

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

Volume 23 Number 28
Council Chambers, Pablo, MT

Held: February 16, 2023
Approved: February 21, 2023

MEMBERS PRESENT: Tom McDonald, Chairman; Len TwoTeeth, Vice-Chairman; Martin Charlo, Secretary; Ellie Bundy, Treasurer; Mike Dolson; Jennifer Finley; Jim Malatare; James “Bing” Matt; and Terry Pitts.

MEMBERS ABSENT: Carole Lankford.

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 9:03 a.m. Quorum established.

The meeting was opened with a **prayer** by Terry Pitts.

The **Tribal Council Meeting Minutes** for February 7, 2023 were presented for approval.

MOTION by Ellie Bundy to approve the Tribal Council Meeting Minutes for February 7, 2023, with corrections. Seconded by Mike Dolson. Carried, unanimous (9 present).

The **agenda** was presented for approval.

MOTION by Len TwoTeeth to approve the agenda, with changes. Seconded by Ellie Bundy. Carried, unanimous (9 present).

Bing Matt and **Jim Malatare** gave a report on the Arlee district meeting. There were a lot of question about the dump and Rich Janssen and MaryRose Morigeau gave a presentation. Seth Makepeace gave a report on the water settlement, groundwater study, and the Jocko K Canal, and the membership enjoyed his report. Patricia Hibbeler and Patricia Courchane were in attendance and answered questions about the home repairs applications and process. There was some controversy about tribal members filling out their applications and not receiving a response from the DHRD Elders program. The lack of available contractors is the biggest issue causing the delays. There was a conversation about the gravel pit for Riverside Contracting. The Montana Department of

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Environmental Quality released a draft evaluating the proposed project and a permit will be issued. The Arlee residents are upset about that and would like the CSKT to write a letter to MDEQ opposing it. Shelly had asked about a proposed garden that is supposed to be in Arlee. She was concerned about watering the garden. It is unknown if the garden will be relocated or where the water will come from. Council will discuss the issues at the chairman's meeting. The topics may be relevant when Clayton Matt meets with the council next Monday.

Martin Charlo gave a report on the Salish Pend d'Oreille Culture Committee meeting with the Bureau of Land Management and the Elders. Chairman McDonald was the only other council representative that attended the meeting. It was disappointing that only two council representatives were there, and they heard about it repeatedly. When the elders have these meetings, all the council members should be there. The purpose of the meeting was to discuss co-management of our aboriginal territories and the Blackfoot watershed. The worry is that we are losing our culture and to continue that by not practicing things there, and that the council is putting culture to the side and in back rooms. Council representatives need to remember what they said when we were running for council and how important that is to our people. The council needs to be there when they have consultations with the feds. **Jennifer Finley** was at the State-Tribal Economic Development Commission meeting in Helena yesterday. She understands the Culture Committee was probably angry that the full council could not attend the meeting. Jennifer lives in her district and she does the best work she can for our people. She takes her work very seriously and she believes all the council members do. Jennifer did not think any of the council representatives are intentionally not attending culture committee meetings, although she understands some people perceive it that way. There may be some exciting economic development opportunities for our Tribes. **Chairman McDonald** mentioned additional fieldtrips with the elders to go to the Lower Blackfoot area are being planned. All council members have been on at least one of the fieldtrips to view the Primm Meadows property.

William Webster, Tribal Member, discussed a lease he has had since 2005. When Mr. Webster took over the lease it was a cherry orchard on Blue Bay mile marker 14, and he put in 3,000 trees. His 14 year-old trees are now up against water issues. The wells went dry in 1991 and they were forewarned by a hydrologist that it is an aquifer that has problems and that Girt Ditch would be reopened, but it was never reopened. They were going to work on Girt Ditch, and that was over 10 years ago. 5 wells went down in that area in one year. Having no water will be devastating to his trees and they will be affected severely. William had some suggestions to do something and he would be paying for it out of pocket. He had offered to drill off the highway and go to the lake, and then he offered to move his well to another piece of tribal land in the northern crack to try to reproduce a well to run water to his trees. It would take him three months

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to get the permits and get the work done. He heard the council was thinking about letting that area dry out; if that's the case, he wants to know. Otherwise, he would like the Tribes to help solve the problem. Mr. Webster has a lot of money invested in his trees. He developed the well that is there. They needed storage unit tanks, and he put those in; he changed his sprinkler system to be a high-end misting system. He did all those things and it cost him a lot of money. William has never asked the Tribes for any money, and he just wants help to get the issue fixed. William would like to have a backup route he can start working on. He is not asking the Tribes' people to do anything. He wants to start the paperwork/process to get things in motion. It is out of his hands now. Mr. Webster will redevelop his well this year and he hopes the aquifer supplies enough water to get him by. He would like to have a second option. **Chairman McDonald** would like to have the resource specialist come up with a plan and work with Mr. Webster. We are working with the Unitary Water Management Board now. Tom was not ready to make a declaration, but he wants to start the process of some of these new developments out of the water and lake. **Terry Pitts** recommended that by March 1 the resource specialist come up with plans and options to be presented to Mr. Webster and the Tribal Council. **Chairman McDonald** stated no matter how much we try to expedite this we must follow the new process, and if we draw out of the lake it must be approved by the Unitary Water Management Board. He would like a proposal brought forward. **Melissa Schlichting**, Legal Department, informed council the legal staff has been working internally with the DEWR and Lands team to come up with a process to use the Flathead system compact water. Melissa will communicate the urgency and council's wishes to have some options by March 1, and the team will continue working towards that goal. **Mark Couture**, Tribal Lands Department, informed council the staff has been working on this issue for a while now and kicking around options about what William can potentially be doing and talked about it with the tribal staff to find another option, but it must go through the Unitary Water Management Board. It was the **consensus** of council to move forward as outlined.

Kenneth Old Person, Jr., Tribal Employee, requested to meet with council in **executive session** to discuss a personnel issue. **Renee Joachim**, Personnel Department; **Tony Incashola, Jr.**, Tribal Forestry; and **Lisa Shourds**, Director of Administrative Services; were present for discussion.

Council met in **executive session**.

Council reconvened into **regular session**.

Bob Bigart and **Joe McDonald**, Salish Kootenai College Press, discussed a proposal for the publication of a manuscript titled *A Confluence of Sovereignty and Conformity* on the history of the Mission Mountain Tribal Wilderness Area. The Blue Bay and concluding chapter would need to be updated and some of the

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tribal employees would need to be interviewed. The final manuscript will be presented to the council. All manuscripts are available online and a hard copy can be available, if requested. It was the **consensus** of council to proceed as outlined.

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

Chairman McDonald informed council there will be a chairman's meeting next Monday. Tom will be giving a 10-minute speech to the legislature. Clayton Matt will be meeting with the council Monday morning. The National Congress of American Indians conference is scheduled for next week. Jennifer Finley will be attending via Zoom for the committees she serves on. It would be a good idea to have a council representative attend the conference in person. Ellie Bundy and Martin Charlo are the NCAI alternates, so hopefully one of them can go. There will be a council meeting the morning of February 23, and the council will be touring the animal control facility in Missoula in the afternoon. The Election Committee needs to be finalized. The council had agreed to have a member of the legal team serve on the committee. There was a proposal to have a citizen's committee with one council representative. The other proposal was to have the five council members who are not up for election and one legal representative to serve as the committee. Tom favored having a tribal member community board instead of the council so everything appears to be above board. **Jennifer Finley** is in favor of having tribal members serve on the election board; it is important for transparency. **Council** will discuss further at the chairman's meeting next Monday.

John Wheeler, Tribal Health Department, requested approval of the submission for the RMTLC 18NU38OT000275 (ABHD) project funding for a \$25,000.00 grant to support the Tribal Health Department's continued efforts against COVID-19. The funds would be used for data management and staff training on reporting tools.

MOTION by Martin Charlo to approve by resolution the submission for the RMTLC 18NU38OT000275 (ABHD) project funding for a \$25,000.00 grant to support the Tribal Health Department's continued efforts against COVID-19. Seconded by Bing Matt. Carried, 8 for; 0 opposed; 1 not voting (Mike Dolson out of the room participating in a conference call).

