

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

Volume 23 Number 4  
Council Chambers, Pablo, MT

Held: October 13, 2022  
Approved: October 18, 2022

**MEMBERS PRESENT:** Tom McDonald, Chairman; Len TwoTeeth, Vice-Chairman; Martin Charlo, Secretary; Jennifer Finley; Carole Lankford; Jim Malatare; James “Bing” Matt; and Terry Pitts.

**MEMBERS ABSENT:** Ellie Bundy, Treasurer (Montana Department of Justice Human Trafficking Symposium – Helena, Montana); and Mike Dolson (Fieldtrip).

**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 9:00 a.m. Quorum established.

The meeting was opened with a **prayer** by Jim Malatare.

The **Tribal Council Meeting Minutes** for October 11, 2022 were presented for approval.

**MOTION** by Martin Charlo to approve the Tribal Council Meeting Minutes for October 11, 2022, with corrections. Seconded by Bing Matt. Carried, unanimous (8 present).

The **agenda** was presented for approval.

**MOTION** by Jennifer Finley to approve the agenda, with changes. Seconded by Jim Malatare. Carried, unanimous (8 present).

**Dave Wall** requested hunter assistance from his nontribal member son or grandson for one month, when the weather is appropriate.

**MOTION** by Len TwoTeeth to approve a one-month time period for Dave Wall to have hunter assistance from his nontribal member son or grandson when the weather is appropriate. Seconded by Jennifer Finley. Carried, unanimous (8 present).

**Patricia Hibbeler**, Tribal Member Services Director, requested to meet with council in **executive session** to provide an update.

**Council** met in **executive session**.

**Juan Escano**, Escano & Associates, Inc., requested to meet with council in **executive session**.

Council reconvened into **regular session**.

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

**Tony Incashola, Jr.** and **James Lozeau**, Tribal Forestry, requested acceptance of the low bid for a fire salvage tree planting contract for the Moss Ranch and Boulder. Two bids were received and the lowest bidder was Glacier Cone Company at a price per acre of \$1.25 per seedling.

**MOTION** by Carole Lankford to accept the bid from Glacier Cone Company for a fire salvage tree planting contract for the Moss Ranch and Boulder. Seconded by Bing Matt. Carried, unanimous (8 present).

**Len TwoTeeth** asked how the thinning operations are working and if the program hires people or does contracting. **Tony Incashola, Jr.** explained that it is a hybrid; Tribal Forestry hires an internal thinning group who are employed by the program, and they also do temporary employment agreements with tribal members that do not want to work full time. **Carole Lankford** would like to take a flight to view the areas. Tony will follow up to get a flight scheduled.

**Tony Incashola, Jr.** and **James Lozeau**, Tribal Forestry, discussed capital equipment expenditures for a maximum amount of \$500,000 that is tied to the 3805 project account. In December, the program applied for \$2.2 million BIL funding from the Bureau of Indian Affairs; they were awarded \$800,000 this year and was notified there would be additional funding in the future. A budget and new account were set up for that funding. The funding will be used to purchase capital equipment and improvements for the greenhouse.

**Lynn Ducharme**, Natural Resources Department, requested approval of a resolution authorizing the purchase of the Saddle Mountain fee property with Bonneville Power Administration resident fish mitigation funding.

**MOTION** by Bing Matt to approve by resolution the purchase of the Saddle Mountain fee property with Bonneville Power Administration resident fish mitigation funding. Seconded by Jim Malatare. Carried, 8 for; 0 opposed; 0 not voting.

**RESOLUTION 23-004**

**RESOLUTION AUTHORIZING THE PURCHASE OF FEE LAND AS RESIDENT FISH MITIGATION HABITAT**

**BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES (“TRIBES”) THAT:**

**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;

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

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

**WHEREAS**, the Tribes, and the United States of America, acting through the Department of Energy, Bonneville Power Administration (“BPA”), have entered into a Memorandum of Understanding Between the Confederated Salish and Kootenai Tribes and the Bonneville Power Administration for Resident Fish Mitigation (“Fourth Amended CSKT-BPA Resident Fish MOU” for fiscal years 2023-2025”), dated October 4, 2022 to provide for BPA to fund, and the Tribes to implement, the permanent protection and mitigation of resident fish habitat to help fulfill BPA’s duties under the Northwest Power Act, and specifically to partially mitigate the direct construction and inundation impacts of Hungry Horse Dam;

**WHEREAS**, the Tribes, pursuant to the terms of the Fourth Amended CSKT-BPA Resident Fish MOU, made a commitment to acquire and protect resident fish habitat;

**WHEREAS**, the Tribes, pursuant to the terms of the Fourth Amended Fourth Amended CSKT-BPA Resident Fish MOU, have developed criteria by which parcels of land that contain quantifiable amounts of resident fish habitat may be selected for purchase by the Tribes with funding from BPA;

**WHEREAS**, a parcel of land referred to as the “Lamar Family Trust (Saddle Mountain) Parcel” (described below) qualifies for acquisition with BPA funds pursuant to the Fourth Amended CSKT-BPA Resident Fish MOU;

**WHEREAS**, the Lamar Family Trust, owns land and appurtenant natural resources containing resident fish habitat in and around the Jocko River as real property more particularly described as:

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SE1/4 NW1/4 of Section 27, Township 17N, Range 20W, P.M.M., Lake County, Montana, together with an easement for roadway purposes from the Valley Creek Road to the above described real property, and over the North 40 feet and East 20 feet of NW1/4 SW1/4 NW1/4, the West 20 feet and South 20 feet of NE1/4 SW1/4 NW1/4, the Northeast 20 feet of SW1/4 SW1/4 NW1/4 and North 20 feet of SE1/4 SW1/4 NW1/4, of said Section 27.

**WHEREAS**, the Lamar Family Trust has offered to sell all of its right, title, and interest in the above-described real property to the Tribes;

**WHEREAS**, the Tribal Council has agreed to purchase the above-described real property, at a negotiated price determined in accordance with federal law, to permanently protect and mitigate resident fish habitat;

**WHEREAS**, BPA has agreed to provide funding for purchase of the above-described real property;

**THEREFORE, BE IT RESOLVED**, that the above-described real property be purchased from the Lamar Family Trust and that the Tribal Natural Resources Department be authorized to obtain funds from BPA pursuant to the terms of the Fourth Amended CSKT-BPA Resident Fish MOU for payment of land acquisition and closing costs;

**BE IT FURTHER RESOLVED**, that the Chairman is authorized to convey a conservation easement to BPA to perpetually protect the Saddle Mountain property for resident fish mitigation;

**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); and

**BE IT FINALLY RESOLVED**, that the acquired real property is dedicated for perpetual use to permanently protect and mitigate resident fish habitat.

**Ruth Swaney**, Financial Management, requested approval of a comment letter addressed to the U.S. Department of the Interior, Indian Affairs, regarding the development of a 10-Year National Plan on Native Language Revitalization. The deadline to submit comments is noon tomorrow. The Culture Committee is in agreement with the comments. Ruth prepared the comments because nobody else took the lead on it. **Council** thanked Ruth for preparing the comments and questioned who the appropriate staff was that should be tracking these important issues. Ruth stated it lies at the executive level, but everyone was

busy and she did not want to lose the opportunity to provide comments on this important topic.

**MOTION** by Carole Lankford to approve the comment letter regarding the development of a 10-Year National Plan on Native Language Revitalization. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

**Ruth Swaney**, Financial Management, requested approval of a resolution to amend the Self-Governance Funding Agreement for Fiscal Years 2021 – 2025 with the U.S. Department of the Interior - Indian Affairs.

**MOTION** by Carole Lankford to approve the resolution to amend the Self-Governance Funding Agreement for Fiscal Years 2021 – 2025 with the U.S. Department of the Interior - Indian Affairs. Seconded by Bing Matt. Carried, 8 for; 0 opposed; 0 not voting.

### **RESOLUTION 23-005**

#### **RESOLUTION TO AMEND THE SELF-GOVERNANCE FUNDING AGREEMENT FOR FISCAL YEARS 2021 THROUGH 2025 WITH THE U.S. DEPARTMENT OF THE INTERIOR - INDIAN AFFAIRS**

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

**WHEREAS**, the Confederated Salish and Kootenai Tribes have entered into a Self-Governance Compact with the U.S. Department of the Interior – Indian Affairs; and

**WHEREAS**, the Tribes have been awarded funding under the Bipartisan Infrastructure Law and such funding may be awarded through the FY 2021-2025 Multi-Year Funding Agreement; and

**WHEREAS**, the Tribes propose an amendment to Section 3 (“Special Project or Earmarked (PSFAs)”) of the MFA to include National Revegetation & Seed Strategic Holding – Special Projects and BIL Ecosystem Restoration Infrastructure Investment – Special Projects; now, therefore

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Fiscal Years 2021-2025 Multi-Year Funding Agreement is amended to provide for the award of funding for National Revegetation & Seed Strategic Holding – Special Projects and BIL Ecosystem Restoration Infrastructure Investment – Special Projects; and

**BE IT FURTHER RESOLVED** that CSKT Financial Management is authorized to transmit the amendment to the Office of Self-Governance for approval and final signature; and

**BE IT FURTHER RESOLVED** that CSKT Financial Management is delegated authority to revise the Fiscal Years 2021-2025 Multi-Year Funding Agreement as necessary, prior to signature by the Office of Self-Governance, as requested by the Department of the Interior - Indian Affairs and agreed to by the CSKT.

**Ruth Swaney**, Financial Management, requested approval of modification 1 to the fiscal year 2023 Total Budget Allocations for General Fund and Self-Governance Compacts. Prior year General Fund revenues and prior year self-governance funds are available to appropriate in FY 2023 to the programs, services, functions, and activities approved by the Tribal Council.

**MOTION** by Carole Lankford to approve by resolution modification 1 to the fiscal year 2023 Total Budget Allocations for General Fund and Self-Governance Compacts. Seconded by Len TwoTeeth. Carried, 8 for; 0 opposed; 0 not voting.

**RESOLUTION 23-006**

**RESOLUTION APPROVING MODIFICATION 1 TO THE FISCAL YEAR 2023 TOTAL BUDGET ALLOCATIONS FOR GENERAL FUND AND SELF-GOVERNANCE COMPACTS**

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

**WHEREAS**, prior year General Fund revenues and prior year self-governance funds are available to appropriate in FY 2023 to the programs, services, functions, and activities approved by the Tribal Council; and

**WHEREAS**, the increases and decreases in total allocations by Fund and by Function are as follows:

Function	Enacted FY 2023 (Res. 22-135)	Increase/ (Decrease) General Fund	Increase/ (Decrease) Compacts, Contracts, and Grants	Total Increase/ (Decrease)	Total Revised 10/13/2022
<b>PERMANENT</b>					
Government Services	\$840,000	\$0	\$0	\$0	\$840,000

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Government Operating	\$750,000	\$0	\$0	\$0	\$750,000
Capital Programs	\$2,000,000	\$0	\$0	\$0	\$2,000,000
Per Capita	\$12,096,000	\$0	\$0	\$0	\$12,096,000
<b>SUBTOTAL, PERMANENT</b>	<b>\$15,686,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$15,686,000</b>
<b>MANDATORY</b>					
Government Services	\$13,094,333	\$0	\$82,000	\$82,000	\$13,176,333
Health and Human Services	\$34,512,873	\$0	\$19,023,027	\$19,023,027	\$53,535,900
Natural Resources	\$44,207,091	\$0	\$2,819,882	\$2,819,882	\$47,026,973
Government Operating	\$1,164,000	\$0	\$0	\$0	\$1,164,000
Education	\$838,800	\$0	\$0	\$0	\$838,800
Administration	\$21,731,000	\$0	\$0	\$0	\$21,731,000
Court/Probation	\$1,550,000	\$0	\$0	\$0	\$1,550,000
Law Enforcement	\$2,895,988	\$0	\$965	\$965	\$2,896,953
Legal	\$3,436,000	\$0	\$0	\$0	\$3,436,000
Forestry	\$2,602,940	\$0	\$753,582	\$753,582	\$3,356,522
Capital Programs	\$844,167	\$0	\$0	\$0	\$844,167
Indirect Costs	\$4,041,000	\$0	\$0	\$0	\$4,041,000
<b>SUBTOTAL, MANDATORY</b>	<b>\$130,918,192</b>	<b>\$0</b>	<b>\$22,679,456</b>	<b>\$22,679,456</b>	<b>\$153,597,648</b>
<b>Function</b>	<b>Enacted FY 2023 (Res. 22-135)</b>	<b>Increase/ (Decrease) General Fund</b>	<b>Increase/ (Decrease) Compacts, Contracts, and Grants</b>	<b>Total Increase/ (Decrease)</b>	<b>Total Revised (Date)</b>
<b>DISCRETIONARY</b>					
Government Services	\$11,057,000	\$0	\$0	\$0	\$11,057,000
Health and Human Services	\$17,415,000	\$0	\$0	\$0	\$17,415,000
Natural Resources	\$10,843,000	(\$440,000)	\$0	(\$440,000)	\$10,403,000

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Government Operating	\$820,350	\$0	\$0	\$0	\$820,350
Education	\$573,000	\$0	\$0	\$0	\$573,000
Administration	\$172,000	\$0	\$0	\$0	\$172,000
Tribal Earmarks	\$0	\$3,365,195	\$0	\$3,365,195	\$3,365,195
<b>SUBTOTAL, DISCRETIONARY</b>	<b>\$40,880,350</b>	<b>\$2,925,195</b>	<b>\$0</b>	<b>\$2,925,195</b>	<b>\$43,805,545</b>
<b>TOTAL APPROPRIATIONS</b>	<b>\$187,484,542</b>	<b>\$2,925,195</b>	<b>\$22,679,456</b>	<b>\$25,604,651</b>	<b>\$213,089,194</b>
<b>PROJECTED REVENUE/AVAILABLE</b>	\$95,120,659		\$22,679,456		\$117,800,115
<b>TRANSFERS FROM RESERVES</b>	\$92,363,883	\$2,925,195			\$95,289,079
<b>APPROPRIATIONS (OVER) / UNDER AVAILABLE</b>	\$0				\$0

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve Modification 1 to the FY 2023 Total Budget Allocations for General Fund and Self-Governance Compacts for a net increase of \$25,604,651; and

**BE IT FURTHER RESOLVED** that the FY 2023 Total Budget Allocations are increased from \$187,484,542 to \$213,089,194; and

**BE IT FURTHER RESOLVED** that the Office of Financial Management is delegated authority to revise, reallocate, and correct the amounts for programs, services, functions, and activities within the Total Budget Allocations authorized and available in the aforementioned Funds.

**Greg Spahr**, Financial Management, requested approval of a resolution authorizing the drawdown of water compact funds for ongoing activities related to compact implementation.

**MOTION** by Len TwoTeeth to approve by resolution the authorization of the drawdown of water compact funds for ongoing activities related to compact implementation. Seconded by Jim Malatare. Carried, 8 for; 0 opposed; 0 not voting.

**RESOLUTION 23-007**

**RESOLUTION AUTHORIZING DRAW DOWN OF WATER COMPACT FUNDS FOR ONGOING ACTIVITIES RELATED TO COMPACT IMPLEMENTATION**

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



**WHEREAS**, the Tribes authorized the creation of the segregated account with Glacier Bank to manage the funds associated with the implementation of the Flathead Indian Irrigation Project according to the provisions set forth in the Water Compact agreement, and the Tribe is initiating activities associated with Water Compact Implementation initiating activities outlined in Section 8 (h)(2);

**WHEREAS**, Section 8(e)(2)(B) of the Montana Water Rights Protection Act provides that any amounts deposited into the Salish and Kootenai Compact Account, “shall be available to the Tribes on the date on which the amounts are deposited for the uses described in [Section 8(h)(2)]”, which is for the administration, implementation, and management of the Tribal Water Right and the regulation and administration of water rights within the Reservation under this Act, the Compact, and the Law of Administration, and such infrastructure as is necessary to meet related programmatic needs; and

**WHEREAS**, the Tribes by Resolution: 22-135 dated August 18, 2022 adopted a budget for the upcoming fiscal year 2023. The Water Compact section indicates budget for Section 8(h)(2) activities in the amount of \$8,572,000. These activities are not subject to the application of the language attaching an oversight fee to the BIA pursuant to the newly executed MFA (Amendment #2 to the Multi-Year Funding Agreement for the Fiscal Years 2021-2025 between the Confederated Salish and Kootenai Tribes and the United States of America Act dated 8/23/2022,

**WHEREAS**, Article VI, Section 1 (a), (c)-(f), and (n), and (u) of the Tribes’ Constitution and Bylaws, said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended, authorizes the Tribal Council of the Confederated Salish and Kootenai Tribes to carry out activities related to the Flathead Indian irrigation project, the Compact, including the Law of Administration, and the Tribal Water Right, **NOW, THEREFORE**,

**BE IT RESOLVED**, the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves that the draw down amount of \$8,572,000. to be drawn from their Water Compact account with Bureau of Trust Fund Administration to be delivered by wire, ACH, or a more efficient manner, to the segregated Glacier Bank account so created.

**BE IT FURTHER RESOLVED**, this resolution may be used by the authorized officials of the Tribes on file with the Bureau of Trust Fund Administration for subsequent requests for Water Compact funds in accordance with the Tribes’ duties and responsibilities outlined in Section 8(h)(2) of the Act and to further their work in accomplishing said activities.

**Louise Mitchell**, Tribal Lands Department, requested approval of a resolution authorizing the purchase of fee land from Pablo Plum Creek Holdings, LLC. The property contains 2.5 acres and is located in Lake County

**MOTION** by Len TwoTeeth to approve by resolution the purchase of fee land located in Lake County from Pablo Plum Creek Holdings, LLC. Seconded by Jennifer Finley. Carried, 8 for; 0 opposed; 0 not voting.

**RESOLUTION 23-008**

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

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

**WHEREAS**, the Tribal Land Acquisition Program was approved by the Act of June 18, 1934 (48 Stat. 984); and the Act of July 18, 1968 (PL90-402);

**WHEREAS**, Pablo Plum Creek Holdings, LLC, has offered to sell, All Right, Title and Interest in property situated in Lake County, Montana, more particularly described as follows: A tract of land in the NE1/4SE1/4 and the SE1/4NE1/4, Section 2. T21N, R20W, P.M.M., Lake County, Montana, further shown and described as Lot 1 on Subdivision Plant N. 259 on file in the office of the Clerk and Recorder of Lake County Montana, totaling 2.5 acres, more or less.

**WHEREAS**, Pablo Plum Creek Holdings, LLC, and the Confederated Salish and Kootenai Tribes have accepted the negotiated value.

**NOW THEREFORE, BE IT RESOLVED**, that the above-described property be purchased from Name, and that the Bureau of Indian Affairs, pursuant to the Act of June 18, 1934 (48 Stat. 984), transfer title to the property to the U.S.A. in trust for the Confederated Salish and Kootenai Tribes.

**BE IT FURTHER RESOLVED**, that the Chairman of the Tribal Council, or his delegated representative is authorized to execute the transactional documents necessary to complete the land conveyance for Real Property situated in Lake County, Montana.

**Ellie Bundy** joined the meeting.

**Cindy Bras-Benson, Gordon Fyant, Gene Sorrell, Richard Erb, and Dan Depoe**, Mission Valley Power Utility Board; met with council in **executive session**. **Dan Decker**, Legal Department; and **Rick Eneas**, Tribal Executive Officer; were present for discussion.

**Dan Decker** and **Michael Wheeler**, Legal Department, met with council in **executive session** to discuss legal matters. **Rick Eneas**, Tribal Executive Officer, was present for discussion.

Council reconvened into **regular session**.

**Ellie Bundy** left the meeting.

\*\*\*\*\* **Lunch** \*\*\*\*\*

**Ann Miller** and **Susette Billedeaux**, Tribal Defenders Office, met with council in **executive session** to discuss a departmental matter. **Patricia Hibbeler**, Director of Tribal Member Services, was present for discussion.

**Council** met in **executive session**.

Council reconvened into **regular session**.

Council **adjourned** at 2:29 p.m., and is scheduled to meet again on Tuesday, October 18, 2022, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Martin A. Charlo  
Tribal Council Secretary