

**TRIBAL COUNCIL MEETING MINUTES  
OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES  
OF THE FLATHEAD INDIAN NATION, MONTANA**

Volume 20 Number 10  
Council Chambers, Pablo, MT

Held: October 31, 2019  
Approved: November 12, 2019

**MEMBERS PRESENT**: Leonard Gray, Vice-Chairman; Shelly Fyant, Secretary; Anita Matt, Treasurer; Carole Lankford; Dennis Clairmont; Fred Matt; Leonard TwoTeeth; and Charmel Gillin.

**MEMBERS ABSENT**: Ronald Trahan, Chairman (Personal Time Off); and Myrna DuMontier (Personal Time Off).

**OTHERS PRESENT**: Jennifer Trahan, Council Office Manager; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:09 a.m. Quorum established.

The meeting was opened with a **prayer** by Wilbert Michel.

The **Tribal Council Meeting Minutes** for October 17, 2019 were presented for approval. **Len TwoTeeth** asked if there was any follow-up on the issues brought forward by Mike Kenmille and the repairs that are needed at the ranch house. **Carole Lankford** reported that the Tribal Lands Department sent the council an email with a report. **Leonard Gray** advised that he is scheduling a tour of the property. **Len TwoTeeth** explained that the report from the Tribal Lands Department just depicted the history of the repairs that the Lands Department has paid for and it did not address the current requests to make repairs. **Council** will schedule a site visit to the property and request an update from the Tribal Lands Department today.

**MOTION** by Anita Matt to approve the Tribal Council Meeting Minutes for October 17, 2019, with corrections. Seconded by Fred Matt. Carried, unanimous (8 present).

The **agenda** was presented for approval.

**MOTION** by Charmel Gillin to approve the agenda, with changes. Seconded by Dennis Clairmont. Carried, unanimous (8 present).

**Aspen Decker**, University of Montana Student, informed council that she is a graduate student and will be doing her thesis on Salish morphology. Aspen is applying for the Endangered Language Endowment and is required to supply a support letter from the tribal council and the Salish Culture Committee. Tony Incashola, Sr. will provide her a letter of support on behalf of the Culture Committee. Aspen will prepare the letter of support for council signature.

**MOTION** by Fred Matt to support the project and provide a letter of support. Seconded by Carole Lankford. Carried, unanimous (8 present).

**Shelly Fyant** reminded council of Grey Don Johnson's letter of support that was sent for legal review and she wanted to know if that letter was sent out yet. **Leonard Gray** confirmed that the letter was sent out already.

**CloAnn Westerman** and **Roberta Decker**, Tribal Lands Department, informed council that November 7 is the closing date for the Art Caye bankruptcy property and a resolution is required for the purchase of the land. Mr. Caye was required to remove all of his personal property from the site. The propane tank and the generator were left behind and Art is asking \$3,000 for those items. The payment will not be made until the closing is completed and the Tribes become the owner, and that payment would go through the Trustee of the Bankruptcy Court.

**MOTION** by Anita Matt to approve by resolution the purchase of fee land in Lake County from Arthur Louie Caye. Seconded by Fred Matt. Carried, 7 for; 0 opposed; 1 abstention (Shelly Fyant).

## **RESOLUTION 20-009**

### **RESOLUTION AUTHORIZING THE PURCHASE OF FEE LAND LOCATED IN LAKE COUNTY, MONTANA**

#### **BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES:**

**WHEREAS**, the Tribal Council is entrusted with the responsibility to protect and preserve Tribal property, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes; and

**WHEREAS**, the Tribal Council is authorized to purchase and exchange Tribal land or any interest therein; and

**WHEREAS**, the Tribal Land Acquisition Program was approved by the Act of July 18, 1968 (PL 90-402); and

**WHEREAS**, Arthur Louie Caye has offered to sell their all right, title and interest in a tract of land being a portion of the SE¼ and a portion of the SW¼ of Section 29, Township 24 North, Range 22 West, P.M.M., Lake County, Montana, further shown and described as being Lot 1 on Certificate of Survey No. 6166, on file in the office of the Clerk and Recorder of Lake County, Montana, containing 60.01 acres, more or less. Together with all appurtenances and improvements located thereon, and together with an easement for ingress, egress and utilities along the existing roadway that runs south from Highway 28 to the subject parcel; and

**WHEREAS**, Mr. Caye's property is currently administered as part of Case No. 18-60480-13 in the U.S. Bankruptcy Court for the District of Montana, for which Robert G. Drummond has been appointed as Chapter 13 Trustee; and

**WHEREAS**, the above referenced court issued an order on September 9, 2019 authorizing the sale of the subject property to the Tribes; and

**WHEREAS**, the Tribal Council has agreed to purchase the above- described real property at a negotiated price;

**NOW, THEREFORE, BE IT RESOLVED** by the tribal council of the Confederated Salish and Kootenai Tribes that the Tribes purchase from Arthur Louie Caye, through Bankruptcy Trustee Robert G. Drummond, the above-described property; and

**BE IT FURTHER RESOLVED** that the Tribal Lands Department is authorized to submit to the Bureau of Indian Affairs an application for the Interior Secretary to take title to the above-described real property in the name of the United States in trust for the Confederated Salish and Kootenai Tribes, pursuant to the Act of July 18, 1968, Public Law 90-402 (82 Stat. 356).

**Mark Couture**, Tribal Lands Department, discussed the Big Draw property. Mike Kenmille had met with Willie Birthmark. Willie was supposed to go view the property, but that site visit did not happen. AJ Bigby will go out there today and obtain the photographs, and then a field trip will be scheduled for the tribal council to view the property.

**Fred Matt** discussed the St. Ignatius district meeting. Due to the emergency trip to Washington, DC last week, the district meeting was rescheduled for last night. Fred publicly thanked Wilbert Michel for his service during the Vietnam War era. Dennis Clairmont and Ron Trahan are also Vietnam War-era veterans. **Council** applauded Mr. Michel for his service to our country.

**Len TwoTeeth** informed council that the cemetery maintenance people told him the fence at the Dayton Cemetery is dilapidated and falling apart and it needs to be replaced soon. This is the same fence we deal with on an annual basis. Len

wants the Tribes to supply the materials and have the Tribal Lands Department fencing crew provide assistance. **Council** will discuss further.

**Valerie Umphrey, Redrock Bell, Lita Bourdon, Bruce Brazill, Jasmine McNutt, and Jasmine Simmons**, St. Ignatius Middle School, discussed the Dogs With Wings program. The Dogs With Wings Club makes Christmas wreaths to raise money to purchase gifts for the children and veterans in the community. The students requested permission to cut boughs on tribal land (pine, fir, cedar). The Culture Committee approved the request. The students took a picture with the tribal council members.

**MOTION** by Fred Matt to authorize Tribal Forestry to work with the students to gather the necessary boughs for Dogs With Wings. Seconded by Anita Matt. Carried, unanimous (8 present).

**Steve McDonald, Duane Plant, Joe Vanderburg, and James Snow**, Tribal Forestry, requested authorization to advertise the sale of timber on the Hot Springs Tractor Logging Unit.

**MOTION** by Fred Matt to approve by resolution the advertisement of the timber sale on the Hot Springs Tractor Logging Unit. Seconded by Dennis Clairmont. Carried, 8 for; 0 opposed; 0 not voting.

## **RESOLUTION 20-010**

### **RESOLUTION APPROVING SALE OF TIMBER ON THE HOT SPRINGS TRACTOR LOGGING UNIT**

#### **BE IT RESOLVED BY THE COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT:**

**WHEREAS**, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Hot Springs Tractor Logging Unit:

<u>Sale Information</u>				
<u>Sale</u>	<u>Volume</u>	<u>Advertised Bid Rate</u>		<u>TSI</u>
Hot Springs Tractor L U	30,804 TONS	\$17.50/TON -DF & O		\$3.00/TON
		\$9.50/TON- PP		\$3.00/TON

**WHEREAS**, the sale will provide for the salvaging of mature, overmature and diseased trees; and

**WHEREAS**, the minimum acceptable bid rate for sawlogs on the Hot Springs Tractor Logging Unit is \$9.50 per ton for Ponderosa Pine and \$17.50/ton for Douglas-fir and Other Species; and

**WHEREAS**, an additional amount will be collected to cover Timber Stand Improvement on this unit;

**NOW THEREFORE, BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council; and

**BE IT FURTHER RESOLVED** that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

**Steve McDonald, Duane Plant, Joe Vanderburg, and James Snow**, Tribal Forestry, requested approval to advertise a timber sale on the Hot Springs 140506B Logging Unit.

**MOTION** by Dennis Clairmont to approve by resolution the advertisement of the timber sale on the Hot Springs 140506B Logging Unit. Seconded by Carole Lankford. Carried, 8 for; 0 opposed; 0 not voting.

**RESOLUTION 20-011**

**RESOLUTION APPROVING SALE OF TIMBER ON THE HOT SPRINGS 140506B LOGGING UNIT**

**BE IT RESOLVED BY THE COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT:**

**WHEREAS**, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Hot Springs 140506B Logging Unit:

<u>Sale Information</u>			
<u>Sale</u>	<u>Volume</u>	<u>Advertised Bid Rate</u>	<u>TSI</u>
Hot Springs 140506B L.U.	1,547 TONS	\$17.00/TON -DF & O \$9.00/TON- PP	\$3.00/TON \$3.00/TON

**WHEREAS**, the sale will provide for the salvaging of mature, overmature and diseased trees; and

**WHEREAS**, the minimum acceptable bid rate for sawlogs on the Hot Springs 140506B Logging Unit is \$17.00/Ton for Douglas-fir and Other Species and \$9.00/Ton for Ponderosa Pine; and

**WHEREAS**, an additional amount will be collected to cover Timber Stand Improvement costs on this unit;

**NOW THEREFORE, BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council; and

**BE IT FURTHER RESOLVED** that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

**Steve McDonald, Duane Plant, Joe Vanderburg, and James Snow**, Tribal Forestry, requested approval to advertise a timber sale on the Hot Springs 243103 Logging Unit.

**MOTION** by Anita Matt to approve by resolution the advertisement of a timber sale on the Hot Springs 243103 Logging Unit. Seconded by Dennis Clairmont. Carried, 8 for; 0 opposed; 0 not voting.

**RESOLUTION 20-012**

**RESOLUTION APPROVING SALE OF TIMBER ON THE HOT SPRINGS 243103 LOGGING UNIT**

**BE IT RESOLVED BY THE COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT:**

**WHEREAS**, the Tribal Forestry Department proposes to offer the sale of tribal timber in an area known as the Hot Springs 243103 Logging Unit:

<u>Sale Information</u>			
<u>Sale</u>	<u>Volume</u>	<u>Bid Rate</u>	<u>TSI</u>
Hot Springs 243103	1,079 TONS	\$17.00/TON -DF & O	\$3.00/TON
		\$9.00/TON - PP	\$3.00/TON

**WHEREAS**, the sale will provide for the salvaging of mature, overmature and diseased trees; and

**WHEREAS**, the minimum acceptable bid rate for sawlogs on the Hot Springs 243103 Logging Unit is \$17.00/Ton for Douglas-fir and Other Species and \$9.00/Ton for Ponderosa Pine; and

**WHEREAS**, an additional amount will be collected to cover Timber Stand Improvement costs on this unit;

**NOW THEREFORE, BE IT RESOLVED**, that the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the sale of timber on the above-listed timber sale unit; approves the contract; and authorizes the Chairperson of the Tribal Council to sign the timber sale contract on the above-listed unit for and on behalf of said Tribes, after review of bids by the Tribal Council; and

**BE IT FURTHER RESOLVED** that the Approving Officer is authorized to make error corrections in the contract without referral to the Tribal Council, provided such corrections do not materially alter the form and substance of the contract.

**Steve McDonald, Duane Plant, Joe Vanderburg, and James Snow**, Tribal Forestry, requested approval of the Hot Springs Permits Logging Unit 140626B timber sale.

**MOTION** by Fred Matt to advertise the Hot Springs Permits Logging Unit 140626B timber sale. Seconded by Charmel Gillin. Carried, unanimous (8 present).

**Steve McDonald, Duane Plant, Joe Vanderburg, and James Snow**, Tribal Forestry, requested approval of the Timber Use Policy Statement (TUPS) resolution. **Dan DePoe** gave an overview of what his concerns were with Forestry. **Len TwoTeeth** spoke about how the Tribes cannot stop people from cutting timber on State lands, but the Tribes could limit the tribal road use permits being issued to prevent them from hauling timber off the State lands. **Leonard Michel** commented on free-use permits and the agreement that was made to allow usage of skidding equipment within 200 feet. Now that information has changed for what is being presented to council today. **Charmel Gillin** commented that it was agreed upon at that meeting that bonding would be required. **Steve McDonald** informed council that the department head is out of the office until November 12, and it would be beneficial to have him included in further discussions.

**MOTION** by Charmel Gillin to table the Timber Use Policy Statement resolution until November 14, 2019, to allow time for further review. Seconded by Shelly Fyant. Carried, unanimous (8 present).

\*\*\*\*\* **Break** \*\*\*\*\*

**Tony Incashola, Sr.**, Salish Pend d'Oreille Culture Committee, requested to meet with council in **executive session** to discuss a departmental matter.

**Council** met in **executive session** to discuss a personnel issue.

Council reconvened into **regular session**.

**MOTION** by Fred Matt to not accept the offer that is on the table and that we move on, based on the individual not accepting the offer for the Tribal Health Department Head position.

**SUBSIDIARY MOTION** by Charmel Gillin that we counteroffer with the terms that were agreed upon at our last meeting on Tuesday.

Motion seconded by Len TwoTeeth.

Subsidiary motion seconded by Shelly Fyant.

**Council** continued the discussion in **executive session**. **Rick Eneas**, Financial Management, was present for discussion.

**Council** met in **executive session**. **Dan Decker**, Legal Department, joined the discussion.

Council reconvened into **regular session**.

**Leonard Gray** called for a vote on the subsidiary motion. **SUBSIDIARY MOTION NOT CARRIED**, 3 for (Shelly Fyant, Charmel Gillin and Anita Matt); 5 opposed (Carole Lankford, Dennis Clairmont, Leonard Gray, Fred Matt, and Len TwoTeeth).

**Leonard Gray** called for the vote on the motion made by Fred Matt. Charmel Gillin requested clarification of what move on means. Fred clarified it means to make a different selection for the THD department head and withdraw the offer to the first selected candidate. Motion carried, 5 for (Carole Lankford, Dennis Clairmont, Leonard Gray, Fred Matt, and Len TwoTeeth); 3 opposed (Shelly Fyant, Charmel Gillin and Anita Matt).

**MOTION** by Carole Lankford to adjourn the meeting.



Tribal Council Meeting Minutes  
October 31, 2019

Council **adjourned** at 12:54 p.m., and is scheduled to meet again on Tuesday, November 5, 2019, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Shelly R. Fyant  
Tribal Secretary