RESOLUTION 23-056

RESOLUTION SUPPORTING THE SUBMISSION OF THE ROCKY MOUNTAIN TRIBAL LEADERS COUNCIL WITH A GRANT FROM (CDC)

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

WHEREAS, the CSKT Tribal Council is the duly elected governing body of the Confederated Salish and Kootenai Tribes and is authorized to act on behalf of the CSKT Tribes; and the CSKT Tribal Council established the Tribal Health Department pursuant to Public Law 93-638 to administer and manage its healthcare programs and services per CSKT Tribal Ordinance 83; and

WHEREAS, the Confederated Salish and Kootenai Tribes consider the safety of tribal people to be one of the most important responsibilities of tribal government; and

WHEREAS, the Tribal Health Department as part of its effort to provide tribal health care Strategies to be include but are not limited to: Improve Data Presentation for Tribal Leadership and Public Use. Upgrade data management system, upgrade database reporting solution for patient and provider metric system. Helping with Accelerating Public Health Data Modernization; and

WHEREAS, the Tribal Health Department's continued efforts through Converting data from three other sources into reporting tool and training staff and investigation against COVID-19;

NOW THEREFORE, BE IT RESOLVED that the CSKT Tribal Council approves the submission for the RMTLC 18NU38OT000275 (ABHD) project funding for \$25,000.00 grant to support the Tribal Health Department's continued efforts against COVID-19;

BE IT FURTHER RESOLVED, that the Tribal Council authorizes that Tribal Council Chairman the authority to execute any documents and agreements necessary as may be required to give effect to the transactions herein contemplated and to take such other actions as may be hereby necessary and appropriate to carry out the obligations there under; and that this resolution shall take effect immediately.

Jessica Eagle-Bluestone, Mike Rotar, Jacob Lacy, Marika Nawrocki, and Tom Michalek, Community Engagement, gave a presentation on Montana's Multi-Hazard Mitigation Plan. The CSKT Tribal Pre-disaster Plan was completed in 2016 and 10 hazard mitigation goals were identified. The plan included mitigation goals, priority ranking, jurisdiction, and funding sources. It is unknown whether the 2016 plan has been updated. The reason to develop a plan is population and community growth, more hazardous events, and increase in hazardous response and recovery costs. There are grant monies available to pay for mitigation costs. The Disaster Mitigation Act of 2000 requires communities to have their plans updated every five years. The plan is not a regulatory document and does not commit to any resources. Communities face no consequences for not completing the actions in the plan. Jessica asked the

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council to review the CSKT 2016 plan and the current hazardous identification and risk assessment. CSKT can adopt the State's plan if they want to. Chairman McDonald asked if Jessica has had contact with Dale Nelson or Brian Crawford. Jessica has not been in contact with them, but she will invite them to the workshop on February 22, 2023. **Mike Rotar** encouraged the representatives from CSKT to attend next week's meeting to learn more about their ongoing process and how it will progress for the remainder of this year. **Jessica Eagle-Bluestone** requested permission to reference information regarding the pre-disaster and climate change strategic plan from the Tribes' 2016 plan. There are two published documents that are available to the public. It was the **consensus** of council to allow the references to the information from those two public documents.

Len TwoTeeth mentioned there is an active shooter training next month, and he would like it to be an annual event. There is an opportunity for the staff to engage LSU to provide a free training to the Tribes. Len wants the Executive Team to start the planning process for the training to be offered to all tribal employees and the tribal council. Jennifer Trahan was directed to inform the Tribal Executive Officer that it was the consensus of council to have the Executive Team start planning for it.

Chairman McDonald would like an update from Dale Nelson. **Terry Pitts** did not see anything about the railroads in the mitigation plan. Chairman McDonald responded that most FEMA plans focus on the Highway 2 route which is upstream from us. There has been a lot of derailments in the Columbia Falls/Middle Fork of the Flathead area. There is a lot of product hauled on that route and it is a goal of the Flathead Lakers and Flathead County.

Miranda Burland, Tribal Education Department; and **Crista Anderson**, Dixon School District Principal/Superintendent; presented the 2022-2023 Indian Education Report for the Dixon School District. The goals are to communicate and ensure high expectations for all students and staff; provide student-centered instruction while learning within the context of culture; and support families in meeting student academic goals through strategic communication and outreach. Student demographics indicate 26 out of 57 students are American Indian and 19 are JOM eligible. The staff continues with professional development, such as Tribal PIR Day, Personalized PIR Day, Native Teaching Games, Indian Education For All Best Practices Conference; and SpectrUM Professional Learning - Maker Ed and Place-Based Learning. The school has 10 teachers and 5 of those are American Indian. 2 of the non-American Indian teachers are SKC graduates. The school has a full-time counselor. The school collaborates with the Montana Behavioral Initiative. The school practices restorative justice and does not suspend students unless there is violent behavior. Dixon School District has collaborations and initiatives with Montana Behavior Initiative; Breakfast in the Classroom Grant; Technology Infrastructure Upgrades and Improvements – E-

Rate; ESSER Modernizations and Improvements; Headwaters Go! Grant; CSKT School Garden Network; and SpectrUM Maker PLC.

MOTION by Martin Charlo to accept the Indian Education Report for the Dixon School District. Seconded by Ellie Bundy. Carried, unanimous (8 present – Mike Dolson out of the room participating in a conference call).

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

Ellie Bundy left the meeting for the remainder of the day.

Len TwoTeeth left the meeting for the remainder of the day to travel to Billings.

Dan Decker, Chelsea Colwyn, Grace Judge, Melissa Schlichting, Brian Upton, John Harrison, Katie Jones, Zach Zipfel, and **Lynsey Gaudioso**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Rich Janssen** and **Amanda Bourdon**, Natural Resources Department, was present for discussion.

Dan Decker, Chelsea Colwyn, Grace Judge, Melissa Schlichting, Brian Upton, John Harrison, Zach Zipfel, and **Lynsey Gaudioso**, Legal Department, continued to meet with council in **executive session** to discuss legal matters. **Amanda Bourdon**, Natural Resources Department, was present for discussion.

Council reconvened into **regular session**.

MOTION by Martin Charlo to approve by resolution a consultation and professional services contract with Abt Associates, Inc. to work on Smurfit issues. Seconded by Bing Matt. Carried, 7 for; 0 opposed; 0 not voting.

RESOLUTION 23-057

A RESOLUTION TO ENTER INTO A CONTRACT FOR CONSULTATION AND PROFESSIONAL SERVICES WITH ABT ASSOCIATES, INC.

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

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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 wish to secure, and Abt Associates, Inc. wishes to provide their professional services, consultation, and testimony to and on behalf of the Tribes; and

WHEREAS, Abt Associates, Inc. has agreed to provide their professional services according to the terms and conditions of a contract for consultation and professional services.

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

Jordan Thompson, Tribal Executive Office; **Ryan Rusche**, Sonosky Law Firm; **Melissa Schlichting**, **Lynsey Gaudio**, **Grace Judge**, **Zach Zipfel**, and **Chelsea Colwyn**, Legal Department; requested to meet with council in **executive session** to discuss legislative issues. **Gwen Lankford** was present for discussion.

Council reconvened into **regular session**.

Whisper Camel-Means, Natural Resources Department, requested approval of the 2023-2024 nonmember recreation regulations. The staff met with the Kootenai Culture Committee and Whisper reported on the comments that were received during that meeting. Once the tribal council approves the regulations they will need to be approved by the Fish & Wildlife Board and the Fish & Wildlife Commission. The permit season begins on March 1, 2023.

MOTION by Mike Dolson to approve the 2023-2024 nonmember recreation regulations. Seconded by Martin Charlo. Carried, unanimous (7 present).

Tim Ryan, Salish Kootenai College Native American Studies; **Rebecca Powell**, Bob Marshall Foundation Program Director; and **Erynn Castellanos**, Bob Marshall Foundation Education & Partnership Specialist; requested a waiver of permits for the Mission Mountains Youth Crew project coordinators, teachers, and natural resources professionals that help support the project. The MMYC program provides youth living on the reservation in Western Montana with a summer job in the outdoors that exposes them to career pathways in natural resources and helps build a bridge to college. They plan to support the youth in a horse packing trek into the Bob Marshall Wilderness this year.

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MOTION by Mike Dolson to approve a waiver of permits for the Mission Mountains Youth Crew project coordinators, teachers, and natural resources professionals that help support the project, including fishing. Seconded by Martin Charlo. Carried, unanimous (7 present).

Terry Pitts asked if any precautions will be taken for grizzly bears. **Tim Ryan** responded the youth participated in a two-week training session on initial emergency response, basic safety, bear spray and dangerous animal training, and CPR.

Chairman McDonald sent the council an email regarding work experience and vocational training, and he asked the council to review the draft and provide any input. SKC will be having their retreat soon and Tom wants to give them this information.

Whisper Camel-Means, Natural Resources Department, informed council that milfoil was found in the Pablo Reservoir and the staff held a meeting with the AIS folks to begin the planning stages to address it. The staff needs to identify where it came from. The staff will go out on kayaks to see how big the infestation is and how to eradicate it. It could be quite expensive so they are looking for some emergency funding. The water can remain low in the fall.

Council **adjourned** at 3:55 p.m., and is scheduled to meet again on Tuesday, February 21, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary