

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

Volume 20 Number 29
Council Chambers, Pablo, MT

Held: January 16, 2020
Approved: January 28, 2020

MEMBERS PRESENT: Shelly Fyant, Chairwoman; Ellie Bundy McLeod, Secretary; Martin Charlo, Treasurer; Fred Matt; Mike Dolson; Leonard TwoTeeth; and James “Bing” Matt.

MEMBERS ABSENT: Anita Matt, Vice-Chairwoman; Carole Lankford; and Charmel Gillin (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 Ellie Bundy McLeod.

The **Tribal Council Meeting Minutes** for January 9, 2020 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for January 9, 2020, with corrections. Seconded by Martin Charlo. Carried, unanimous (7 present).

The **agenda** was presented for approval.

MOTION by Bing Matt to approve the agenda, with changes. Seconded by Martin Charlo. Carried, unanimous (7 present).

Chairwoman Fyant played a YouTube video of a press conference in Helena yesterday led by Albert Olszewski, Senate District 6, about the CSKT Water Compact. During the press conference, Senator Olszewski asked Senator Daines to withdraw his support of the water compact. **Dee Brown**, Senate District 2, discussed the Hellgate Treaty and commented that off-reservation water is not mentioned in the treaty. She requested that Senator Daines withdraw this legislation. **Randall Pinocco**, District 1 Public Service Commissioner, stated that in 2015 they defeated the compact. He thinks this is a loss of property rights and billions in tax dollars. There are no water rights in

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the treaty. **Gale Decker**, Lake County Commissioner, confirmed that the commissioners are solid in their disapproval of this act. The three commissioners have 35 years' experience and are very involved in the negotiations. The commissioners are concerned about Senator Daines' bill for several reasons; one being that the Settlement Act prevails if any conflict arises. The damages report allows a \$1.9 billion settlement fund to be established. That report was prepared by CSKT in 2011. In mid-September, the county commissioners asked Senator Daines for a copy of the report and they have not gotten a copy of it. They filed Freedom of Information Act paperwork to get a copy of the damages report. His concern is that we are giving a settlement on a report that the public has never seen. The commissioners are also concerned about the language regarding the word reservation. It includes the right of way on the reservation. That definition is different than any other compact. Mr. Decker asked Senator Daines to amend that part or withdraw the whole act. The definition of reservation should be the same as the Blackfoot compact. The Lake County Commissioners are worried about an influx of people coming into Lake County. It is estimated that the compact will create 6,000 new jobs. There are fewer than 6,000 tribal members on the reservation to fill those jobs, so there is a significant influx of out-of-area people coming into the area. They are worried about human trafficking and drug trafficking, due to this additional strain on our resources. The transfer of public lands is an issue for the county. The county has no input into which lands are traded. The State Land Board approves those transfers. Mr. Decker requested that Senator Daines withdraw this legislation. **Joe Reed**, Representative for Majority of Rural Montana, wants the compact withdrawn, due to issues not being discussed. He asked how Lake County would support itself with the loss of lieu in taxes payments. It is a damaging proposal for Lake County and the people he represents. **Mr. Olszewski** believes the water compact is a complex issue. The ultimate authority for any discrepancies is found in the water abstracts. Senator Daines created legislation settlement. Mr. Olszewski claims that in that settlement, Senator Daines made a side agreement with CSKT to ignore the water abstracts and did not change the compact. Senator Tester said it was unchanged. He also alleges that the CSKT promised on a side bar that they would continue to pay taxes on Ker Dam, but then after they bought it they stopped paying taxes.

Bob Sandman, Montana Forestry Pioneer Committee, informed council that the Montana Forestry Pioneer Award was established in 1999 as part of the Montana Forestry Centennial Celebration in 2019. The committee votes on the recipient for the award and Ken Dupuis was named the recipient of the 2019 Montana Forestry Pioneer Award at a ceremony in October. Mr. Dupuis is the first Native American to receive this award. Carole Lankford attended the award ceremony in Missoula and had asked him to regift the award to Ken in a council meeting. Mr. Sandman presented the award to Mr. Dupuis. **Ken Dupuis** expressed his appreciation for receiving this award. **Council** congratulated Ken for his accomplishments.

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

Greg Wilson, Dan Lozar and **Adeline Lozeau**, Natural Resources Department, requested approval to award the Crow Dam Spillway Modification Project, Area 3 CSKT/SOD 19-01 to the low bidder Big Sky Civil/Montana Civil Joint Venture in the amount of \$12,136,949.00. **Len TwoTeeth** requested a report from the Indian Preference Office on the number of tribal members being hired on these projects. These are multimillion-dollar projects and he wants to ensure that our tribal members are getting hired.

MOTION by Fred Matt to award the Crow Dam Spillway Modification Project, Area 3 CSKT/SOD 19-01 to the low bidder Big Sky Civil/Montana Civil Joint Venture in the amount of \$12,136,949.00. Seconded by Bing Matt. Carried, unanimous (7 present).

Dan Lozar, Safety of Dams, informed council that he read in the council minutes the council's concerns regarding the Camas Cemetery road, and he will have the Roads Program Manager bring forth a discussion on it. **Chairwoman Fyant** asked Mr. Lozar to work with Jennifer Trahan to get scheduled on the agenda.

Michelle Mitchell, Tribal Education Department; **Jason Sargant** and **Shawn Hendrickson**, St. Ignatius School District; presented the annual report for School District 28. 50-55 percent of the students in the school district are Native Americans. Attendance rates average between 92 and 93 percent. The graduation rate is 90 percent and the dropout rate is 2.25 percent. A detailed report was provided on the overall performance of the tests given to students by subject and grade. 100 percent of the seniors applied for college. Shawn discussed the Teacher Mentoring Program. The school identifies students who are at risk or struggling and a teacher serves as a mentor for that student all year and tracks their progress and provides assistance. **Mike Durglo**, Indian Education Committee, met with the elders and discussed the possibility of having the apprentices take turns to teach the language at the school. He looks forward to getting that language teacher position back.

MOTION by Len TwoTeeth to accept the St. Ignatius School District 28 annual report. Seconded by Fred Matt. Carried, unanimous (7 present).

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

Brian Lipscomb, Tom Farrell, Dan Decker, Jeff Foley (by speakerphone), **Travis Togo, Andrew Westerman**, and **Jason Adams**, Energy Keepers, Inc., provided orientation on Energy Keepers. The tribal council will take a field trip to tour the dam. **Stu Levit**, Legal Department, discussed the board member vacancies and advertisements. The vacancies were advertised and council will

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conduct interviews. Further discussion will be scheduled for a later date. Orientation part 2 was tentatively scheduled for February 26. **Brian Lipscomb** discussed the Columbia River Treaty. Council appointed Len TwoTeeth as the council delegate to that organization. Brian discussed the Indian Country Energy Advisory Committee within the Department of Energy. Brian served on that committee alongside a council representative for the past four years. That issue will be scheduled on the agenda for further discussion. Brian talked about transmission issues with NorthWestern Energy. Twenty-year right of way easements were approved, but there are some outstanding issues going on. **Tom Farrell** submitted the audit report to the Tribes last month. EKI received a clean audit. **Chairwoman Fyant** advised that the audit would be discussed in a shareholder meeting.

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

Council met in **executive session** to conduct interviews for the S&K Technologies Board of Directors vacancy. **Melanie Piedalue**, Personnel Department, was present for interviews.

Council reconvened into **regular session**.

MOTION by Fred Matt to accept the results of the ballot and appoint Ernest “Bud” Moran to the S&K Technologies Board of Directors for a four-year term. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

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

Velda Shelby and **Janet Camel**, Economic Development, discussed priority projects and requested direction on how to proceed. (1) Hot Springs Wellness Spa. This project has been ongoing for several years. Key studies have been done on revitalization of this site. The 2010 preliminary architectural report new construction costs were recommended at a cost of \$3,533,489 and additional LEED certification cost of \$70,670. In 2017, Cortner and D1 Design did a preliminary architectural report. It was a five-phase development approach. It was determined that the project was not viable with the existing market. Phase 1 would be a \$5.7 million investment. Outstanding/unresolved issues for building and site planning include: limited water supply, concrete foundation, tribal home in footprint, obsolete design features, existing tribal leases, and additional toxic substance remediation. The capital structural and management outstanding/unresolved issues are leveraged debt (finance), third party management, and Designated Opportunity Zone (tax credits for investors). The Compact Settlement Trust Fund authorized uses, such as the development of geothermal water resources on Indian land. Velda requested some feedback from council on the development of framework and strategy, tribal council fieldtrip, scope project, and development of geothermal H2O resources specified

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in the CSKT Water Compact Settlement. **No action taken.** Further discussion is needed.

(2) Hemp. The 2018 USDA Farm Bill legalized the growth of hemp on tribal lands effective October 31, 2019. Economic Development Office, Tribal Lands Department and the Tribal Legal Department continue to research tribal hemp plans, tribal ordinances, and other tribal models for reference. If the CSKT does not develop a plan to USDA to grow hemp, individuals can go through the state. For the USDA to approve a hemp projection plan, the plan must satisfy each of the minimum requirements mandated by Section 10113 of the 2018 Farm Bill. **Tara Irvine**, Tribal Lands Department, informed council that the Rocky Boy Tribes submitted a plan to USDA and now has a hemp greenhouse. The Lands Department will collect data. **Laurence Kenmille** informed council that Bonners Ferry Kootenai Tribe of Idaho recognized the growing of hemp was saturated already. Processing and distribution is where the money is and that could be a lucrative business. Velda said the core team, consisting of Dan Decker, Anita Matt, Mark Couture, and Velda, could proceed if the council would authorize it. We are too late for this growing season. It was the **consensus** of council to have the core team return to council with a more concise report.

(3) Sustainable Ag Projects. Past initiatives EDO was involved in was bison herd feasibility in 2014; Community Garden Lot Set-Asides in Communities; SKC Healthy and Sustainable Diets For All; framework for culturally relevant plant-based food and health program; Food Sovereignty Projects; Montana Co-Op and Kids Co-Ops; and Lake County Community Development workshops. **Chairwoman Fyant** asked if the council would be interested in developing a Food Sovereignty Team that could attend meetings and participate in discussions so the Tribes can develop specific policies toward food sovereignty. It would be good to have someone from Lands, Legal, and Climate Change serve on the team. It was the **consensus** of council to proceed with the development of a team to work on food sovereignty.

(4) 2.5 GHz Broadband Spectrum. The Economic Development Office has been involved in this project since 2017. Native Network did a feasibility study in 2018 and proposed that the Tribes develop a communication/data storage company; provide broadband, cellphone and communication services; inventory of existing services and infrastructure; become a carrier Grade ISP, VoIP Provider and Virtual Network Operator; participate in FCC Reverse Auction and Challenge Process; and partner with Native Network and Microsoft. Subsequently, Madonna Yawaki, Turtle Island Communication, called Velda in December and she forwarded that to the tribal chairman. Velda was told it was premature and to wait until the new tribal council was seated. The FCC requires tribal consultation for carrier funding. Tribes can hold carriers accountable. The FCC will launch the 2.5 MHz Spectrum in February. Funding of \$1.2 million is available. TICOM can do a feasibility study in phases as funding is available. The

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Rural Digital Opportunity Fund established a \$20.4 billion fund that replaces the Connect America Fund for distributing Universal Service Fund money to rural carriers. It allows carriers to bid on the rights to use the funds to provide broadband and voice service in underserved high-cost areas (rural areas). An exemption was approved for Tribes so we do not need to go through the process. There will be a six-month open window. An online application would be required along with a broadband buildout plan. The purpose of this is to bring broadband services to rural areas. **Chuck Reese**, Information Technologies, thinks it would be lucrative for the Tribes to own that spectrum. The average towers cost \$500,000 and we would need eight sites. There was discussion on the buildout plan requirements. It would take five years to complete the buildout. The Tribes cannot sell a license until the buildout is met. The universal licensing requirements must be followed. Tribes cannot add spectrum area after the application closes. **No action taken.** Council took the priority list under advisement for further discussion at the strategic planning session.

Laurence Kenmille, Enrollment Office, discussed a mistake that was made by the Enrollment Office. An enrollment application was misplaced but it was located later. There was an application for a child turned into the front desk and the staff member ended up filing it in a file folder. The child passed away this morning. The Tribes have approved the enrollment of individuals after they are deceased. Laurence apologized for having to even bring in this request today. He felt really bad about this happening and there is no excuse for it being misplaced. The child is eligible for enrollment and the application had been turned in.

MOTION by Ellie Bundy McLeod to accept the application and proceed with enrollment. Seconded by Fred Matt. Carried, unanimous (7 present).

Chairwoman Fyant informed council that the Native Fish Keepers Board of Directors vacancy was advertised twice and there was only one applicant. She asked if council wanted to appoint the applicant or advertise the vacancy for a third time.

MOTION by Len TwoTeeth to appoint Jean Matt to the Native Fish Keeper's Board of Directors. Seconded by Ellie Bundy McLeod. Carried, unanimous (7 present).

Fred Matt left the meeting for the remainder of the day.

Len TwoTeeth left the meeting for the remainder of the day.

Chuck Reese, Information Technologies; **Rob McDonald**, Communications; and **Jami Pluff**, Policy Analyst; gave an update on livestreaming tribal council

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meetings and showed council a clip of how the Confederated Tribes of Grand Ronde livestream their meetings. The pros and cons of livestreaming meetings in real-time were pointed out. Policies and parameters were drafted for council review and consideration. There is no legal prohibition from livestreaming the meetings. Legal had recommended livestreaming quarterly council meetings only on a trial basis before going live with council meetings. Cameras are installed in the council chambers. IT was previously directed to disconnect the audio in the council chambers, so that would need to be turned back on. **No action taken.** The request to turn on the audio was taken under advisement for further discussion.

MOTION by Bing Matt to adjourn the meeting.

Council **adjourned** at 5:30 p.m., and is scheduled to meet again on Tuesday, January 21, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary