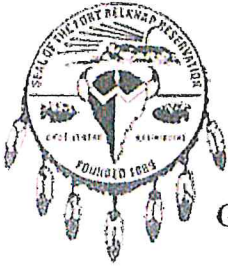
1. Review and revise the FBIC drought designation.
2. Provide funding regarding the development of a drought management plan.
3. Be included in any state or regional committees that are addressing drought and related issues.

Thank you for your time and attention to this very serious matter.



ATTACHMENT 3.3: Water Settlement

Fort Belknap Indian Community



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Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community Water Rights Settlement Act of 2021

The Fort Belknap Indian Community (FBIC) includes the Gros Ventre and Assiniboine Tribes of the Fort Belknap Reservation. The Water Rights Settlement Act of 2021 honors the Treaties and agreements between the Gros Ventre and Assiniboine Tribes and the United States by recognizing FBIC's right to water for its Reservation, providing Congressional approval of the Water Compact between Montana, FBIC, and the U.S., and settling claims the FBIC has against the U.S. for the mismanagement of FBIC's Indian reserved water rights and resources. The Act settles damage claims against the U.S. by providing FBIC compensation for infrastructure and economic development, with additional funding to mitigate Tribal water development for current water users.

FBIC fought the judicial battle in 1908 that resulted in the U.S. Supreme Court ruling that Indian reservations include the waters necessary to make a tribal homeland. This is known as the *Winters Doctrine*. More than a century later, FBIC will be the last of the seven reservation tribes in Montana to settle its Indian reserved water rights.

After choosing negotiations and settlement over litigation in the 1980s, Montana, FBIC, and the U.S. agreed to a Water Compact identifying the sources, quantity, and administration of FBIC's Indian reserved water rights. The Compact supports funding for mitigation activities designed to protect existing non-Indian irrigators as FBIC develops its water rights. The Montana State Legislature overwhelmingly approved the Compact on a bipartisan basis in 2001.

The Act will approve the Compact and fully settle all of FBIC's water-related claims against the U.S. The Act will avoid costly litigation for existing water users, FBIC, and the U.S. The Act provides certainty that allows the State to move forward by removing a cloud over the unresolved water rights.

FBIC began irrigating its Reservation in 1889 and the Act provides funds to repair, modernize and expand the Bureau of Indian Affairs' Fort Belknap Indian Irrigation Project. Repairing the Project will strengthen the Reservation's agricultural economy. Over 90% of irrigated lands are trust lands held by FBIC and its members. The funds will also support development of clean and safe water for all FBIC members and communities of the Reservation, especially in the southern part of the Reservation where water pollution from gold mining left much of the water supply unsuitable for human consumption, including important headwaters of the FBIC Indian reserved water rights.

The Act includes Congressional approval of Indian reserved water rights from the Milk River and its tributaries, the Peoples Creek Basin, the Beaver Creek Basin, and the Missouri River

Basin within the Reservation. The Act provides water for FBIC irrigation, domestic use, livestock, fish and wildlife, and water-related economic development.

The Act establishes the **Aaniiih Nakoda Settlement Trust Fund** which includes four major funding accounts that will compensate the FBIC for damages related to the U.S. mismanagement of its water rights and resources. These accounts are described below.

Tribal Land and Water, Rehabilitation, Modernization, and Expansion

- Funding will go to repairing and expanding BIA's Fort Belknap Indian Irrigation Project, including the Peoples Creek Southern Tributary Irrigation Systems.
- Develop reservoirs needed to store water for the Project.
- Repair and re-establish wetlands.
- Provide for the development of temporary stock-water ponds.
- Purchase lands within the Project and provide farm loans.

Water Resources and Water Rights Administration, O&M and Repair

- Funds would be used to create a trust fund to provide long-term support for a Tribal Water Resources Department to administer and manage the FBIC's water rights and an Operation and Maintenance Fund to ensure repair and upkeep of irrigation projects.

Tribal Economic Development

- Support the tribal labor force by expanding wellness centers to provide treatment and prevention for diabetes, hypertension, obesity, mental health, and substance abuse.
- Three centers are planned with space to provide for community education, an elder's area, a gymnasium, lockers, a kitchen, and a technology lounge.
- Utilize water resources to develop tribal natural gas resources within the Reservation and supply energy resources for an 80MW natural gas power plant.
- Using increased agriculture production, develop an Integrated Bio-Refinery producing 20-million-gallon-per-year of ethanol and cattle feed by-products.

Clean and Safe Domestic Water Supply and Wastewater Systems

- Construct and improve water supply and wastewater removal systems on the Reservation.
- Develop two new wells at 300-ft deep, and one new well at 480-ft deep to provide water for the communities of the Fort Belknap Agency, Hays, and Lodgepole.
- Homesite wells will be developed.
- Construction of new water treatment facilities in Lodge Pole and Hays communities.
- Expansion of existing domestic water delivery lines.

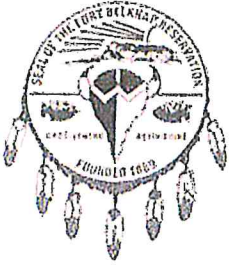
In addition, the Act provides stored water under an existing Fresno Reservoir agreement and 20,000-acre feet per year of stored water in Lake Elwell, protects FBIC's ability to develop groundwater, and provides for FBIC to develop stock-water ponds. The Act also provides for the transfer of 58,553 acres of former Reservation lands to be restored to the FBIC that will ensure Tribal management of its water rights, promote consolidation of Tribal trust lands, foster improved forest management, and protect the Tribe's cultural resources and sacred sites.

Finally, the Act includes funding for (1) mitigation activities that will improve the water supply and protect Milk River Project irrigators because of FBIC's water development, and (2) construction of a dam and reservoir on Upper Peoples Creek for the FBIC that will stabilize the water supply and allow upstream irrigators to continue their water use.



ATTACHMENT 3.4: Tribal Historic Preservation Office

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FBIC TRIBAL HISTORIC PRESERVATION OFFICE

The FBIC representing the Gros Ventre and Assiniboine Tribes, assumed preservation responsibilities from State Historic Preservation Offices (SHPOs) on FBIC lands, and have exercised our respective Treaty Rights to include consultation on Treaty Lands/Territory and Ancestral/Aboriginal Homelands including heritage properties, cultural and sacred sites within the State of Montana. We are committed to the preservation of significant historic and cultural properties on FBIC and aboriginal lands of the Gros Ventre and Assiniboine Tribe.

Overlapping issues require communication and coordination between the Montana SHPO Office and the FBIC THPO Office. A common goal between the SHPO and THPO offices is to preserve the ancestral history of all who came before us.

FBIC ECONOMIC DEVELOPEMENT ATTACHMENTS:

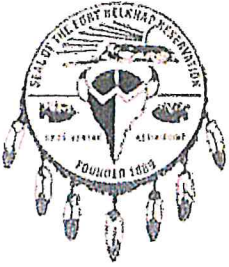


ITEM 4.1: Broadband



ATTACHMENT 4.1: Broadband

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FBIC Broadband

The Fort Belknap Indian Tribal Community (FBIC) is located within the boundaries of a reservation that lacks broadband coverage for almost 50% of the reservation. Many tribal members that are in areas with broadband capabilities struggle to afford meager broadband plans, if any at all. Members who can afford broadband plans many times find themselves stuck with unreliable and slower speeds prevent them from accessing online resources.

An official with the incumbent provider has communicated to our tribe that once in a generation, if not lifetime, grant programs will benefit Fort Belknap only by allowing that incumbent provider to be the exclusive ETC. They have become the only entity eligible to receive federal NTIA broadband funds awarded through MT state programs which are prejudicial in nature to tribal governments. The lack of competition in our area has severely stunted our broadband access and the affordability of existing services. Sadly, programs administered by the state of Montana only encourage geographic monopolies which have traditionally harmed tribal communities.

There are numerous precedents of tribal communities winning federal broadband grants and successfully implementing broadband projects which have nearly closed the rural broadband gap all while offering reliable services at prices which are accessible to all members of their communities. Due to the years of neglect by the incumbent provider, FBIC is looking for funding opportunities to create a reliable, stable, and affordable broadband solution for tribal members, tribal business units, and tribal organizations. To assist with this, the FCC has already granted the Fort Belknap Reservation a spectrum license for the EBS 2.5Ghz covering all of the reservation and soon, additional area.

FINDINGS

There are five service providers who provide service to Fort Belknap. The service providers include Triangle Communications, Verizon, T-Mobile, HughesNet, and ViaSat. Triangle Communications, HughesNet, and ViaSat are providers who specifically provide broadband services while Verizon and T-Mobile primarily focus on cellular service. Of these providers, Triangle Communications is the Eligible Telecommunications Company (ETC) aligned to the Fort Belknap area. They are also the provider who is aligned to provide broadband services to the reservation, but the tribe has experienced what happens with Triangle's "refusal" to follow through and provide the services agreed to or stated on projects and statements in 2012, 2014, 2017, and multiple conversations since then. Due to legislative law, counter to the Federal Government who is providing the actual funding, Montana requires an ETC to partner with the tribe. So, it will be beneficial to work around this ETC requirement or navigate it accordingly (expediting it for tribes since they are covering their reservations) to avoid the tribe being locked into the same position again.

As the Rural Local Exchange Carrier (RLEC), Triangle Communications and they primarily offer fixed wireless and fiber services. The RLEC's fixed wireless capabilities recorded by the FCC provide 10 Mbps down / 1 Mbps up. Triangle Communications offers fiber grade services in portions of the reservation with listed speeds up to 200 Mbps down / 150 Mbps up. Note: the 200 Mbps down and 150 Mbps up speeds

were not observed and are not reflected in any data available. It can be confirmed though that the tribe is paying

According to fiber maps published by Triangle Communications, the Montana Telecommunications Association, and VisionNet fiber is not available throughout most of Fort Belknap. Specifically, fiber appears to only be available around the northwestern region of the reservation by route 2.

Data collected by the FCC, NTIA, and trusted open-source data sets suggests that most of Fort Belknap's throughput falls at or below 25 Mbps down / 3 Mbps up—which leaves Fort Belknap in great need.

Speed test data collected from multiple sources indicates that the highest throughput on the reservation appears to be about 35 Mbps down / 10 Mbps up. The NTIA Indicators of Broadband need map categorizes the majority of Fort Belknap as having less than 25 Mbps down / 3 Mbps up. FCC form 477 data, which is information directly collected from service providers, illustrates that significant amounts of the reservation (primarily the mid and southern portions) are without access to broadband speeds greater than 25 Mbps down / 3 Mbps up.

Almost all sources purport that somewhere between 45% and 55% of residents do not have access to broadband. These sources include Census Bureau surveys, NTIA, FCC, and Montana Broadband maps.

It is important to consider authoritative definitions for what is considered acceptable with respect to broadband speeds. Most federally funded broadband programs require 100 Mbps symmetric speed (or 100 Mbps down and 100 Mbps up). They also imply service be capable of supporting real time, streaming activities for multiple users—thus no high user activity related degradation.

To close this “gap” of information, the State of Montana has already stated they will be contracting out and utilizing a company to revamp the states broadband maps. The issue here though is, the State of Montana and their contractor has been contacted and conducted a conference call with the tribes consultants, and they were very “unfriendly” to the tribal cause. It was felt that there are some pre-determined feelings and judgements about the tribes, their broadband situation, incumbent providers invalidated information, and it is firmly believed that this process has already been skewed towards an opinion that will cause the tribe an unjustified uphill battle. It has been clearly observed that some of the preliminary maps and determinations being constructed, will be attempting to articulate an inaccurate picture and the State, unlike the federal government in which it is getting this funding from is barring the tribe from self-certifying their validated and confirmed broadband situation/position.

FBIC HEALTH AND HUMAN SERVICES ATTACHMENTS:

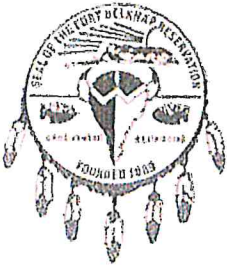


ITEM 5.1: Aanakyaaniin Wellness Center



ATTACHMENT 5.1: Aanakyaaniin Wellness Center

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Aanakyaaniin Wellness Center

Impact on the Fort Belknap Indian Community, Blaine County, the Hi-Line and the State of Montana

The Fort Belknap Indian Community is experiencing a health care crisis. American Indians experience the worst health and the highest rates of addiction and suicide of any population in the United States. Here at home:

- Life expectancy for American Indian men in Blaine County is 56 years.
- Tribal Council has declared a suicide emergency in response to the high number of suicides taking place within our community.
- Like much of rural America, Blaine County is a medically underserved community.
- For the southern half of the reservation, medical care is almost completely unavailable.
- According to the U.S. Census, 38% of all families on the FBIC live below the poverty line; 45% of all families with children.
- Again, according to the U.S. Census, the unemployment rate is 28%. But that dramatically understates the case because our labor force participation rate is only 53%. The true unemployment rate is closer to 40%.

The FBIC intends to build a wellness center to serve the southern half of the community. It will include a 10,000 square foot clinic as well as a gym and exercise facilities. It will provide intensive outpatient therapy to more than 50 people each year.

The Tribe has committed \$11,000,000 towards this \$20,000,000 project. We can secure an additional \$4 million from a new market tax credit. We need an additional \$5,000,000 to complete financing.

The project will:

- Generate 175 construction jobs, 150 supplier jobs, and an additional 240 induced jobs for a total of 565 jobs/
- Create 19 permanent jobs

Aanaakyaaniin Wellness Center is the cornerstone of a comprehensive health plan for the Ft. Belknap Indian Community that will create new access points for healthcare for the entire Hi-Line community and will eventually

- Generate more than 100 high-paying health care jobs.
- Include a dialysis center to serve Blaine and Philips Counties
- Include an Assisted Living Center

136 rural hospitals have closed across America since 2010. According to Hospital CEO Report, 19 rural hospitals in Montana – 37% of all hospitals in Montana – are at risk of closure. Anaakyaaniin Wellness Center will succeed because we have access to the All Inclusive Encounter Rate of \$519 per visit that is uniquely available to American Indian clinics.

It all starts with AWC. We need that last \$5 million to move this forward.

FBIC JUSTICE AND PUBLIC SAFETY ATTACHMENTS:

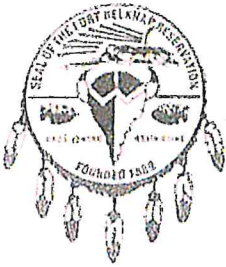


- ITEM 6.1: Law Enforcement
- ITEM 6.2: Court
- ITEM 6.3: Transportation
- ITEM 6.4: Fish and Game



ATTACHMENT 6.1: Law Enforcement

Fort Belknap Indian Community



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Chronic Underfunding of BIA Law Enforcement Must End

The chronic underfunding of Bureau of Indian Affairs (BIA) law enforcement has dramatic consequences for tribal members and our communities. The Department of Justice (DOJ) reports that Native Americans experience violent crimes at more than twice the national rate, and Native American women are two to three times more likely than women of any other race to experience violence, stalking or sexual assault. This is true on our Fort Belknap Indian Reservation the same as many other Indian reservations across the United States.

The chronic underfunding of BIA law enforcement also impacts the patrol and detention officers that we rely on to respond in times of emergency and keep our communities safe. They are overworked, stressed, and underpaid. On a large land based reservation like our Fort Belknap Indian Reservation our few officers spend long hours on the road patrolling an area about the size of the State of Rhode Island and often working without backup. We have difficulty recruiting officers and retaining them once they are here.

This cannot continue. We ask that the Subcommittee take action to substantially increase BIA base funding for law enforcement programs within BIA's Office of Justice Services. Base funding must be increased across the board by at least three times above current levels to provide the officers and equipment that we need. Under current funding levels we are routinely forced to juggle budget items to address unmet needs and make up the lack of BIA funding

In some cases, the only reason we have been able to continue administering law enforcement is if we are successful in getting a one-time competitive grants from DOJ. We cannot budget our law enforcement needs on the back of competitive grants. DOJ competitive grant funding should be transferred back to BIA-OJS and used to provide adequate base funding for law enforcement services. Our law enforcement officers are frontline employees that deserve the Subcommittee's full support.

Under current funding we have four patrol officers. We need at least 12 patrol officers. Currently, our law enforcement administrators are doing double duty as patrol officers. This impacts their ability to manage law enforcement, conduct background checks, process bills and purchase orders. Patrolling a large reservation also takes a toll on our patrol cars, which regularly drive over 150,000 miles a year, including rough terrain and poor road conditions on our large Reservation. Our patrol cars sometimes run shift to shift and never turn off except for regular maintenance and tire replacement.

Our Reservation is rural, but our officers are busy. Annually our officers respond to about 12,000 calls for help. Over the past three years, our officers made 4,352 total arrests. That is about three

to four arrests per day. Addressing drug-related crimes and providing effective treatment adds another dimension to the law enforcement services we need to provide. During special events throughout the year, such as high school proms, pow-wows, school athletic games, and national holidays, officers must increase their availability to serve by covering seatbelt and sobriety checkpoints while also responding to calls for service.

Even without all of these pressures, our officers are already overworked and underpaid. Our BIA contract provides some of the lowest officer pay in Montana, making recruitment and retention even more difficult. As a result, our officers are stretched thin, and we experience frequent turnover. With more funding, we could offer comparable wages, increase our retention rate, and ultimately lower the costs associated with training new officers. This would also improve law enforcement services with more experienced and knowledgeable officers in the field.

At the minimum, Congress should provide a Cost-of-Living Adjustment (COLA) for BIA law enforcement base funding. Under the other 638 contracts, such as Indian Health Services, Congress authorizes yearly COLA increases. A COLA increase for our officers would provide some financial relief and help provide them with the living wages they deserve. The last time Congress authorized an increase in BIA base funding was FY2020, when FBIC law enforcement got a \$1 thousand increase moving our base budget from \$1.299 million to \$1.3 million.

We ask that the Subcommittee address the chronic underfunding of BIA law enforcement, increase base funding for law enforcement services, authorize a COLA for law enforcement staff, and provide Indian tribes the opportunity to protect and serve their communities



ATTACHMENT 6.2:

Court

Fort Belknap Indian Community



Fort Belknap Agency
656 Agency Main Street
Harlem, Montana 59526-9455
PH: (406) 353-2205
FAX: Council – (406) 353-4541
FAX: Departments – (406) 353 – 2797

Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community
(Elected to administer the affairs of the community and
to represent the Assiniboine and the Gros Ventre Tribes
of the Fort Belknap Indian Reservation)

FORT BELKNAP INDIAN COMMUNITY COURT

The Fort Belknap Indian Community Court is established and governed by Article X of the Constitution of the Fort Belknap Indian Community. Pursuant to Title I, Section I of the FBIC Law and Order Code, the FBIC Court was established to "...decide all cases and controversies in law and equity arising on the Fort Belknap Indian reservation....) whose jurisdiction is delineated in Section II of the Fort Belknap Indian Community Law and Order Code.

Two outstanding areas of continued interaction with State agencies are:

I. Orders of Restraint/Protection

- Per 18 U.S.C. §2265(a) all orders of protection issued in a state or tribal court shall be afforded full faith and credit by all other state or tribal courts. It is the position of the Fort Belknap Tribal Court that all orders of protection issued by other state or tribal jurisdictions, shall be afforded full faith and credit and shall be enforced within the territory of the Fort Belknap Indian Community.
- It is the responsibility of the issuing jurisdiction to make the Fort Belknap Tribal Court aware of any orders of protection issued that would likely pertain to the territory of the Fort Belknap Indian Community. Likewise, it is the responsibility of the Fort Belknap Tribal Court to inform all other pertinent jurisdictions of the likelihood that an order of protection issued from the Tribal Court would involve that jurisdiction.

II. Extradition/Warrant Process

- All pertinent information pertaining to extradition can be found within **Title III, Part XVI, §§ (1.1)-(1.4) of the Laws of the Fort Belknap Indian Community**. The relevant portion reads:
 - "When an indictment or information is pending against a defendant confined on this Reservation under a Fort Belknap Tribal Court judgment or order, the court with jurisdiction over the pending criminal action shall, after application by their tribal prosecutor, order that the defendant be produced before that court for prosecution and present this order to the president. The defendant shall not be entitled to release pending trial on the indictment or information. The president may order that the defendant be surrendered to the Chief Law Enforcement Officer in which the court issuing the order is located. The president may order the Chief Law Enforcement Officer to convey the defendant from the jail and commit the defendant to the jail or to another place of custody specified in the order. If the proceeding is delayed, the president may order the defendant returned temporarily to the jail until the presence of the defendant before the court is required." (Title III, Part XVI, § (1.3) of the Laws of the Fort Belknap Indian Community, 2001)

The Fort Belknap Indian Community Council looks forward to a continued recognition of our respective jurisdictions and a continued working relationship that may involve Memoranda of Agreement between the jurisdictions regarding service of process, arrest, recognition of Court orders and other related issues to effect the process between the jurisdictions and its agencies and to promote the safety of our respective citizens.



ATTACHMENT 6.3: Transportation

Blaine County Road User Tax

The Fort Belknap Indian Community Transportation-Transit Department, has documentation going back to the early 1990s, showing an interest in whether the portion of fuel tax monies distributed to Blaine and Phillips Counties for road miles within the boundaries of the Fort Belknap Reservation could instead be transferred to the Fort Belknap Indian Community for construction, reconstruction, maintenance, and repair of rural roads.¹ In 2003, the tribal government estimated that could amount to \$28,000 from Blaine County and \$4,754 from Phillips County, annually.²

Distributions to the counties are made pursuant to 15-70-101, MCA, and generally are based on a formula that accounts for the rural road mileage in each county, the county population outside of incorporated cities and towns, and the county's land base.³

An internal Montana Department of Transportation (MDT) memo dated June 24, 1994, said the agency received a letter from the Blaine County Commissioners indicating their desire to "give up future monies received as gas tax funds on reservation roads."⁴ However, it appears the county didn't believe it could transfer the money to the tribal government without a change in legislation, and the state must be convinced to transfer the money to the tribes directly.

In the memo, an MDT attorney disagreed that the state could transfer the money to the tribes because 15-70-101, MCA, requires the money to be paid to the counties unlike other fuel tax revenues that statute allows to be distributed directly to tribes via cooperative agreement with the state. MDT asserted that it was up to Blaine County to decide how to spend its portion of the money in relation to roads within reservation boundaries.

Another MDT memo dated January 23, 1995, says Blaine County took the position that it cannot enter into an agreement to disburse funds to the Fort Belknap tribal

¹ See 1995 MDT Memo, MDT attorney Steve Garrison in 2007 letter to FBIC stated that a county may share a portion of its gas tax allocation with a tribal gov't, provided that the money is used by the tribal gov't for the repair, construction and maintenance of county rural roads within the reservation.

² See 2005 Memo from former Fort Belknap Transportation Director regarding the estimated Blaine County Gas Tax allocation to the FBIC.

³ See, attached 15-70-101, MCA.

⁴ See 1994 Memo from Nick Rotering, Attorney, Legal Services to Cindy Anders, Administrator Officer Motor Fuels.

government absent new legislation authorizing the transfer. Again, MDT disagreed, saying it didn't believe there is any constitutional or statutory prohibition precluding the county from entering into an agreement with the tribe as authorized by the State-Tribal Cooperative Agreements Act (Title 18, chapter 11, part 1). The Act allows public agencies, including counties, to enter into agreements with tribal governments to "perform any administrative service, activity, or undertaking that a public agency or a tribal government entering into the contract is authorized by law to perform."⁵

The Fort Belknap Indian Community Council wishes to discuss the issue with Governor Gianforte at the Tribal Summit.

⁵ See 1995 MDT Memo from Tim Reardon, MDT Chief Counsel.



Montana Department
of Transportation

.2701 Prospect Avenue
PO Box 201001
Helena MT 59620-1001

Marc Racicot, Governor

January 23, 1995

Legal Services Unit
Telephone: (406) 444-6090
Fax: (406) 444-7206

TO WHOM IT MAY CONCERN:

A question persists over the Department's disbursement to the counties of fuel tax funds collected by the State and whether the State can directly forward the funds to Indian tribes for reservation use within an affected county.

This issue arises from the position taken by the Blaine County Commissioners that the Commission cannot enter into an agreement to disburse funds to the Fort Belknap Tribal Council absent new legislation authorizing the fund transfer.

The MDT has researched the issue previously and disagrees with the position taken by the County Commissioners. Nick Rotering, MDT legal counsel, wrote an opinion dated June 24, 1994 (copy attached) which explains the MDT's position. Nothing has changed in the ensuing months which alters that opinion.

The Department does not believe there is any constitutional or statutory prohibition which would preclude the county from entering into an agreement with the tribe regarding the funds once they have been transferred to the county. It is authorized by section 18-11-101, et seq., MCA. Also, such an agreement will not alter or jeopardize any existing or future agreements between tribal governments and the DOT to share fuel taxes. In short, Blaine County can spend their funds on tribal roads by contracting with the tribe. The only limitations would be that the contract limit the use of the funds to the statutorily approved purposes.

Sincerely,

TIMOTHY W. REARDON, Chief Counsel
Legal Services

TWR:jw

Attachment

cc: Senator Greg Jergeson (w/enc.)
John Healy, Ft. Belknap Transportation Planner (w/enc.)
Kathleen Fleury, Coordinator of Indian Affairs (w/enc.)
Donald Ranstrom, Blaine County Attorney (w/enc.)
Eddy McClure, Legislative Council (w/enc.)
Arthur Kleinjan, Chairman, Blaine County Commissioners
(w/enc.)

MEMORANDUM

August 31, 2005

To: Julia Doney, President,
Fort Belknap Indian Community Council

From: C. John Healy SR.,
Transportation Director

Re: County Gas Tax Monies

This memo is in regard to the gas tax monies that Blaine County and Phillips Counties receive from the state of Montana.

I have researched the issue with the Montana Department of Transportation (MDT), and compiled the data currently in place.

Distribution of the fuel tax allocations are provided by state statutes, MCA 15-70-101, (see attachment). Basically the allocations are distributed to the counties based on a formula consisting of 40% for rural road mileage, 40% for rural population, and 20% for land area.

An analysis was done a few years ago by Bill Cloud, MDT, separating the reservation factors from Blaine & Phillips Counties. The population figures were used from the 1990 census data, we will need to update this part using the 2000 data. However the change in population between Blaine and Phillips Counties and Fort Belknap should be relatively the same in proportion. These numbers should be very close for our analysis.

County Gas Tax Monies Annual Allocations (2000 Study)				
Blaine County	Phillips County	Blaine County	Phillips County	Fort Belknap
\$100,414.00	\$121,044.00	\$128,414.00	\$125,798.00	\$32,754.00
\$28,000.00	\$4,754.00			
*Ft. Belknap share	*Ft. Belknap share			Hypothetical

MCA Contents / TITLE 15 / CHAPTER 70 / Part 1 / 15-70-101 Disposition ...

Montana Code Annotated 2019

TITLE 15. TAXATION

CHAPTER 70. GASOLINE AND VEHICLE FUELS TAXES

Part 1. General Provisions

Disposition Of Funds

15-70-101. Disposition of funds. (1) Those funds allocated to cities, towns, counties, and consolidated city-county governments in this section must, in accordance with the provisions of 17-2-124, be paid by the department from the highway restricted account provided for in 15-70-126 to the cities, towns, counties, and consolidated city-county governments.

(2) The amount of \$16,816,000 of the taxes collected under this chapter and deposited in the highway restricted account in 15-70-126 is statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be distributed each fiscal year on a monthly basis to the counties, incorporated cities and towns, and consolidated city-county governments in Montana for construction, reconstruction, maintenance, and repair of rural roads and city or town streets and alleys, as provided in subsections (2)(a) through (2)(c), as follows:

(a) The amount of \$150,000 must be designated for the purposes and functions of the Montana local technical assistance transportation program in Bozeman.

(b) The amount of \$6,306,000 must be divided among the various counties in the following manner:

(i) 40% in the ratio that the rural road mileage in each county, exclusive of the national highway system and the primary system, bears to the total rural road mileage in the state, exclusive of the national highway system and the primary system;

(ii) 40% in the ratio that the rural population in each county outside incorporated cities and towns bears to the total rural population in the state outside incorporated cities and towns;

(iii) 20% in the ratio that the land area of each county bears to the total land area of the state.

(c) The amount of \$10,360,000 must be divided among the incorporated cities and towns in the following manner:

(i) 50% of the sum in the ratio that the population within the corporate limits of the city or town bears to the total population within corporate limits of all the cities and towns in Montana;

(ii) 50% in the ratio that the city or town street and alley mileage, exclusive of the national highway system and the primary system, within corporate limits bears to the total street and alley mileage, exclusive of the national highway system and primary system, within the corporate limits of all cities and towns in Montana.

(3) (a) For the purpose of allocating the funds in subsections (2)(b) and (2)(c) to a consolidated city-county government, each entity must be considered to have separate city and county boundaries. The city limit boundaries are the last official city limit boundaries for the former city unless revised boundaries based on the location of the urban area have been approved by the department of transportation and must be used to determine city and county populations and road mileages in the following manner:

(i) Percentage factors must be calculated to determine separate populations for the city and rural county by using the last official decennial federal census population figures that recognized an incorporated city and the rural county. The factors must be based on the ratio of the city to the rural county population, considering the total population in the county minus the population of any other incorporated city or town in the county.

(ii) The city and county populations must be calculated by multiplying the total county population, as determined by the latest official decennial census or the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census, minus the population of any other incorporated city or town in that county, by the factors established in subsection (3) (a)(i).

(b) The amount allocated by this method for the city and the county must be combined, and single monthly payments must be made to the consolidated city-county government.

(4) All funds allocated by this section to counties, cities, towns, and consolidated city-county governments must be used for the construction, reconstruction, maintenance, and repair of rural roads or city or town streets and alleys or for the share that the city, town, county, or consolidated city-county government might otherwise expend for proportionate matching of federal funds allocated for the construction of roads or streets that are part of the primary or secondary highway system or urban extensions to those systems. The governing body of a town or third-class city, as defined in 7-1-4111, may each year expend no more than 25% of the funds allocated to that town or third-class city for the purchase of capital equipment and supplies to be used for the maintenance and repair of town or third-class city streets and alleys. The governing body of a town or third-class city may place all or a part of the 25% in a restricted asset account within the gas tax apportionment fund that is carried forward until there is a need for the expenditure.

(5) All funds allocated by this section to counties, cities, towns, and consolidated city-county governments must be disbursed to the lowest responsible bidder according to applicable bidding procedures followed in all cases in which the contract for construction, reconstruction, maintenance, or repair is in excess of the amounts provided in 7-5-2301 and 7-5-4302.

(6) For the purposes of this section in which distribution of funds is made on a basis related to population, the population must be determined annually for counties and biennially for cities according to the latest official decennial census or the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(7) For the purposes of this section in which determination of mileage is necessary for distribution of funds, it is the responsibility of the cities, towns, counties, and consolidated city-county governments to furnish to the department of transportation a yearly certified statement indicating the total mileage within

their respective areas applicable to this chapter. All mileage submitted is subject to review and approval by the department of transportation.

(8) Except by a town or third-class city as provided in subsection (4), the funds authorized by this section may not be used for the purchase of capital equipment.

(9) Funds authorized by this section must be used for construction and maintenance programs.

History: En. Sec. 11, Ch. 162, L. 1955; amd. Sec. 213, Ch. 147, L. 1963; amd. Sec. 2, Ch. 6, Ex. L. 1967; amd. Sec. 2, Ch. 355, L. 1969; amd. Sec. 1, Ch. 384, L. 1971; amd. Sec. 1, Ch. 338, L. 1973; amd. Sec. 1, Ch. 330, L. 1974; amd. Sec. 2, Ch. 514, L. 1975; amd. Sec. 3, Ch. 34, L. 1977; R.C.M. 1947, 84-1840; amd. Sec. 4, Ch. 632, L. 1979; amd. Sec. 2, Ch. 238, L. 1983; amd. Sec. 1, Ch. 277, L. 1983; amd. Sec. 3, Ch. 624, L. 1983; amd. Sec. 1, Ch. 257, L. 1985; amd. Sec. 12, Ch. 703, L. 1985; amd. Sec. 1, Ch. 292, L. 1987; amd. Sec. 11, Ch. 557, L. 1987; amd. Sec. 1, Ch. 82, L. 1991; amd. Sec. 3, Ch. 512, L. 1991; amd. Sec. 18, Ch. 455, L. 1993; amd. Sec. 1, Ch. 605, L. 1993; amd. Sec. 1, Ch. 10, Sp. L. November 1993; amd. Sec. 21, Ch. 18, L. 1995; amd. Sec. 10, Ch. 509, L. 1995; amd. Sec. 1, Ch. 239, L. 1997; amd. Sec. 1, Ch. 415, L. 1999; amd. Sec. 12, Ch. 515, L. 1999; amd. Sec. 1, Ch. 158, L. 2001; amd. Sec. 1, Ch. 594, L. 2003; amd. Sec. 1, Ch. 22, L. 2007; amd. Sec. 15, Ch. 475, L. 2007; amd. Sec. 1, Ch. 170, L. 2013; amd. Sec. 6, Ch. 267, L. 2017.

Created by LAWS

MONTANA DEPARTMENT OF TRANSPORTATION
Helena, Montana 59620-1001



MEMORANDUM

TO: Cindy Anders, Administrative Officer
Motor Fuels

FROM: Nick A. Rotering, Attorney
Legal Services

Nick A. Rotering

DATE: June 24, 1994

SUBJECT: Blaine County Request to Turn Gas Tax Proceeds over to Tribal Council

You received a copy of a letter from the Blaine County Commissioners addressed to the Fort Belknap Tribal Council. The contents of the letter indicate that Blaine County wants to give up future monies received as gas tax funds on reservation roads. They indicate they will either have to pursue legislation or convince the Department of Revenue to contact directly with the tribal council to send the money to the council. Assuming that they meant the Department of Transportation, I have reviewed the statutes to determine if this is possible.

My opinion is that absent a legislative change in the statutes, we cannot contract with the Tribes to directly send any county's share to anyone but the county. Section 60-3-201, MCA, indicates that all monies received in payments of license taxes under the distributors gasoline license tax must be used and extended as provided by that section. Under section 15-70-101, MCA, the Department is told that all taxes, interest and penalties collected under this chapter (gasoline and special fuels) must be placed in the State's special revenue fund as provided by section 15-1-501(6), MCA. That statute indicates that tax revenue must be made according to the provisions of law governing the allocation of the tax. That refers back to section 15-70-101, MCA. In subsection (1)(b)(i), 40 percent of (b) is figured on a ratio of rural road mileage in each county exclusive of federal-aid interstate and federal-aid primary systems. The gasoline tax revenue proportioned to counties must be paid directly to the counties and these proceeds cannot be assigned to any other entity without statutory approval.

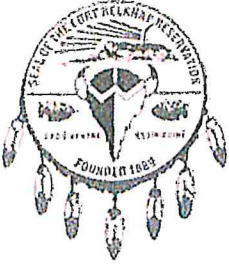
Unlike the cooperative agreements for Indian reservations, which are contractual in nature, section 15-70-234, MCA, where we have allowed assignments of the proceeds due the Tribes to be paid to other entities, I do not see the same flexibility in this case. How Blaine County wants to spend their portion of the money in relation to the tribal roads within their county is up to them. Absent any clearer legal authority, though, we cannot pay the county's share to the Tribe.

NAR:jw



ATTACHMENT 6.4: Fish and Wildlife Conservation

Fort Belknap Indian Community



Fort Belknap Agency
656 Agency Main Street
Harlem, Montana 59526-9455
PH: (406) 353-2205
FAX: Council – (406) 353-4541
FAX: Departments – (406) 353 – 2797

Fort Belknap Indian Community
(Tribal Govt.)
Fort Belknap Indian Community
(Elected to administer the affairs of the community and
to represent the Assiniboine and the Gros Ventre Tribes
of the Fort Belknap Indian Reservation)

FISHING AND WILDLIFE CONSERVATION

Laws governing hunting and fishing within the FBIC are codified in the FBIC Law and Order Code. Our laws include conservation as well as regulation measures regarding wildlife. While most activities occur without incident, there can be issues near the submarginal lands that create a need for dialogue between the jurisdictions.

As we all know, issues such as licensing, culling herds, tracking migration, hunting seasons transcend jurisdictional lines. Current FBIC laws authorize the FBIC Director of the Fish and Wildlife Department to enter into reciprocal and cooperative agreements with the State of Montana, or any Federal, County, Local Government Agency for the purpose of promoting fish, wildlife, vegetation and recreational management programs and activities.

Currently, we have an issue with road access to an FBIC sub-marginal tract of land. There is an existing road in the west half of State owned section 16, T25N, R22E. The cattle guard gate has been locked by the State for the last 6 years. It was open for decades prior to this, allowing tribal members access to the area. The FBIC would like to see if we can come to an agreement to re-open the gate to allow access to our federal trust land section 21, T25N, R22E.

There have been past discussions regarding cooperative agreements regarding cite and release processes into each other's respective jurisdictions. This is the type of issue that may be reviewed to determine if they should be re-open for discussion.

FBIC HOUSING ATTACHMENTS:



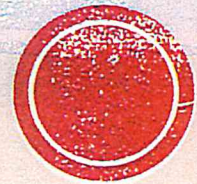
ITEM 7.1: Eagle Valley Housing Subdivision



ATTACHMENT 7.1: Eagle Valley Housing Subdivision

2021 DROUGHT IMPACTS WITHIN FORT BELKNAP TRIBAL LANDS

Fort Belknap Planning Department Producers' Survey Analysis – August 2, 2021



OUT OF 38 PRODUCERS SURVEYED:

- **4,593 TOTAL ANIMALS IDENTIFIED**
 - ✓ **410 COWS**
 - ✓ **14 BULLS**
 - ✓ **118 CALFS**
 - ✓ **179 HORSES**
 - ✓ **18 GOATS**



**33* OUT OF 38 PRODUCERS SURVEYED,
REPORTED:**

- 86% reported NO forage, presently
- 48% reported **LACK OF FORAGE** due to No Hay
- 45% reported lack of forage due to Grasshoppers
- 18% reported lack of forage due to Hail



OUT OF 38 PRODUCERS SURVEY:

- 61% reported they have **STOCK TANKS** to be filled



OUT OF 38 PRODUCERS SURVEY:

- 32% Have **EASY ACCESS** to their locations/water
- 24% Do *NOT* have easy access to their locations/water
- 37% did not provide an Answer



OUT OF 38 PRODUCERS SURVEY:

- 42% did *not* provide an answer to how many animals they would **SELL OUT**
- 13% are uncertain how many they would sell out
- 11% said they would sell out at 50%
- One Producer reported they would sell 38% of their overall herd
- One Producer reported they would sell 11% of their overall herd



OUT OF 38 PRODUCERS SURVEY:

- 45% identified WATER as to what they **NEED HELP WITH**
- 42% identified FEED/FALL as to what they need help with
- 36% identified a need for HAY NOW as to what they need help with



OUT OF 38 PRODUCERS SURVEY:

- 65%* of farm lands within Fort Belknap are infested with **INVASIVE WEEDS**
- 23% of producers did not provide an answer to this question



OUT OF 38 PRODUCERS SURVEY:

- 5% of Producers reported they have a **RESEVOIR STORAGE**



OUT OF 20 PRODUCERS SURVEY:

- 5% of Producers survey farm on Range Units # 11, 18, 22 & 56, respectively or these four parcels of land represent 20% of the overall land used for Producing





Mr. Andy Werk, Jr., President
Fort Belknap Indian Community Council

The following report represents activities of the Planning and Development Corporation dba Island Mountain Development Group for the year of 2020.

In accordance with the Corporate Charter of the Fort Belknap Planning and Development Corporation (an enterprise of the Fort Belknap Indian Community):

10. Records and Reports, Section C;

"The Corporation shall annually file reports with the Fort Belknap Community Council within ninety (90) days of the end of the fiscal year of the corporation, which shall describe:

- 1. Business done and intended to be done by the corporation;*
- 2. Material changes and developments since the last report in the described business, including; personnel status, personnel policy procedures, description of the competitive conditions, research and development activities, new lines of activities conducted by the corporation, receipts and expenditures of the corporation, income (or loss) attributable to each line of activity of the corporation;*
- 3. Any pending legal proceeding to which the corporation is a party;*
- 4. Audit financial statements of the corporation, including a consolidated balance sheet and consolidated statements of income, and source and application of funds for each such fiscal year.*

Business Overview

COVID-19

On March 19, 2020, the U.S. Government declared the Coronavirus a national emergency. IMDG took a conservative approach to both business operations and employee safety. In the early months of the pandemic, IMDG closely monitored the pandemics impact to the larger economy, as well as the governments' stimulus response. Maintaining operational resilience was a top priority for IMDG. IMDG was able to adjust in real-time to continually changing markets while also ensuring a consumer-centric approach in our response. Further, our ability to accurately forecast the pandemics' business impacts was crucial to what we believe was an extremely successful year for the corporation.

IMDG took strong safety measures to ensure operations continued effectively without the business being negatively impacted. To do so, all staff, including contact center staff, were transitioned to work remotely. Employees were equipped with laptops, network access, and equipment while creating new ways to secure access to critical systems, such as Virtual Private Networks (VPN). IMDG offices remained closed to the public for the remainder of 2020, and only business-critical staffing reports to the office when needed to ensure business continuity. IMDG enforced all restrictions and safety measures per Fort Belknap Indian Community Resolution for the Hays Corporate Headquarters. The IMDG Billings Corporate office continued to follow Montana restrictions and safety measures.

"CREATING A SELF-SUSTAINING ECONOMY FROM WITHIN."



Policy Advocacy and Outreach

The U.S. Government declared the Coronavirus a national emergency, resulting in billions of dollars in federal funding to fight the disease's spread. On March 26, 2020, the Senate passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act, providing \$ trillion in aid to hospitals, small businesses, and state and local governments. The House of Representatives approves the CARES Act, and Trump signed it into law the following day. The bipartisan legislation provided direct payments to Americans and expansions in unemployment insurance.

In 2020, IMDG focused on tribal inclusion in the Coronavirus Aid Relief and Economic Security Act (CARES) and the Consolidated Appropriations Act regarding governmental and business relief matters. The CARES Act negotiation and advocacy was an intense effort, as was its immediate implementation in Q2. IMDG participated in numerous Treasury sessions, engaged continuously with multiple Congressional and Treasury staff members for guidance, and provided comments on allocation methodologies.

To ensure a fair allocation of federal relief dollars to Tribes, IMDG helped organize a small group effort with the Harvard Project on American Indian Economic Development (HPAIED) gathers all relevant tribal gaming and enterprise information on economic impacts in Indian Country to help inform DOI and Treasury on how to allocate CARES Act distributions. We worked with large land-based tribes to form a coalition to have the allocation formula include land, population, and jobs rather than a single factor that may have disadvantaged large land-based tribes in the allocation method. In working over months with the HPAIED group, a series of 5 policy briefs were generated, summarized, and then transmitted to decision makers in Congress, federal agencies throughout the Trump Administration, tribal leaders, intertribal organizations, and social media to hold federal decision-makers accountable to tribes. These Harvard policy analyses have been cited by Congress (and in the litigation) after that. These efforts have continued as we advocate for additional Covid relief funding. We are still in daily contact with Senator Daines, Senator Tester, and weekly with Senator Warren, and other legislators, as necessary.

In terms of Non-COVID-19 advocacy and outreach, IMDG met with House Financial Services Committee members Senator Warren, Senator Brown, Senator Crapo, Senator Toomey, Senator Sinema, and Senator Daines's office. These discussions centered on the proposed 36% APR federal interest rate cap and the severe impact this legislation would have on access to capital for a large share of Americans, their economic stability, and the overall economy. IMDG provided further education to these lawmakers on our e-Commerce business model and our inherent sovereign right to create and regulate our commerce.

GVA Holdings – eCommerce

IMDG is designated by the Fort Belknap Indian Community as Manager for all Fort Belknap Tribal Lending entities (TLE's) including: Aaniiih Nakoda Finance d/b/a Bright Lending, GreatPlains Finance, LLC d/b/a Cash Advance Now, Green Trust Cash, LLC, Spot On Loans, LLC d/b/a Greenline Loans, Riverbend Finance, LLC d/b/a Riverbend Cash, Island Finance, LLC d/b/a Whitehills Cash, Target Finance, LLC d/b/a Target Cash Now, and North Star Finance, LLC d/b/a Northstar Cash.



Government Contracting

Buffalo Horse Inc.

Buffalo Horse, Inc. provides tailored solutions for government and commercial clients by delivering highly qualified professionals with unique skillsets to support our client's needs, from construction to business continuity to U.S. National Security concerns. BHI maintains the highest ethical standards while supplying subject matter expertise at competitive and best value pricing. By providing corporate time, resources and capabilities, BHI promotes and conducts initiatives to support our under-served Native American communities.

BHI continues the management of the current contract with the Federal Trade Commission (FTC). The contract consists of complete Homeland Security Presidential Directive-12 (HSPD-12) support. HSPD-12 consists of issuing Personal Identity Verification (PIV) or Facility Access Card (FAC), visitor logs to entry control points, assistance in maintaining the physical access control database, and assistance in the on-boarding process of new employees to include both government and contractor personnel.

Buffalo Horse Inc. And Heartland Consulting Form Joint Venture

In 2020, Buffalo Horse Inc. and Heartland Consulting form a new joint venture partnership: Heartlands Joint Venture.

Heartland Consulting is a certified Native American-owned SBA certified 8(a) and Veteran-Owned Small Business located in McLean, VA, and provides employment opportunities to our Nation's veterans. Heartland Consulting was founded in 2009 by a Marine Corps Veteran, John English. Heartland Consulting brings decades of experience providing quality support to federal agencies, state governments, energy sectors, healthcare, financial industry organizations, non-profits, and private sector companies.

Heartlands Joint Venture is 8(a) certified by the Small Business Administration (SBA). The joint venture boasts eligibility to receive 8(a) sole-source contracts up to \$100M streamlining procurements, reducing bureaucracy, and maximizing resources throughout government support services such as, Management Consulting, Information Technology, Healthcare, Organization Development, and Financial Management. Heartlands Joint Venture is actively seeking government contracting opportunities.

BHI's focus is to develop additional contracting opportunities within the federal contracting space. BHI continues to work on new direct award contract relationships, expand BHI capabilities, and formulate subcontracting opportunities in government contracting.

Snake Butte Construction and Fort Belknap Information Technology

On September 9, 2020, FBICC approves Resolution #184-2020 reorganizing Snake Butte Construction (SBC) and Fort Belknap Information Technology (FBIT) d/b/a Spiritbox Technologies as affiliates of Buffalo Horse Inc., under common management, in order to support the Tribes' economic development and job creation



In 2020, IMDG utilized HAZMAT grant funds to inspect three vacant homes in Fort Belknap and airport runway homes sampling. Once the inspection and sample results are received, IMDG will identify the most feasible acquisition and remediation units.

Additionally, IMDG continues efforts towards establishing mortgage lending capacity. These efforts are designed to complement the residential housing development with the establishment of the Island Mountain Community Development Financial Institution (CDFI) dba Montana Native Growth Fund which is specifically focused on home mortgage lending. IMDG's long-term commitment is toward affordable housing for Tribal members of Fort Belknap.

Fort Belknap Home Acquisition and Renovation Projects

IMDG continues to work with Fort Belknap property owners that are motivated sellers. IMDG maintains that we are not committed to any property acquisition without the following; ownership verification, title status, home value determination, renovation cost determination, purchase agreement (buy/sell), and an approved FBIOC resolution transferring the homesite lease to IMDG.

Legacy West, LLC

Legacy West, LLC is a twenty-six-acre subdivision located on the west end of Billings, MT. The plan is to build fifty-nine custom homes with a three to four-year buildout timeline. Classic Design Homes will build the homes located in Legacy West, LLC. Infrastructure development for Legacy West began in 2020 and is expected to be completed in 2021.

FY 2020 Competitive Indian Housing Block Grant (IHBG)

In Q4, the Fort Belknap Tribal Housing Authority (FBTHA) requested leverage funding from IMDG in the amount of \$905,575 for their IHBG grant application. If awarded, IMDG commits to supplementing 25% leverage contribution funding to the Eagle Valley Housing project and work jointly with the FBTHA on residential development.

Memorandum of Agreement (MOA) with Fort Belknap Tribal Housing Authority (FBTHA)

In Q4, IMDG Corporate, Island Mountain Realty Holdings, LLC, Island Mountain Community Development Financial Institution (IMCDFI) d/b/a Montana Native Growth Fund and the Fort Belknap Tribal Housing Authority (FBTHA) entered a Memorandum of Agreement (MOA) to promote homeownership to Aaniiih and Nakoda tribal members, build equity to achieve economic security and stability of the Fort Belknap Indian Community.



Buffalo Bull Lodge Wellness Center

IMDG continues to aid FBICC in planning, developing, and constructing the Buffalo Bull Lodge Wellness Center. IMDG continues to work with the consultants hired by FBIC; Stephen Reichard, DSGW, and Baker Tilly, to finalize the floor plan, sustainability planning and implementation, and the building development fund.

The operational and sustainability plan for the Buffalo Bull Lodge Wellness Center was completed in 2020. The purposes of care within the plan are the Intensive Outpatient Treatment Model, Behavioral Health/Mental Health Services, Primary Care, Dialysis care, physical therapy, Special Procedures (Telemedicine), and various other services to accommodate these direct services.

In 2020, IMDG introduced the operational and sustainability plan to the Fort Belknap Judicial departments; Tribal Courts, Prosecution, and the Social Services program. The discussions were specific to the Intensive Outpatient Treatment (IOT) model in the operational and sustainability plan and proforma. The Intensive Outpatient Treatment program will allow the departments to utilize the eight-month program for their clients and strengthen the Buffalo Bull Lodge Wellness Center's business model.

National Tribal Broadband Grant (NTBG) – Ft. Belknap Indian Community – Feasibility Study – Wellness Center Broadband and Telehealth

IMDG and Baker Tilly assisted the Tribes in applying for the Department of the Interior Bureau of Indian Affairs Office of Indian Energy and Economic Development National Tribal Broadband Grant FY 2020. In Q4, IMDG received notification that the Fort Belknap Indian Community grant application was successful for \$49,546.

The NTBG funds will allow FBIC to engage a qualified consultant to complete a feasibility study where Fort Belknap's current broadband infrastructure is assessed, and needs for expansion are determined for future project implementation. Through this feasibility study, the consultant will assess our current fiber technology to determine:

- The feasibility of expansion of our current broadband infrastructure
- Detail the capabilities of our current service provider.
- Pinpoint where, geographically, we need to extend our fiber optic footprint to reach more people.
- Identify what strategies will be used to build out the fiber infrastructure (i.e., building new poles that FBIC owns, leasing more poles owned by an internet service provider, etc.).
- Determine how much it will cost to complete this project.

Island Mountain Energy, LLC

In 2020, IMDG conducted a thorough analysis of renewable energy development in Fort Belknap and concluded a summary that IMDG has provided to FBIC for use and reference. The purpose of the report was to document the significant development activities undertaken by IMDG between September 2019 and May 2020



generating economic growth and opportunity in some of our Nation's most distressed communities. CDFIs can be banks, credit unions, loan funds or venture capital funds. Loan funds can be for homeownership and housing, micro-enterprise and small business lending, ag lending and community service. However, all CDFIs must have two primary components. The first is that all CDFIs must develop services to educate and inspire. Secondly, CDFIs offer access to credit otherwise unattainable through their creative financing products.

IMDG's vision for our CDFI is to create culturally empowered and tailor-made curriculums that will focus on homeownership. In addition, the creation of education and loans that will build capacity for homeownership. Our goal is for the CDFI to be highly connected within the mortgage and native CDFI community with a long-term scope and scale.

To learn more about the Montana Native Growth Fund, please visit nativegrowthfund.org.

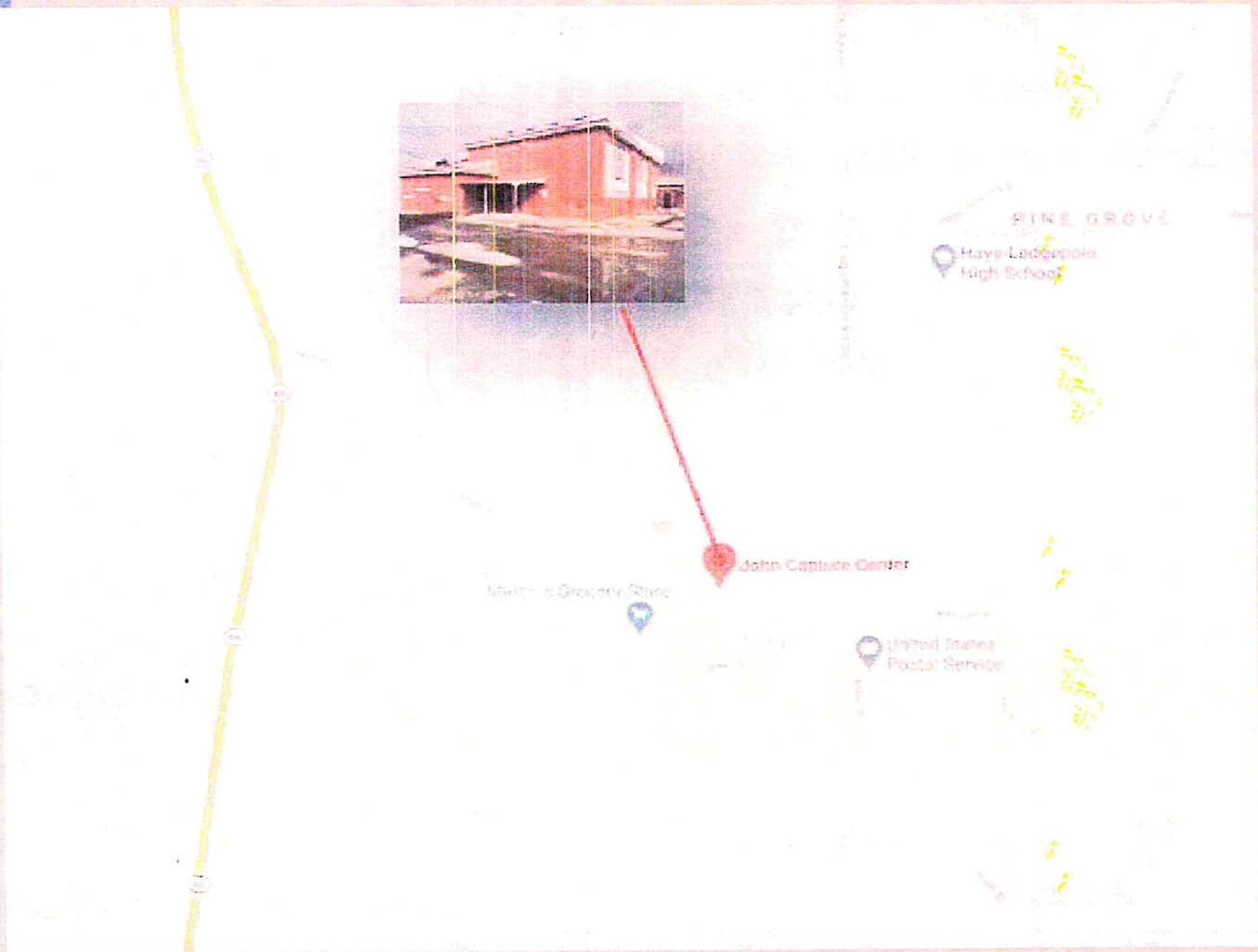


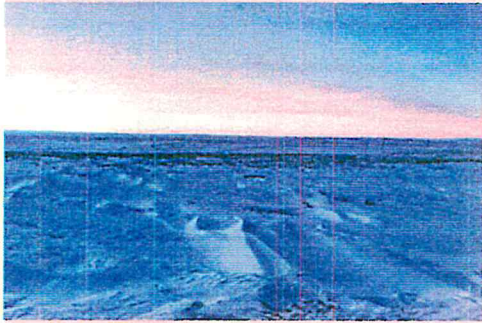
John Capture
Center Incubator

Nakoda-Aaniiih Credit Agency (NACA)
Ray King, Executive Director



Location

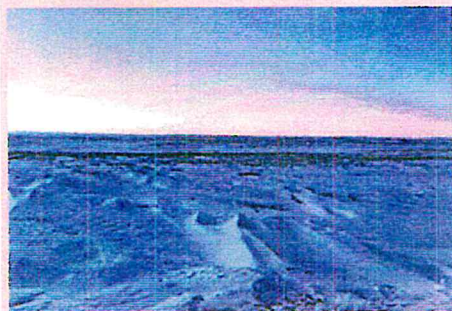




Demo

- Demo building- slab, footings, wall, basement: \$ 350,000
- 5 outbuildings- Concrete, block and wood: \$45,000
- Demo Garage: block and wood: \$25,000
- Demo Wood Walls and Roof: \$100,000
- Haul Demo Refuse (Havre): \$85,000
- Office Support and Insurance: \$90,000
- Environmental Remediation: \$151,250
- Contingencies: \$126,937

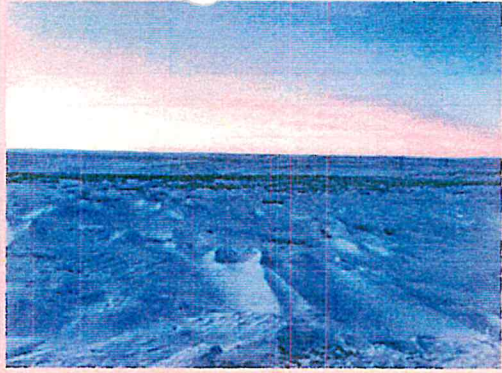




Recommended start-ups with Business Plans

- Childcare
- Auto repair
- General Store
- Bulk Water Sales
- Laundromat
- Online Based Business Support





Facility Build 70x70

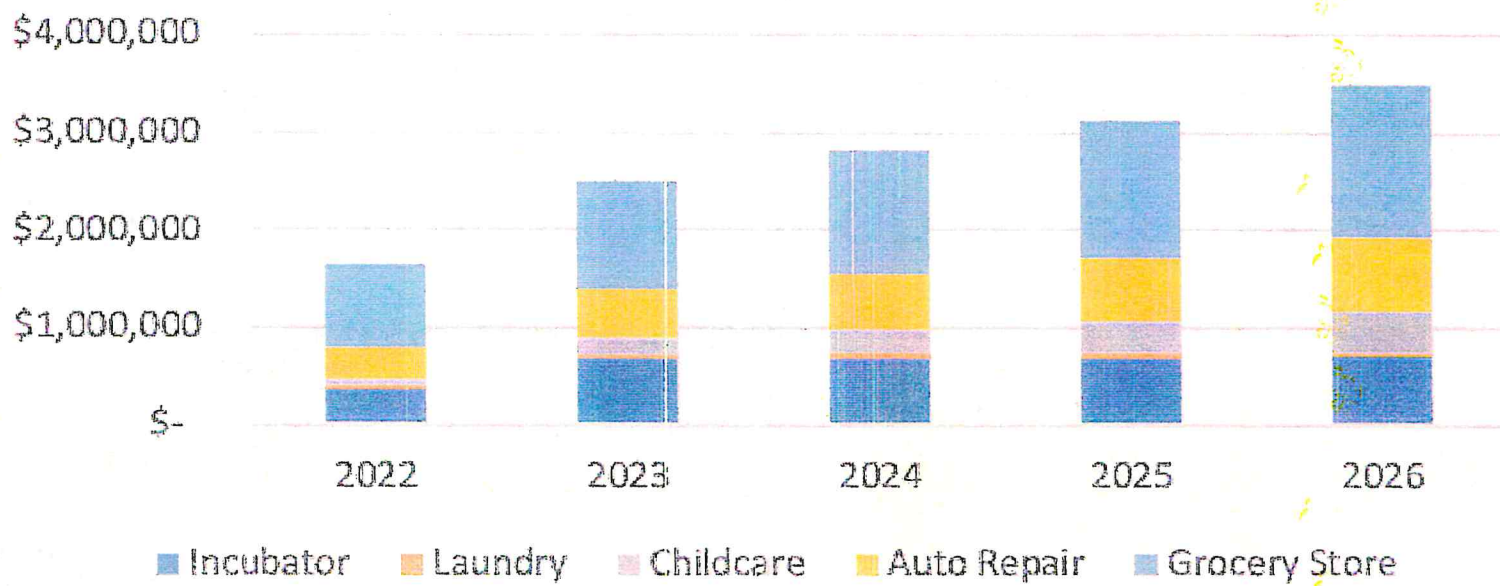
- Sitework: \$600,425
- Concrete interior rough finish: \$593,576
- Super Structure: Steel Building: \$256,200
- Mechanical etc...: \$191,800
- Electrical: \$261,800
- General Conditions: \$630,000
- **TOTAL: \$2,533,801**





Incubator

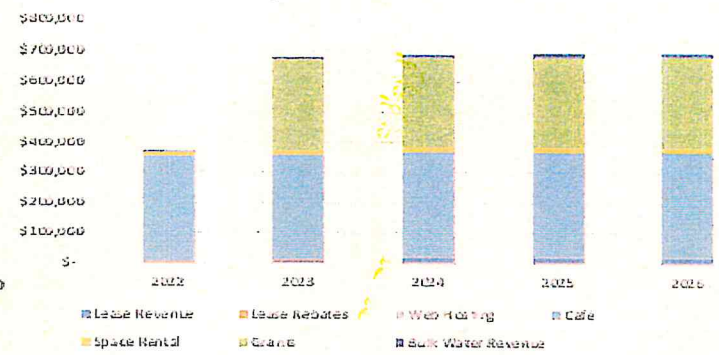
Incubator and Financed Businesses Revenue



Incubator

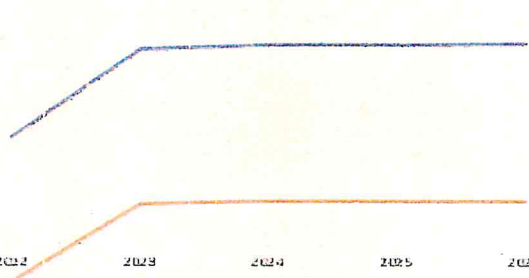
Revenue	2022	2023	2024	2025	2026
Leased Offices	1	3	5	5	5
Lease Revenue	\$ 2,400	\$ 7,200	\$ 12,000	\$ 12,000	\$ 12,000
Mentor Services	\$ 1,500	\$ 4,500	\$ 7,500	\$ 7,500	\$ 7,500
Web Hosting	\$ 300	\$ 900	\$ 1,500	\$ 1,500	\$ 1,500
Café	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000	\$ 350,000
Events	6	18	30	35	40
Space Rental	\$ 13,110	\$ 13,710	\$ 14,310	\$ 14,560	\$ 14,810
Grants	0	\$ 300,000	\$ 300,000	\$ 300,000	\$ 300,000
Water					
Percent of Community I	0%	10%	20%	25%	30%
Bulk Water Revenue	\$ 4,830	\$ 4,830	\$ 8,031	\$ 10,039	\$ 12,046
Bulk Water Revenue from	\$ 4,830	\$ 4,830	\$ 4,830	\$ 4,830	\$ 4,830
Water Revenue as % Gross Regional Produ		0.0%	0.0%	0.0%	0.0%
Avg Monthly Cost per Resident	\$	0.30	\$	0.49	\$
Gross Revenue	\$ 372,140	\$ 681,140	\$ 693,341		

Projected Incubator Revenue



COGS	2022	2023	2024
Web Hosting	\$ 500	\$ 500	\$ 500
Café	\$ 210,000	\$ 210,000	\$ 210,000
Water Purification	\$ 8,000	\$ 8,000	\$ 8,000
Total COGS	\$ 218,500	\$ 218,500	\$ 218,500
Gross Profit	\$ 153,640	\$ 462,640	\$ 474,841
Gross Margin	41%	68%	68%

Projected Revenue and Operating Income

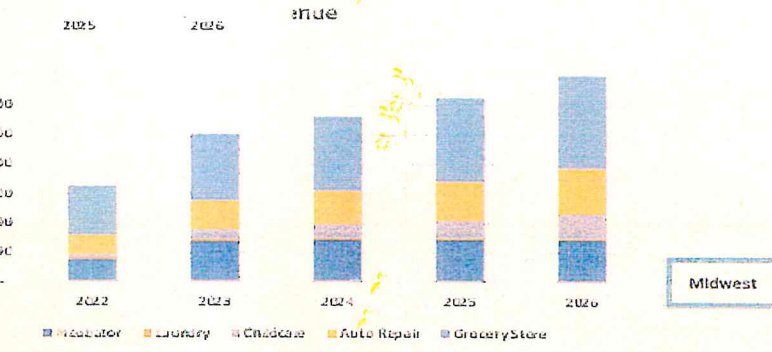


31,140	#####	#	#####	#####
18,919	\$ 48,919	#####	#####	#####
71,180	#####	#	#####	#####
33,361	#####	#	#####	#####
26,865	#####	#####	#####	#####
11,465	#####	#####	#####	#####

Operating Expenses

Personnel	\$ 157,400	\$ 157,400	\$ 157,400	\$	
Personnel Burden	\$ 31,480	\$ 31,480	\$ 31,480	\$	
Marketing	\$ 7,500	\$ 10,000	\$ 10,000	\$	
Lease Rebates	\$ 720	\$ 2,160	\$ 3,600	\$ 3,600	\$ 3,600
Utilities	\$ 18,607	\$ 34,057	\$ 34,667	\$ 34,780	\$ 34,893
Building Maintenance	\$ 29,771	\$ 54,491	\$ 55,467	\$ 55,648	\$ 55,829
Professional Consultant	\$ 10,000	\$ 12,000	\$ 12,360	\$ 12,731	\$ 13,113
Legal	\$ 20,000	\$ 5,000	\$ 5,500	\$ 6,050	\$ 6,655
Miscellaneous	\$ 7,443	\$ 13,623	\$ 13,867	\$ 13,912	\$ 13,957
Total Operating Expense	\$ 282,921	\$ 320,211	\$ 324,341	\$ 325,601	\$ 326,926
Operating Profit	\$ (129,281)	\$ 142,429	\$ 150,500	\$ 151,498	\$ 152,430
Operating Margin	-35%	21%	22%	22%	22%
Depreciation	127,793	127,793	127,793	127,793	127,793
EBIT	\$ (257,074)	\$ 14,636	\$ 22,706	\$ 23,705	\$ 24,637
Interest	95,648	92,350	89,052	85,754	82,455
Tax					
Net Profit	\$ (352,722)	\$ (77,714)	\$ (66,345)	\$ (62,049)	\$ (57,819)
Net Margin	-95%	-11%	-10%	-9%	-8%

Projected Revenue and Operating Income



Headcount

Incubator Manager	1	1	1	1	1
Reception	1	1	1	1	1
Café	2	2	2	2	2
Salaries & Wages					
Incubator	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000
Reception	\$ 35,000	\$ 35,000	\$ 35,000	\$ 35,000	\$ 35,000
Café	\$ 31,200	\$ 62,400	\$ 62,400	\$ 62,400	\$ 62,400
	\$	\$	\$	\$	\$
Total Salaries & Wages	\$ 157,400	\$ 157,400	\$ 157,400	\$ 157,400	\$ 157,400

Sources of Grants, Equity and Debt Financing





Walkthrough
<https://youtu.be/whEWVeo>
t9lg





Aaniih and Nakoda Housing Plan

2021

**IRIHA -
IHBC
Resources**



Indian Housing Block Grant - Annual Operating Grant and Uses

* IHBC 2021 - \$2M; IHBC 2020 - \$2M

* Funds used to finance purchase, construction or rehabilitation of owner-occupied housing for low- or moderate-income households (80% or less of AMI);

* Funds used to purchase, construct, or rehabilitate rental housing, with at least 20% of units for affordable and low-income households (50% or less of AMI)

* IHBC American Rescue Plan (ARPA Grant) 2021 - \$1.4M

* Funds to be used to Rehab (20) homes for elders, provide heating and cooling for enrolled citizens affected by COVID-19, and hazard pay overtime, and emergency temporary employees to maintain operations during COVID-19

* IHBC CARES ACT 2020 - \$615K

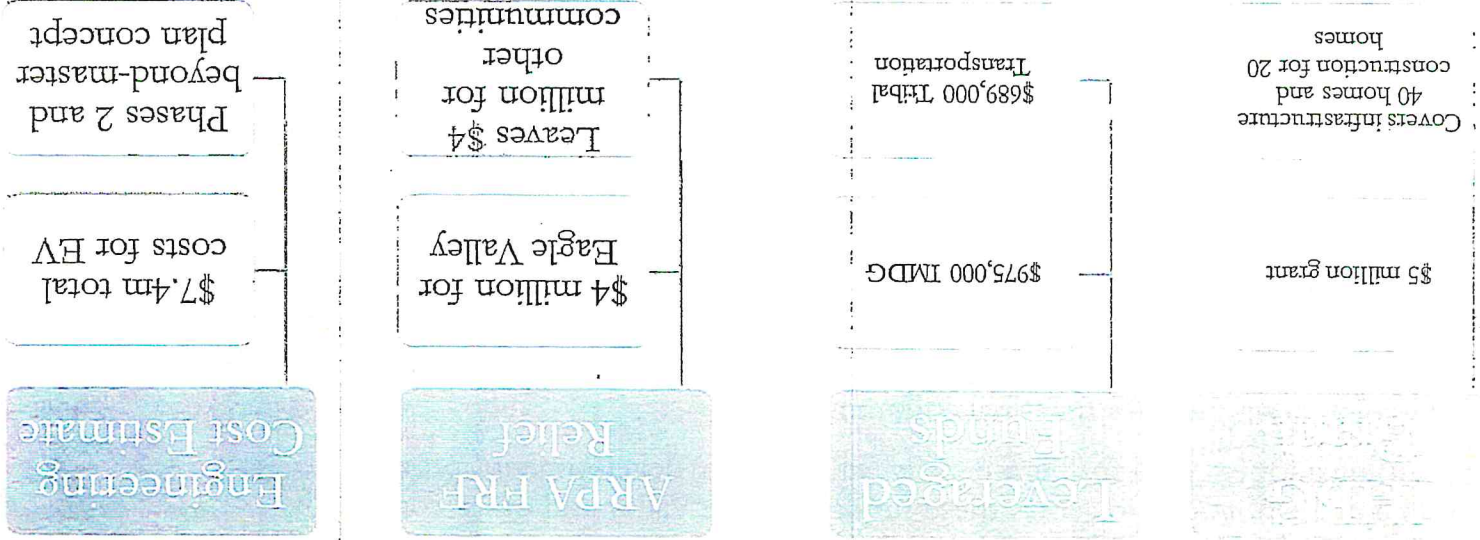
* Funds used to reimburse, prevent and respond to pandemic repairs to provide hazard pay for employees, employ security guards, vehicles to deliver PPE, and replace furnaces, hot water heaters and other emergency



Indian Health Service (IHS)

- IHS has a treaty and trust responsibility to tribal nations.
- Indian Health Service is a substantial source of funding for water and wastewater treatment.
- Annual funding from IHS includes individual home site extensions up to \$24,000 per lot.
- Recently provided with \$3.5 billion dollars over 5 years to provide domestic and community sanitation facilities for tribal communities.
- By developing a robust plan for high-density (subdivision) developments, provided to them, we have the potential to access these funds in Eagle Valley and other community locations throughout the Ft. Belknap Indian Reservation.

Eagle Valley Costs & Funding Sources



Eagle Valley Extended Development
Engineering/Development Cost Estimate

Phase II Engineering - \$284,000 based on expansive redesign and Master Plan
Phase II Overall - \$3,500,000 includes drain fields, septic, and 20% contingency
Phase III Engineering - \$192,000 for initial design
Phase III Overall - \$2,336,000 substantially less due to anticipated water/sewer
Phase IV Engineering - \$126,000
Phase IV Overall - \$1,543,000

Phases II, III, IV Engineering - \$603,000
Phases II, III, IV Overall - \$7,328,000

Fort Belknap Indian Community

Fort Belknap Indian Community
656 Agency Main St.
Harlem, MT 59526



All Records

Wednesday, February 09, 2022 2:20 PM

Records: 4465

Filters Applied: Deceased: No, Status: Enrolled, Agency Code = c55, On Landbase (By Mailing),

AFFIDAVIT

STATE OF MONTANA)
) : ss
County of Blaine)

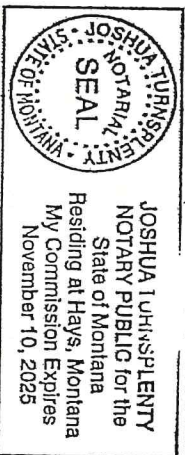
COMES NOW, Denise Walls, affiant herein, and being first duly sworn to oath, deposes and states that the following is true and correct:

1. That I am the Enrollment Manager for the Fort Belknap Indian Community Council, and in this capacity, am responsible for updating enrollment records with current addresses for current enrollees.
2. That in my capacity as Enrollment Manager for the Council, I have undergone certification by the Bureau of Indian Affairs to enable my access to the Bureau of Indian Affairs Progeny database of all enrolled members of Tribes, thereby facilitating my work to keep records up to date.
3. These records are maintained for a variety of purposes, including registration for tribal elections, state-tribal revenue sharing agreements, and the distribution of treaty monies and other payments to tribal members.
4. That I have worked with Bureau of Indian Affairs staff to facilitate a specific count of on-reservation enrolled members of the Gros Ventre and Assiniboine Tribes of Fort Belknap, so as to update State tax sharing agreements with the Tribes.
5. That we completed a review and verification of the database, utilizing data filters to isolate enrolled members residing on reservation.
6. That I hereby certify our customized report of enrolled members of the Gros Ventre and Assiniboine Tribes of Fort Belknap resulted in a total count of 4,465 enrolled members of the Tribes residing on Reservation as of March 2, 2022.
7. Based on my training and experience, I hereby verify that this information is true and correct.

Dated this 2 day of March, 2022.

Denise Walls
Denise Walls, Enrollment Manager

Subscribed and sworn to before me this 2nd day of March, 2022.



[Signature]
Notary Public for the State of Montana
Residing at: Hays, MT
My Commission Expires: November 10, 2025

