

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

Volume 20 Number 49
Council Conference Room, Pablo, MT

Held: March 31, 2020
Approved: April 7, 2020

MEMBERS PRESENT: Shelly Fyant, Chairwoman (Zoom); Anita Matt, Vice-Chairwoman (Zoom); Ellie Bundy McLeod, Secretary (Zoom); Martin Charlo, Treasurer; Charmel Gillin (Zoom); Fred Matt; Carole Lankford (Zoom); Len TwoTeeth (Zoom); James “Bing” Matt; and Mike Dolson (Zoom).

OTHERS PRESENT: Jennifer Trahan, Council Office Manager (Zoom); and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:04 a.m. Quorum established.

The meeting was opened with a prayer by Shelly Fyant.

The **Tribal Council Meeting Minutes** for March 17, 2020 were presented for approval.

MOTION by Charnel Gillin to approve the Tribal Council Meeting Minutes for March 17, 2020, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Anita Matt to approve the agenda, with additions. Seconded by Fred Matt. Carried, unanimous (10 present).

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

Council reconvened into **regular session**.

Bob McCrea informed council about an individual returning to the reservation from Idaho and wanting to quarantine locally. **Chairwoman Fyant** was not sure we had anything set up for quarantines. Bob reported that the team had a meeting yesterday and will meet at KHJCC. Sheltering is one of the topics. A needs assessment needs to be done for items they may need to bring that in.

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They need ten coolers and need to do some stockpiling. They will ask tribal departments for the coolers first, and then they may need to purchase some additional coolers. Charmel Gillin thought the Black Bear Ranch would be an opportunity for a joint Incident Command Center to make an agreement with the nonprofit One Heart and lease the space for isolation and quarantine. We have a transportation coordinator who is in charge of transportation and the logistics coordinators she hopes consider that information.

Greg Gould, Operations Section Chief, reported that they have been ramping up. Regarding the inmate, they engaged Public Health, Kootenai County, and the Kootenai County jail to do a health risk assessment. The jail is clean so it's not a high risk environment. The person quarantining in that home does not pose a significant risk. One of the significant things being done on operations is reaching out and creating a large pool of people, such as hotels, food banks, and senior centers, that provide services right now. They would be folded in and help provide support. The team can come in where there is a gap and attack where there are resource gaps that are a public health priority. The Army Corps and state of Montana are identifying places capable of a medical surge hold that could decompress the hospital for non-acute and non COVID patients. Job Corps will be looked at on Thursday to see if meets the level and capacity. If it were a potential site, the Army Corps would do all the physical retrofitting to make it adequate for medical decompression. They would provide everything. They then would fall in line with the traditional funding dynamic of the 75/25 funding split. The state committee would be picking up that 25 percent that the Army Corp wouldn't, so it would be no cost to the Tribes. They are waiting to hear back whether the Tribes will let them look at Job Corps. KHJCC has two kitchens but no equipment. That will be identified and see what their plan is for that. Charmel Gillin mentioned there were some water/sewer issues out there that prevented us from using some of those buildings, so she hopes that is part of the retrofit and is not prohibitive. John Neiss was going to look at the potential for that, it's something AC would fix.

It was the **consensus** of council to move forward.

Greg Gould reported they are doing a needs assessment, what's out there, what is being provided, and how do we support them. The team needs a priority of service. It is likely the demand will outweigh the resources. What populations, categories of groups of people, does council consider a priority. It is generally the elderly and the youth. The unified command needs broad categories. Charmel Gillin had concerns about the Dire Need program and budget and if the Dire Need budget should be increased, she hopes DHRD makes that request. She asked whether that should go through Greg's program, and how much involvement by council is needed in directing the team. Greg said what is unique in this structure is that ninety five percent of what they will be doing is they don't know. They will coordinate bits and pieces around the reservation. A needs

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assessment is the right way to go. Operationally internally of the Tribe, how the DHRD Dire Need program would work, if actions are being undertaken as a result of the quarantine and quarantine hardship, the team needs to coordinate and have visibility of that. The tribal council would be the policy group level would focus on serve these people, then the team makes the tactical decisions of who and how we deliver services. That would be a team function.

The county had a two mill levy. Rick reported that the Tribes set aside \$140,000 in the shared delegation of authority. FEMA said the Tribes have no cost share. The money we set aside was a cost share. The Tribes should not need to access that \$140,000 but it is available. We are not necessarily spending money; we are coordinating available resources until we identify gaps in vulnerable populations. The policy question is where do we focus on to minimize the gaps (such as provide meals to elders). The tribal budgets cannot support the increased need for COVID. The team could provide those resources, and we would get reimbursed from FEMA. Until we go through the needs assessment process, we are not in a spending money place yet. Carole Lankford commented that DHRD is spending a lot of money for hotels for the homeless. She asked if we could be reimbursed for that. Rick will send out the reminders on the tribal side as to how to track those resources. The operation side of the command team will be reinforcing that. If we do above and beyond directly related to COVID and the team is tracking those, then we can submit for reimbursement. Charmel was not aware of the emergency housing at hotels paid for by DHRD. That should go through the team so we can recover those costs. In general, the priority is the elderly, youth, and at-risk population. **Chairwoman Fyant** thought we had to do a memorandum of understanding with the CSKT and Lake County. Shelly asked Rick Eneas if he could develop that MOU.

Greg Gould needs from the tribal council a policy decision on the priority of services. **Charmel Gillin** commented that the other factor we need to consider is the public health or medical side of that if there's additional priority that we identify it now. Greg said any person(s) have adverse effect on the public health, it could be a blanket statement like that for Public Health. That question needs to be posed to the county commissioners. **Mark Clary** will follow up on that and let the team know the priorities. **Council** asked as a unified command team are they accessing the State for FMEA, and Greg said they are in close communication with the state representatives. The team and council could do a work session to discuss the details; it's new and complex. Shelly asked that as a unified command would we be a sub-recipient under the state. Greg explained that we could fall under the state declaration, which is the historical norm, or go straight to the delegation are the two options. It is a decision that the council will need to make at some point. It is not urgent and pressing within the next five days though. **Fred Matt** followed up on Carole's comments. Some people were already homeless before the virus and now we are putting them up in hotels and he asked whether we could get reimbursed for those costs. During

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Hurricane Katrina, they were not displaced due to the hurricane and could not be reimbursed. They could only get reimbursement for displacement due to the hurricane. That is something we may need to deal with at some point. **Chairwoman Fyant** informed council that we received \$1.4 million for the Indian Housing Community Block Grant last week. She sent a note to Jody, Mark, Velda and the members of the homelessness committee asking if that is something we could do to set up infrastructure and if we could set up tiny homes since it is a special pot of money, but she has not heard from any of them yet.

Jim Steele gave a report on the plan. They are gathering information and coordination. This is a multi-day action plan and will be distributed electronically. Public Health stated they are now in a community infection phase of this and this is now being spread within the community. Some percentage of it in Missoula will come north and impact us. The team discussed people coming in from out of state who are escaping the risk of COVID by coming to these rural states in their motorhomes. They are required to self-quarantine for fourteen days. Cluster infections caused huge spikes in the communities. That is what we are facing now. The stats are showing that the shelter in place and self-quarantining are working. There are places in the United States that are showing a flattening of the curve because of that.

Shelly Fyant has been communicating with Jason Smith about the governor closing the borders in the state. **Martin Charlo** would like to put up signs at the reservation boundaries. We need to have reader boards about the self-quarantine. We could get that out quickly. The effectiveness may or may not be great, but it would be proactive. The Public Information Officer could get that messaging out as an urgent matter. This is making Shelly reconsider coming in for the quarterly on Friday. She has not been out since last week. **Rod Couture**, Logistics, gave a report. He is working on the front lines with local schools in Lake County, the Boys and Girls Club, and all elder programs across the reservation to provide meals. A concern was transportation; he met with Corky and got it lined out to deliver meals. None of the meal preparers have any PPE. We are low priority with the state. We ordered supplies and they have not come in. They received a few donations so far. He has not received any feedback from tribal departments for gloves, masks, coolers, and hand sanitizer. Rob McDonald was directed to send out an everyone email. The Ronan School needs some masks and there are none available to purchase locally. Rod said they reached out to KTN and Big Arm Resorts and he will follow up with the Black Bear Ranch. They will work on the reader boards also.

Rick Eneas gave a finance update. We are not in spending mode yet. We are capturing the costs that are reimbursable. CSKT has to go back to January 20 or 21, so they are in the process of going through transactions for reimbursements. FEMA reimbursement at this point is minimal. That will grow over time as we get more cases and bring bigger projects online. The Tribal

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Health Department should still be the lead for accessing and coordinating Indian Health Service funding. **Rob McDonald**, Public Information Officer, reported on press releases that were issued. Crystal Reese developed a website for the team. At some point we need to start being able to take phone calls. An email should be coming soon with information. The platform is being built now. **Chairwoman Fyant** wants to get intense information out on the community infection phase. People need to understand that. **Martin Charlo** sent an email to Sandra Boham about the fourteen-day quarantine. He hopes SKC is encouraging students to self-quarantine. He received a message from someone who is concerned about that issue. We need to make sure they are doing that. **Chairwoman Fyant** will follow up with Sandra Boham. She will confirm they are doing classes online. Martin reported on a nursing student returning from Washington that needs clinicals was brought to our attention by a landlord with concerns. Students are being brought back to the dorms, which is also a concern. It is a potential cluster. Shelly thought they were all cancelled; her son is not able to do practicum hours this quarter because the schools are closed, so she thought all schools did that. She will call Sandra.

Charmel Gillin commented that it would be helpful to emphasize the stay at home and shelter in place order and send a message on restrictions on the day-use only permits and flood the outlets, because we need to create a sense of buy-in from the community. **Martin Charlo** thought that the tribal council could help with messaging as leaders and take it out to our constituents. It can be sent from council to the people. Rob can send a message to people, and council together can reach a larger audience. **Tom McDonald** advised that geofencing was implemented for the boat stations and KPAX was contracted to do that service. Dave Rockwell does it as well. The program shared that cost with the boat dealerships from Missoula. He did not know how many people hit on it. It would pop up on their cell phones when they got close to the reservation. **Chairwoman Fyant** identified this as a messaging priority. **Rob McDonald** will follow up today. **Tom McDonald** reported that the Safety of Dams program owns two reader boards for the AIS program. Dan Lozar would be the contact for those. **Bob McCrea** informed council that the individual discussed earlier would be going to Shoshone instead of Elmo. **Chairwoman Fyant** reminded everyone of the emergency hire capability through the Personnel Department.

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

Mark Couture and **Holly Hitchcock**, Tribal Lands Department, discussed the Big Sky Civil Joint Venture request for a land/road use permit. There was a question about how Seth Makepeace's recommendations would be monitored. Holly said it is in the contract with SOD and she does not know how they will specifically monitor it. It's a twenty-four month permit for a cost of \$1,500.00. There would be two small trailers parked there as their mobile office. The area would be reclaimed back to its original condition after the project.

MOTION by Charmel Gillin to approve a twenty-four month permit, including the staging of a temporary mobile office, at a cost of \$1,500.00. Seconded by Anita Matt. Carried, unanimous (10 present).

Martin Charlo discussed a letter from Dan Lozar that was emailed to the council this morning. **No action taken.** Council just received the letter a few minutes ago and they want time to review it.

Tom McDonald, Natural Resources Department, informed council that the National Wildlife Federation and the UM Indian Law Clinic are proposing a project for establishing an intertribal bison herd on public lands in northcentral Montana. Council had approved signing on to the Buffalo Treaty initiative, which supports this type of action. Council has continued its support for participating with the Tribal Leaders Council and Fish & Wildlife Commission. Tom requested that the council identify the continued level of CSKT staff involvement for the project proposal. This type of planning effort is a long-range scenario. The Indian law students and Monte Mills, Professor, have been doing the bulk of the work on it to this point.

MOTION by Fred Matt to support the CSKT involvement on the intertribal bison herd on public lands in northcentral Montana. Seconded by Charmel Gillin. Carried, unanimous (10 present).

Tom McDonald, Natural Resources Department, discussed the bison meat and thanked the council for supporting the ship to slaughter program. Public herds on national lands where we can exercise aboriginal rights provides a greater benefit. Next year, the program hopes to get the freezers in place and have more buffalo processed into hamburger and make it available to the membership. Hopefully, that meat could be available to everybody that requests it. The demand is greater than the resources we are receiving from Yellowstone. 151 people signed up for a buffalo carcass and they did not get drawn. Chairwoman Fyant suggested that the people that got buffalo this year step aside next year so people who didn't get meat this year will get some next year. Tom can entertain a lottery system for distribution like we do for the permits.

Greg Wilson, Natural Resources Department, discussed the tentative limited mobilization notice to proceed for the Crow Dam Spillway Modification Project, Area 3 CSKT/SOD and requested authorization for SOD to continue with the construction phase of the Crow Dam Spillway Modification Project Area 3 CSKT/SOD 19-01.

MOTION by Martin Charlo to authorize SOD to continue with the construction phase of the Crow Dam Spillway Modification Project Area 3 CSKT/SOD 19-01. Seconded by Anita Matt. Carried, unanimous (10 present).

Dan Lozar, Natural Resources Department, discussed the Ronan-North reevaluation on the highway 93 reconstruction, which includes the closure of Spring Creek Road at Highway 93; shifting the pedestrian path starting at Lake's Corner (move it from the west side of the highway to the east side and have a undercrossing to the proposed light at Hwy 93); and having the storm water collection of this section of highway to south Terrace Lake Road. **Len TwoTeeth** wanted to ensure that we have adequate gravel pits ready when the project is let. He does not want to miss this opportunity to bring in substantial revenue to the Tribes. Len asked Dan to keep a dialogue with Mark and keep this moving forward. These projects will require a lot of gravel and he wants the contracts to require contractors to obtain gravel from tribal gravel sources. Dan requested approval of the reevaluation letter.

MOTION by Fred Matt to approve the reevaluation letter. Seconded by Bing Matt. Carried, 9 for; 1 opposed (Charmel Gillin).

Charmel Gillin, for the record, *"I do not agree with the access point noted by the number three on the map."*

Rhonda Swaney and **Brian Upton**, Legal Department, gave an update on the Bison Range. About a month ago, it was mentioned to the council of discussions of the Senate Committee on Indian Affairs and Department of Interior staff to insert language for the Interior and Tribes to share the genetics at the Bison Range. The Senate Committee on Indian Affairs requested assistance from the Interior Department. Legal is in the process of speaking to the staffer from the Senate Committee on Indian Affairs. **Len TwoTeeth** thought that we would not have this discussion until we have full ownership of the Bison Range. Brian said they are proposing to address that in the legislation. Brian is waiting to hear back from the Senate Committee on Indian Affairs staffer and then he will report back to council.

Rhonda Swaney and **Brian Upton**, Legal Department, informed council that Skip Palmer created a Save the National Bison Range LLC. A FOIA request was filed with the Fish & Wildlife Service to address legislation to restore the Bison Range. Brian will keep council updated. Brian gave an overview of his recommendations, which would include the creation of an internal department working group to prepare for NBR restoration. There would be a two-year window to establish a cooperative transition. The transition would include the federal staff at the Bison Range and whether they would work for the Tribes for a period of time. Inspections would be done because we would need a documented baseline of the BR, facilities, and infrastructure. That would require some resources. Regarding the budget and revenue, the staff has estimated we would shoot for an annual operating budgeting of \$1.5 or \$2 million a year. A budget would need to be developed for that. How we want to operate the Bison

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Range would need to be discussed and if it would be a standalone department. It needs to have its own dedicated staff, budget, and revenue to help sustain it. Those issues and details of management implicate how much would be needed in the budget. Initial direction from council may be needed for that. **Chairwoman Fyant** thought it would be important to include the Economic Development Office in this process. Regarding safety issues, discussion with law enforcement to prepare for contingencies is recommended. Legislation requires we have a publicly available management plan. The staff message is we would use the existing comprehensive conservation plan until we develop our own. The work group would begin discussion on that. **Tom McDonald**, Natural Resources Department, commented that we would need to include a business plan and a visitor service plan included in our own plan. **Chairwoman Fyant** directed Jennifer Trahan to scan a copy of the plan and provide a copy to the tribal council. The next recommendation was public engage/local stakeholders. There has been discussions about the Tribes having a local public meetings to get input for development of a management plan, or have more targeted discreet meetings about how a Bison Range has a robust visitor experience and how it could help local businesses. The working group could develop some recommendations. Brian sought input from both Culture Committees. Tony thought it was a good opportunity to ask the public how the Tribes could make the Bison Range better. Vernon did not want it to delay or impede the legislation or Tribes' efforts for the Bison Range. There have been discussions with FWS staff. They are set to replace their existing visitor center. Having the visitor center at the top of Ravalli Hill on tribal land was the general consensus of the tribal/federal staff. There is funding available for the design work. The Tribes need to make a decision on how we want to approach the new center. An EA would need to be done. There is a lot of processes involved in moving it. The Tribes could also choose to build and design their own visitor center. New market tax credits could assist the Tribes in doing that. Brian asked whether we should form a work group organized thru the legal department and start discussing these items and bring back recommendations to the tribal council.

It was the **consensus** of council to form a working group and bring back recommendations to the tribal council.

Rhonda Swaney, Legal Department, informed council that the legal staff provided two different draft resolutions regarding day-use permits. She asked how the quarterly council meetings will occur and whether Legal is on the agenda. Shelly told her that the council discussed going to the complex and livestreaming the meeting, but she has not received any confirmation on whether it would be done through Facebook or YouTube. **Martin Charlo** clarified that the meeting would be live-streamed on YouTube. They will be doing a trial run before the quarterly. It should be finalized today. Council does not plan on any presentations other than council updates and a virtual honoring of tribal members over the age of 90. **Council** reviewed the proposed resolutions for day-

use permits. **Charmel Gillin** reviewed the edits she made to the resolution. The resolution states all lands on the reservation are open to residents of the reservation for day use only and children aged 11 and younger do not need a permit if accompanied by parents if they have permits. The resolution makes no reference to camping.

MOTION by Len TwoTeeth to approve the resolution for all lands open to residents of the reservation for day-use only. Children aged 11 and younger accompanied by parents do not require a permit so long as parents have a permit. Seconded by Bing Matt. Carried, 8 for; 2 opposed (Mike Dolson and Ellie Bundy McLeod); 0 not voting.

RESOLUTION 20-091

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CSKT:

WHEREAS on March 17, 2020, the Tribal Council proclaimed a State of Emergency to exist on the Flathead Reservation as a result of the threat of COVID-19; and

WHEREAS in a short period of time, COVID-19 has rapidly spread throughout the United States and the State of Montana, necessitating updated and more stringent guidance from federal, state, and local public health officials; and

WHEREAS the preservation of public health, safety, Tribal property, wildlife and natural resources, and general welfare of the Tribes throughout the entire Reservation is among the highest priorities of the Tribes, the Tribal Council finds it necessary for all residents of the Reservation to adhere to public health directives from Tribal, Federal and State authorities; and

WHEREAS on March 26, 2020 the Tribal Council enacted Tribal Resolution No. 20-090 directing social distancing and other measures be implemented to protect the public from the COVID-19 virus,

NOW, THEREFORE BE IT RESOLVED, that the Tribal Council hereby issues the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- I. All Tribal lands including those campgrounds and recreation lands managed by the Tribal Division of Fish, Wildlife, Recreation and Conservation shall be open to Flathead Reservation residents only, and are limited to a day use status. The lands subject to this Order shall remain open for day use subject to possession of any required Tribal recreation permit for use of an area. Children age 11 and under who

accompany their parents do not need a Tribal recreation permit, so long as the parents possess any required permit.

II. This Order shall be enforced by the Tribal Conservation Officers. In circumstances where a Tribal recreation permit is required for individuals to use an area, the Tribal Conservation Officers are directed to sell such individuals the required permit in lieu of a citation.

III. Individual use of any Tribal lands, including those subject to this Order shall be in compliance with Tribal Resolution 20-090 which requires among other directives proper social distancing.

Publication

- This Order shall be published on the Tribes' official website and in the Char-Koosta News.

Limitations

- This Order is effective immediately and shall remain in effect until revoked.
- This Order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- This Order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Confederated Salish and Kootenai Tribes, its departments, agencies, or entities, its officers, employees, or agents, or any other person, entity or government.

Council discussed the quarterly council meeting coming up this Friday. The meeting will be live-streamed on YouTube. **Martin Charlo** wants a RAVE alert sent to employees.

Martin Charlo informed council that the Headwaters Foundation is changing its focus and could assist in the community. If the council has any ideas they need to email them to Martin today. He will request assistance with billboards and flooding the nonsocial media outlets we have out there. Martin researched geofencing on Google and it looked cost prohibitive (beginning amounts were \$40,000). We could tap into reader boards. **Rob McDonald** was directed to follow up on that, and Shelly would like a report back from him. **Council** discussed the elders that they will be honoring at the quarterly meeting. It will be coordinated through Jennifer Trahan and she will send council the list.

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MOTION by Fred Matt to adjourn the meeting. Seconded by Martin Charlo. Carried, unanimous (10 present).

Council **adjourned** at 1:20 p.m., and is scheduled to meet again on Friday, April 3, 2020, at 9:00 a.m., for the quarterly council meeting.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary