

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

Volume 24 Number 67
Council Chambers, Pablo, MT

Held: July 16, 2024
Approved: July 23, 2024

MEMBERS PRESENT: Mike Dolson, Chairman; Tom McDonald, Vice-Chairman; Martin Charlo, Secretary; James Steele, Jr., Treasurer; Jennifer Finley; Carole Lankford; Jim Malatare; Danielle Matt; James “Bing” Matt; and Len TwoTeeth.

OTHERS PRESENT: Jennifer Trahan, Council Support; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:00 a.m. Quorum established.

The meeting was opened with a **prayer** by Carole Lankford.

The **Tribal Council Meeting Minutes** for July 11, 2024 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for July 11, 2024, with corrections. Seconded by Jim Malatare. Carried, unanimous (8 present).

The **agenda** was presented for approval.

MOTION by Martin Charlo to approve the agenda, with changes. Seconded by Jim Malatare. Carried, unanimous (8 present).

Ron Swaney and **Devlin Lafromboise**, Division of Fire, gave an update on fire danger. The Lolo National Forest is dealing with the Miller Creek fire, which is 1,100 acres in size. The fire was man caused and is currently under investigation. The fire is high resistant to control. The CSKT are a member of the southwest Montana zone, which includes Lolo National Forest. There will be a call this morning to discuss fire restrictions. CSKT has not had any fire activity. There has been no rain since July 2 and we have had 8 consecutive days of 90 degree temperatures. Devlin gave an overview of the levels of fire danger ratings. We are in a very high fire danger and are expected to be in extreme fire danger in the near future. The Bitterroot National Forest is going to Stage II fire restrictions.

James Steele, Jr. joined the meeting.

Len TwoTeeth joined the meeting.

If the weather conditions do not improve, the Division of Fire may be requesting fire restrictions go into effect. The Division of Fire keeps 4 engines on each day. **Len TwoTeeth** asked about putting the tribal engine contractors on standby and on the payroll. Ron explained the Division of Fire puts in for severities to extend the crew. When there is a fire that exceeds that, they will put contractors on the fire and put their guys on initial attack. The Division of Fire needs a fire code to put them on and we do not have a fire. The government pays for government owned engines and that is who the DOF brings in for the initial attack. There will be another update on Thursday. There are 2 qualified investigators and 3 trainees.

Richard Alexander introduced members of the Summer Youth crew: Landon Walks Over Ice, Jayson Brown, Casey Zepeda, Elijah Zepeda, Dennis Juneau, Tristan Fiddler, Cordol McDonald, and Kason Page. They are touring the tribal facilities. **Council** commended the youth for their willingness to work and wished them the best. They were told their work ethic and dedication will pay off for them in the future. Council encouraged them to get an education.

Council met in **executive session**. **Jordan Thompson**, Tribal Executive Office, was present for discussion.

Council reconvened into **regular session**.

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for the pavement condition index study project at the Ronan and Polson Airports.

MOTION by Martin Charlo to approve the project specific agreement with the Montana Department of Transportation for the pavement condition index study project at the Ronan and Polson Airports. Seconded by Carole Lankford. Carried, unanimous (9 present – Len TwoTeeth out of the room).

Mark Couture, Tribal Lands Department; and **Robert Compton**, Bureau of Indian Affairs Regional Rangeland Management Specialist; introduced Mr. Compton, who is here this week reviewing records to make sure the department is in compliance. A report will be provided to the Superintendent, Tribal Chairman, and the department head once the review is completed.

Ruth Swaney, Financial Management; **Mark Couture** and **Bradley McCrea**, Tribal Lands Department; discussed a request from the Tribal Lands Department

Tribal Council Meeting Minutes
July 16, 2024

to purchase capital equipment consisting of a drone with a trailer and accessories in the amount of \$100,000 for weed treatment activities. The drone can also be used for dust control and de-icing. The purchase will not require an increase to the budget. The request requires council action since it is after the July 1 deadline. The staff has gone through drone certification training and will be licensed. The staff could be contracted to spot spray leases, which could bring in revenue. Bradley will get an updated quote for the trailer.

MOTION by Tom McDonald to authorize the Tribal Lands Department to purchase capital equipment consisting of a drone with a trailer and accessories in the amount of \$100,000. Seconded by Jennifer Finley. Carried, unanimous (10 present).

Whisper Camel-Means, Natural Resources Department, presented a request from Dr. Michael Ivie, Montana State University, for a collection permit to conduct a comprehensive study of wild bees in Montana. The permit was approved in 2020 but Dr. Ivie was unable to do the work due to COVID-19. Most of the work will be done on the west side of the reservation and on the Bison Range. They will be looking for blooming plants and will collect pollinators associated with that. The request was reviewed and approved by the IRB.

MOTION by Martin Charlo to grant Dr. Michael Ivie a collection permit to conduct a comprehensive study of wild bees in Montana. Seconded by Tom McDonald. Carried, unanimous (10 present).

Greg Spahr, Financial Management, requested approval of a letter to the Superintendent to seek reimbursement for expenses incurred during the period of April 1, 2024 through June 30, 2024, and a resolution authorizing the reimbursement distribution from the Montana Water Rights Protection Act.

MOTION by Tom McDonald to approve the letter to the Superintendent and the resolution authorizing the reimbursement distribution from the Montana Water Rights Protection Act for expenses incurred during the period of April 1, 2024 through June 30, 2024. Seconded by Danielle Matt. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 24-108

RESOLUTION AUTHORIZING THE REIMBURSEMENT DISTRIBUTION FROM THE MONTANA WATER RIGHTS PROTECTION ACT

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

WHEREAS, the Confederated Salish and Kootenai Tribes ("CSKT" or "Tribes") are a federally recognized, sovereign tribe residing on the Flathead Indian Reservation in western Montana, with a vast aboriginal territory stretching from Canada to Wyoming, and from Washington to Montana; and

WHEREAS, the 116th U.S. Congress passed the Montana Water Rights Protection Act, Public Law 116-260, 134 Stat. 3008, title V, Division DD, on December 21, 2020, which the President signed into law on December 27, 2020; and

WHEREAS, by Resolution 21-046 the Tribal Council of the Confederated Salish and Kootenai Tribes approves and elects to carry out the Section 7(b) activities on the Flathead Indian Irrigation Project under the Montana Water Rights Protection Act; and

WHEREAS, The Tribes have submitted their letter to the Superintendent outlining such expenditures and are seeking reimbursement for those costs totaling \$4,034,541.09;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Salish and Kootenai Tribes authorize the distribution of funds totaling \$4,034,541,09 from the Compact Account so designated with the BTFA and the Settlement Account.

***** **Break** *****

Joe Durglo, Tribal Health Department; **Kimberly Dutcher**, Government Relations Advisor, Native American Affairs; **Emilie Elzein**, Lead Analyst; **Sara Rossi**, Managing Director, Health Resiliency Fund; and **Kim Ofilas**, Communications Staffer; discussed Direct Relief which provides reliable power to nonprofit community clinics and health center services poorest communities in the United States protection from power outages. Direct Relief provides power services through a grant and at no cost to tribes. Direct Relief will pay the cost of operation and maintenance for five years. The Tribes will be responsible for those costs after that and the cost will be based on an analysis of the market prices. The cost varies, and it is estimated that the cost for the five-year period will be between \$3,000 to \$10,000. Direct Relief can look at the possibility of having a carport design if the roof design is not preferred. The battery unit will be on the ground. The solar panels are installed at an angle. Council was invited to participate in the technical call at 1:00 p.m. Council action is required to move forward and Joe requested approval to implement a solar panel project at the clinic.

MOTION by Jennifer Finley to move forward with the project. Seconded by Tom McDonald. Carried, unanimous (10 present).

Joe Durglo, Tribal Health Department, requested approval for Cameron Decker to install a mural on the Arlee Health Clinic building. **Council** had no objection.

Ann Miller, Tribal Defenders Office; and **Rachel Julagay**, Federal Defenders of Montana Executive Director; discussed what it is like for tribal members accused of a crime in federal court in Montana. Rachel talked about sentencing in federal courts and what it is like for their clients incarcerated in the Bureau of Prisons. Inmates do not always receive adequate healthcare. A women's prison was closed down due to sexual abuse. Federal courts do not have jurisdiction over the Bureau of Prisons regarding critical decisions that are made for clients. The Bureau of Prisons are not tailored to be culturally sensitive and are not available at the rate as indicated. Inmates are not housed close to their family members but they are allowed phone calls and email. Communication privileges are taken away if a prisoner does not obey the rules. Inmates have a list of approved medications, such as mental health medication, and their medication is taken away because it is not formulary. There is a presumption that the inmates are drug seeking even though they have been prescribed medications from other providers. 20% of the cases in Federal Court are Native Americans. There is a lack of local control in federal prisons. There were 348 federal cases in 2022, and 321 of those received sentences for incarceration. Clients are sometimes required to travel a long distance to take a drug test and meet with Probation personnel, and they miss those appointments because they do not have the resources to get there. Sentencing is based on policy instead of the needs and desires of a community.

Council met in **executive session**. **Jordan Thompson**, Tribal Executive Office; **Katie Jones**, **Shane Morigeau** and **Melissa Schlichting**, Legal Department; were present for discussion.

Katie Jones, Legal Department; **Patricia Hibbeler**, Tribal Member Services; **Justine Souto** and **Paul Fuentes**; requested to meet with council in **executive session** to discuss legal matters. **Jordan Thompson**, Tribal Executive Office; **Shane Morigeau** and **Melissa Schlichting**, Legal Department; were present for discussion.

Council met in **executive session**. **Jordan Thompson**, Tribal Executive Office; **Shane Morigeau** and **Katie Jones**, Legal Department; were present for discussion.

***** **Lunch** *****

Dan Decker and **Michael Wheeler**, Legal Department; **Maylinn Smith**, Tribal Prosecutors Office; and **Louis Fiddler**, Law and Order; requested to meet with

council in **executive session** to discuss legal matters. **Jordan Thompson**, Tribal Executive Office, was present for discussion.

Dan Decker, Chelsea Colwyn, John Harrison, Lana Page, and Melissa Schlichting, Legal Department, continued to meet with council in **executive session** to discuss legal matters. **Jordan Thompson**, Tribal Executive Office, was present for discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to approve a resolution to allow medical marijuana use only at the Standing Arrow Pow Wow July 18 – 22, 2024. Seconded by Tom McDonald. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 24-109

A RESOLUTION TO ALLOW MEDICAL MARIJUANA USE ONLY AT THE STANDING ARROW POWWOW JULY 18-22, 2024

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

WHEREAS, the Tribal Council, as primary governing body of the Flathead Nation, 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, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes; and

WHEREAS, the Confederated Salish and Kootenai Tribes issue the following statement regarding medical marijuana use at the Standing Arrow Powwow:

Consistent with the purpose of duly authorized Powwows, the Tribal Council limits the consumption, possession or transporting of marijuana at the Standing Arrow Powwow grounds to medical marijuana during the July 18 through 22, 2024 event. Medical marijuana users are encouraged to medicate in a private setting, using smoke-free and vape-free ingestion, to limit the impact this use has on others attending this event.

THEREFORE, BE IT RESOLVED, the Tribal Council approves said statement and authorizes its execution by the Chairman and the Tribal Secretary.

Tom McDonald informed council that his brother received in the mail an absentee ballot reminder request from the State Department of Human Services. It was for people who qualified for Medicaid.

Ron Swaney and **C.T. Camel**, Division of Fire; **Shane Hendrickson**, Bureau of Indian Affairs Superintendent; and **Steve McDonald**, Tribal Forestry; discussed fire danger. Mr. Hendrickson recommended going into Stage II fire restrictions, effective this Friday at midnight, due to the fire danger. The other local agencies will be going into Stage II restrictions at 0001 a.m. Mountain Daylight Time, Saturday, July 20, 2024. The Stage II restrictions prohibit the following acts until further notice: building, maintaining, attending or using a campfire; smoking, except within an enclosed vehicle or building, a developed recreation site or while stopped in an area at least three feet in diameter that is barren or cleared of all flammable materials; operating motorized vehicles off designated roads and trails. The following acts are prohibited from 1:00 p.m. to 1:00 a.m.: operating any internal combustion engine, welding, or operating acetylene or other torch with open flame, and using an explosive. A patrol will be required for one hour following cessation of all work as described above. Stage II exceptions are: (1) Persons with written permission specifically authorizes the otherwise prohibited act. (2) Persons using a fire fueled solely by liquid petroleum or LPG that can be turned on and off. Such devices can only be used in an area that is barren or is cleared of all overhead and surrounding flammable materials within 3 feet of the device. (3) Persons conducting activities in those designated areas where the activity is specifically authorized by written posted notice. (4) Any Federal, State or local officer, member of an organized rescue or firefighting force in the performance of an official duty. (5) Other exceptions unique to each agency/tribe (i.e. cultural fires, tanning, sweats, and etc.). (6) all within a city boundary is exempted. An exception does not absolve an individual or organization from liability or responsibility for any fire started by exempted activity. C.T. will write any exceptions, if necessary.

MOTION by Tom McDonald to go with the recommendation to go into Stage II fire restrictions, effective at midnight this Friday, July 19, 2024. Seconded by Bing Matt. Carried, unanimous (10 present).

Mark Couture, Tribal Lands Department, requested to meet with council in **executive session** to discuss a land issue. **Jordan Thompson**, Tribal Executive Office, was present for discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 3:14 p.m., and is scheduled to meet again on Tuesday, July 23, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary