

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

Volume 20 Number 54
Zoom Meeting

Held: May 5, 2020
Approved: May 7, 2020

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

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

The meeting was called to **order** at 9:01 a.m. Quorum established.

The meeting was opened with a **prayer** by Fred Matt.

The **Tribal Council Meeting Minutes** for April 28, 2020 were presented for approval.

MOTION by Charmel Gillin to approve the Tribal Council Meeting Minutes for April 28, 2020, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Bing Matt to approve the agenda, with changes. Seconded by Fred Matt. Carried, unanimous (9 present – Charmel Gillin out of the room).

Sherry Clairmont and **Jody Sias** 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**.

The **Unified Command Team** gave an update. **Jim Steele** reported that everything has been pretty quiet regarding testing and recoveries. The biggest thing produced was the local capacity for handling new infections, testing and identifying the at-risk folks by percentage within our jurisdiction (Lake County and the Reservation). 67% of our population are at risk for COVID-19. There has been discussion about some form of school graduations. Lake County is

following the governor's phase one reopening. The reservation has a continued shelter in place order in effect. Some of the schools have checked in with the Tribes to let them know what their plans will be. In that discussion with the team, both agency administrators felt it would be good to have a statement by the UCC to the school superintendents on our position relative to continued infections, probabilities, resurgences, etc., so they wrote a letter that was approved by both Chairwoman Fyant and the Chair of the Lake County Commissioners. It has since had some small edits. There was discussion at the planning meeting last night about sending letters to the school superintendents, posting it on the UCC website, and creating a public message using the content of the letter, saying this is the UCC team's response to school graduations. The letter is only recommendations. The first recommendation is holding off until June to consider any graduation ceremonies to test how well the period of social distancing and quarantining has worked here, and the second recommendation was to use remote streaming. Chairwoman Fyant advised that Two Eagle River School requested to have graduation on May 23, and she would like to have this letter sent out as soon as possible. Shelly reiterated the need for education and outreach to the youth and parents. Jim advised that the team would work on getting the messaging out and better circulation.

Greg Gould has been working closely with Public Health and the private health providers. They are continuing their surge planning, PPE inventories, testing regimes, staying diligent, and transitioning into elective procedures. Our PPE inventory is maintaining. We are migrating into the antibody and rapid testing. We got a rapid test into the area. There is a process for validation of testing, so they are going through a validation. They are going through procedures and are ready to roll it out on a minimal basis. 19 tests that had been performed as of yesterday and they are waiting for the results. Situational awareness is being maintained and what the plans look like for the resurgence. Epidemiology and the CDC determine at-risk factors, underlying conditions, data set in place that make individuals more susceptible to contract the virus or have negative outcomes with the virus. Different viruses have different virus at-risk factors. It is how the virus attacks people, such as a decreased immune system, people aged 65 and older, and other medical problems. The virus attacks people differently. The fatality rate is ten times higher than influenza.

Jim Steele explained that the statistics are based on the at-risk people are based on the experience that we have had here in the United States, as well as in Southeast Asia and Europe. At-risk means that a lot of this was based on mortality groups. 25% of mortality was experienced in ages greater than 60, so the older the person is, the greater risk for complications if infected with the virus. Diabetes, dialysis, kidney disease, cancer, and cancer treatments are just of the examples of the list of medical conditions. The team's perspective is these are real numbers and real statistics.

Steve McDonald reported that things have been pretty calm. Some people have gotten some equipment. The IEP draft should come out later today with new information as far as how the world is with treatment and a new safety message in it and other information pertinent to any decision the Tribes may make in the future.

Chairwoman Fyant commented that it may be possible for the Tribes to receive funding to partner with St. Luke's or St. Joseph's to develop a testing center locally, and she asked whether the tribal council would be interested in pursuing that. She had posed to that question to Tribal Health after talking to George Waters after he suggested the proposed partnership. The money available is for infrastructure and that could make testing in Montana to occur quicker.

Mark Clary is tracking the cases. The data has been varying by the day. The trend has been going down. **Chairwoman Fyant** announced that the Lummi Nation in Washington had a surge and it was traced back to children playing together. **Steve McDonald** has family in Lummi. They were on the downhill side of the coronavirus, and then they relaxed their social distancing practices and had 19 new cases that happened through the tribal community that was traced back to a child that was asymptomatic. This is being seen at other reservations, as well, so people really need to be vigilant in their social distancing.

Rob McDonald has been working with the Unified Command Team to clarify the direction of communication. **Chairwoman Fyant** had asked Rob if he ever followed up on the tribal council's wish for more messaging focused toward the youth and their parents. Rob submitted three flyers to target young people last week to put those forward to the Incident Commanders. Rob needs clarification on which of those three are okay to proceed with. One had been rejected, and then the County Commissioners said it was fine. He is getting confusion from the ICs and needs clear messaging from his leadership so he can act accordingly. Rob has the flyers ready but he was not sure what he could distribute, so he is working on it. **Mark Clary** told Rob that he spoke to Jim about it last week, and he is okay with all three flyers.

Corky Sias, Department of Human Resources Development, gave an update on safety issues due to COVID-19 and requested approval to have limited ridership for the Flathead Transit and CSKT Transit Programs. Corky has been receiving phone calls from people needing rides. The Transit Program has been closed since March 12, 2020. The program prepared the vehicles with plexiglass around the drivers. The biggest concern is we have people starting jobs at Crow Dam or Forestry who are needing rides. He feels they prepared all their vehicles to make them safe for transport. They have face masks for the drivers and riders, hand sanitizer, rubber gloves, and Lysol. The program stocked up on the necessary product needs for the drivers and riders. The middle seats in the vans have

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been removed and the bus seats were spread out so the riders would not sit together. The program is working with the Boys & Girls Club and the Elders Program to deliver meals. There are also people needing rides to Missoula, Kalispell and Whitefish. All riders would be required to wear a face mask. There was some concern by council about them stopping in Pablo. Corky said there would be no stop in Pablo, unless absolutely necessary.

MOTION by Martin Charlo to approve limited ridership on the Flathead Transit and CSKT Transit. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

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

Ron Swaney, Division of Fire, requested approval for a list of staff members to bring their government vehicles home to respond to wildfires. The list of employees are: Chris McCrea, Charles T. Camel, Donald P. Carpentier, Darrell R. Clairmont, Richard D. Fisher, Jacques J. Graham, Devin L. LaFrombois, Patrick H. Lefthand, Douglas L. Mays, Robert D. McCrea, Robert L. McCrea, Ronald K. Swaney, John Kyle Stevens, Britton T. Salois, Arthur Trahan, Frank G. Gehring, and John W. Malatare. In developing a strategy to be safe and comply with social distancing, the reservation has been split into three different zones (north, south, and middle). Challenges the program are facing include cross-pollination in vehicles can infect the crew and spread through the community; resource availability; keeping the crew safe as they return to work; if the staff gets sick, who will fight the fires for us locally; medical response for any crew members showing symptoms; inability of hospitals to conduct drug tests; and having no rooky program or training this year. The division is taking measures to comply with social distancing as much as possible to keep their staff safe and are sanitizing the vehicles.

MOTION by Fred Matt to allow the identified Division of Fire staff members to bring their government vehicles home to respond to wildfires. Seconded by Mike Dolson. Carried, 9 for; 1 abstention (Carole Lankford).

Ron Matt, Arlee Pow Wow Committee, requested concurrence from the tribal council to cancel the Arlee Pow Wow celebration for 2020; and allocate the 2020 monies (\$40,000) for the 2021 celebration, and increase the budget by \$20,000, for a total budget of \$100,000 for the 2021 celebration. The \$20,000 budget increase was discussed at the budget committee meeting, and the request would require council action. **Charmel Gillin** expressed concerns of the scheduled maintenance that is needed for all properties and recommended that the savings from this year's cancellation be used to make the needed improvements and upgrades to the facility. **Council** agreed to endorse the committee's recommendation to cancel this year's Arlee celebration and to continue discussions on the budget request. **Council** directed Mr. Matt to submit the list

of needed improvements to Jennifer Trahan so council can review it. **Ron Matt** requested that the tribal council announce the cancellation to the public instead of having the committee announce it.

Rhonda Swaney and **Stu Levit**, Legal Department; and **Erin Sexton**, Flathead Biological Station; gave an update on the Elk Watershed and mining. We received a copy of a letter from the EPA that tech mining is looking to expand to include double the size of the mine. The letter is asking for the CSKT to designate a technical person to join the advisory committee by May 8, 2020. It was recommended that Erin Sexton be appointed to the advisory committee. **Chairwoman Fyant** explained that British Columbia had sent the letter to Ron Trahan, so that is why it was never received. Jennifer Trahan was directed to contact British Columbia and notify them of the correct information.

MOTION by Carole Lankford to appoint Erin Sexton as the CSKT technical representative for the Castle Mine environmental review. Seconded by Anita Matt. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 20-101

RESOLUTION TO APPROVE AND SUBMIT JOINT COMMENT LETTER TO THE FEDERAL ACTION AGENCIES REGARDING THE COLUMBIA RIVER SYSTEM OPERATIONS DRAFT ENVIRONMENTAL IMPACT STATEMENT

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

WHEREAS, the Tribal Council is entrusted with the responsibility to protect and preserve tribal property, cultural resources, wildlife and natural resources, and to protect the health, security and general welfare of the Tribes;

WHEREAS, the Tribal Council is further entrusted with the authority to manage governmental and intergovernmental affairs;

WHEREAS, coal mining activities in British Columbia contaminate and degrade water quality of waters entering the US and in turn degrade natural resources, including treaty resources; and

WHEREAS, British Columbia has requested whether the CSKT seeks to participate in its environmental review processes as a technical advisor during Early Engagement and as a TAC member in latter phases of the project, if the project proceeds.

THEREFORE, BE IT RESOLVED that the Tribal Council wishes to participate in these processes and designates Erin Sexton, from the Flathead Biological Station, to represent the CSKT as a technical advisor during Early Engagement and as a TAC member in latter phases of the project, if the project proceeds.

Stu Levit discussed the Castle Mine expansion. British Columbia is doing the primary assessment and has authority to give permit approval. Under Canadian law, there is opportunity for the Crown to become involved and do its own assessment. Stu would like to see that happen, and he proposed a draft letter making that request. The letter would be signed by the Kootenai Tribe of Idaho and Chairwoman Fyant.

Stu Levit, Legal Department, discussed the webinar scheduled for May 14 with the CSKT leaders, Kootenai Tribe of Idaho, Haida of Alaska, Ktunaxa Chairman, and some IJC commissioners. It has evolved into an opportunity for discussion between the tribal councils and IJC commissioners. Stu will prepare talking points for Chairwoman Fyant. The State is working on site specific for selenium. Alaska tribes are promoting more involvement from the IJC. The mine issue has been ongoing for a long time.

Rhonda Swaney, Daniel Decker, John Harrison, Shane Morigeau, Brian Upton, and **Ryan Rusche**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

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

Council **recessed** the regular meeting at 1:00 p.m. to conduct a shareholder meeting.

Council **reconvened** into the regular meeting at 1:30 p.m.

Martin Charlo serves on the Two Eagle River School Board. The board had a meeting yesterday and discussed whether the school was going to be closed and if they are going to have a graduation ceremony on May 23. The board is requesting council approval to use the Arlee Pow Wow grounds as the graduation venue. 20 students will graduate this year, and it is estimated that there would be up to 200 people in attendance. **Len TwoTeeth** commented that the Arlee Pow Wow was just canceled, so he could not support a request allowing someone else to use the grounds. **Chairwoman Fyant** advised that this is in direct conflict of what the tribal council has ordered. The shelter in place order will remain in effect until at least May 31, 2020. **Anita Matt** mentioned that the Warm Springs

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Tribe held a gathering and now has 11 new cases. She could not support the request. **Charmel Gillin** commented that Two Eagle River School had acknowledged they did all of this planning and social distancing to comply with tribal resolutions. As an extension of the tribal government, she did not understand how they would move forward with holding a graduation ceremony. She did not know whether it would require action from the chairwoman, but the tribal leadership needs to clearly express their position. The council made a clear decision when Father Hightower requested our blessing that did not require any council action and we attempted to be consistent. Charmel hopes to clear it up and prevent this from going forward. **Martin Charlo** would not support any activities until the shelter in place order is lifted. He would like the chairwoman to call the chairman of the board and let them know it is not happening before May 31. One option is to hold graduation on Facebook Live.

Jordan Thompson, Casey Ryan, Josh Brown, and Joel Clairmont, Food Sovereignty Team, gave an update on the Food Sovereignty Advancement Initiative training that was sponsored through the National Congress of American Indians. The definition of food sovereignty is however a tribe decides. Historic changes in the Farm Bill to access capital is a challenge. Food sovereignty is important and the CSKT could develop its own Food Sovereignty Code. **Martin Charlo** would like to use the laundromat as a space to teach people on canning foods, processing wild game, and all aspects of wild game. **Chairwoman Fyant** stated it is time to shop local, such as a business that opened in Arlee. There is also a tribal member owned meat processing business. A key to consider is to expand the acreage of homesites and the animal maximum number allowed for people to grow their own food. Hunters could be trained to harvest and process their own game, and cooking classes could be offered. Feeding our own people would be good use of the infrastructure funding. **Charmel Gillin** talked about sources we need to consider for our food security. We could grow, package and distribute our own food and create jobs for tribal members if we did this on a larger scale. She recommended reviewing the Lands Ordinance and the Salish Kootenai Housing Authority directives to empower tribal members to grow food at their residence. We have families suffering from food insecurity. **Joel Clairmont** is a producer and the things he does on the land is not textbook. He recommended developing a ranch mentoring program for the next generation and he would like to work with the Economic Development Office to develop the program. There is an opportunity for us not be in a situation like we are right now. We need to take a good look at the Farm Policy. **Anita Matt** commented that the Extension Office could help with information on community gardens and the Environmental Quality Incentive Program. The Intertribal Agriculture organization could provide technical support and Loren Bird Rattler would be a good source for assistance. They could help us and see if we could apply for grant funding. She discussed the Ag Resource Management Plan. That plan is how the Blackfeet Tribe started their own food sovereignty initiative. Loren Bird Rattler was at the helm and gathered

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at least 10 grants. The AmeriCorps VISTA workers are looking at having their own park now and they have done great things. **Josh Brown** is a college student and is focusing on tribal health. He collected data on Salish food systems and looked at the history and research on the science of nutrition. Josh put together written words and PowerPoint presentations focused on presenting this information to council. He has gone to other communities to share it and he could help facilitate the process of thinking about this. **Jordan Thompson** summarized that an assessment is needed. It is important to map out where our food is coming from, develop a legal code to support it, review the short-term and long-term goals to determine what we want to do, how do we structure it to have our own food systems by amending the code, and how do we support our independent producers. The team will do an assessment and look at some models.

Bing Matt gave an update on the small loggers/woodcutters committee. Bing has a meeting with the superintendent tomorrow morning to discuss numbers. The committee has not met with the tribal member logger representatives yet. Bing wanted to meet with the superintendent first to get an idea which way they are going to go first. The report was scheduled for next week.

Len TwoTeeth and **Mike Dolson** gave an update on the reapportionment committee. No committee meetings have taken place, so there was no new update since the report that Mike previously gave the council. Mike's report indicated that the only authority the tribal council has is the ability to redistrict and designate where the representatives are placed, and it must be done by ordinance. The total number of delegates must remain at 10, and that cannot be changed. The Arlee and St. Ignatius districts have two council representatives each, and that was based on population. The number of eligible voters is 826 in Ronan, 742 in Polson, 688 in Arlee/Jocko, 668 in Pablo, 638 in St. Ignatius, 284 in Elmo/Dayton, 117 in Hot Springs/Camas Prairie, and 109 in Dixon. The council had a straw poll during the last council elections. 718 people voted in favor of reapportionment and 452 voted against it. Just over 30 percent of the eligible voters participated in the straw poll. The committee discussed options for council consideration: (1) do nothing; (2) add two council representatives to the Polson and Ronan districts; and (3) make two seats at-large. The first action that needs to be taken is whether or not the tribal council wants to proceed reapportionment. If so, then they can proceed with the options on how that would occur. The Reapportionment Committee members are Len TwoTeeth, Mike Dolson, Carole Lankford, Bing Matt, and Charmel Gillin. The committee recommended that the council take a vote on whether to remain status quo or proceed.

MOTION by Charmel Gillin to proceed with carrying out the reapportionment and bring back options for council consideration based on the straw poll results. Seconded by Mike Dolson. Carried, 5 for (Shelly Fyant, Mike

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Dolson, Anita Matt, Charmel Gillin, and Martin Charlo); 4 opposed (Len TwoTeeth, Bing Matt, Ellie Bundy McLeod, and Carole Lankford).

Chairwoman Fyant would prefer for the woodcutter committee to be put together prior to meeting with the superintendent. If that does not happen, then it appears there is a set agenda. The committee was established to facilitate the issues. Excluding the loggers/woodcutters defeats the purpose of the setting up a committee in the first place. It was formed to find a way to get them back to work. The council discussed the Code of Federal Regulations and had asked Fred Matt twice to go to the Inter-Tribal Timber Council on the process to make that happen, and it did not happen. Every time there is a meeting with Forestry and the woodcutters/loggers, it is a battle and nothing gets settled. Forestry has regulations they are required to follow, and the loggers want more money. **Carole Lankford** explained that we would need to go to congress to get the CFR changed. We would need to ask our congressional delegation to help us get it passed. It takes years to get a rule change. It is not something the Northwest Region can change. **Charmel Gillin** reviewed the council action that was taken on March 5, 2020 to develop an advisory committee for the purpose of more than one issue and with the intention of having all parties working together in a committee to look at the Timber Use Policy Statement as the living document is it and to be updated on a regular interval. The TUPS will be coming up for renewal again.

Martin Charlo reported that the Tribal Lands Department is having problems with trespassing and squatters. The BIA is not signing off on things like that due to a five-day rule and things not getting signed quickly. He asked if we could have the Legal Department look at speeding up the process internally, or can we put calls into Mr. Mercier at the BIA Office. Houses are getting broken into and people are living there, and the Lands Department cannot do much about it because the trespass doesn't go through our tribal courts and BIA is not doing anything about it. Having a meeting with the Superintendent would be a good idea. Martin will coordinate that discussion for next week.

Chairwoman Fyant informed council that the State Transportation Committee is coming out with a new five-year plan. There will be a section on rails and freight. That is something we could have Legal do public comment on for the Tribes. They are parking their cars on our property, especially in Dixon. Anita reported that the Nez Perce Tribe has the same problem since they park them over there too.

Chairwoman Fyant reminded council that there is a meeting on Thursday morning with the State-Tribal Relations Interim Committee. The year the legislation is not in session, the interim committee works on issues. This year there are four issues to be worked on. They do not meet with every tribe every year and this is our year to meet with them. It is a separate zoom meeting and that information will be posted on the tribal council website or Facebook page so

the membership can join that public meeting. The issues they will be discussing are: the Missing Persons Program, runaway youth, homeless shelter, motorcade HB 83, potential legislative proposals, and statistic reference changes in light of the Little Shell recognition. Then on Friday there will be updates to the COVID-19 response from the State, improving communication with tribes in child cases, and American Indian voting in Montana.

Carole Lankford commented on the remark that we cannot do anything to trespassers and squatters. We have the ability to take care of issues; it's a matter of know-how to take care of it. **Martin Charlo** explained that is what he was told, unless he misunderstood. He was told there was legal action to be taken. He's saying the BIA level is not backing what we need to do at times. There is also an issue of a lot of it is getting thrown out by the BIA due to the five-day rule. From when it documented, there are five days to get it to the BIA. Carole recommended meeting with the superintendent and having Lands find an expedited process for these issues. **Anita Matt** commented that we were waiting to get the certification of applicants from the Northwest Regional Office for the superintendent position when they were advertising it. **Chairwoman Fyant** advised that the Tribes have not received any correspondence from the Portland Area Office.

Council met in **executive session**.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 3:56 p.m., and is scheduled to meet again on Thursday, May 7, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary