

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

Volume 20 Number 55
Zoom Meeting

Held: May 7, 2020
Approved: May 12, 2020

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

MEMBERS ABSENT: Ellie Bundy McLeod, Secretary.

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

The meeting was called to **order** at 1:00 p.m. Quorum established.

The meeting was opened with a **prayer** by Mike Dolson.

The **Tribal Council Meeting Minutes** for May 5, 2020 were presented for approval.

MOTION by Anita Matt to approve the Tribal Council Meeting Minutes for May 5, 2020, with corrections. Seconded by Bing Matt. Carried, unanimous (8 present).

The **agenda** was presented for approval.

MOTION by Martin Charlo to approve the agenda, with changes. Seconded by Len TwoTeeth. Carried, unanimous (8 present).

Chairwoman Fyant discussed an email from Sonosky asking if the Tribes want to join the amicus brief in the *Texas v. California* case that is going to the Supreme Court regarding the Indian Health Care Act. We joined the first amicus when the case was before the Fifth Circuit Court. There is no cost to sign on to the amicus brief.

MOTION by Len TwoTeeth to join the amicus brief in the *Texas v. California* case. Seconded by Anita Matt. Carried, unanimous (8 present).

Kelly Parker, Department of Human Resources Development, informed council that the department would no longer be requesting approval of an employment

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agreement for the Assistant Cook position and the vacancy would be readvertised.

Kelly Parker, Department of Human Resources Development, requested approval to hire Mateel Plant and Jacqueline Wood, nontribal members, on one-year contracts as a Home Caregiver. They are not caring for family members, but they are willing to travel the reservation and take on a list of clients.

Charmel Gillin joined the meeting.

MOTION by Len TwoTeeth to approve a one-year contract with Mateel Plant as a Home Caregiver. Seconded by Martin Charlo. Carried, 8 for; 1 abstention (Charmel Gillin).

MOTION by Len TwoTeeth to approve a one-year contract with Jacqueline Wood as a Home Caregiver. Seconded by Fred Matt. Carried, 8 for; 1 abstention (Charmel Gillin).

Virgil Dupuis and **Doug Dupuis**, Salish Kootenai College, requested a letter of support for the control, management, and restoration of grasslands infested with annual invasive grasses for two research proposals. One proposal is for the grassland restoration and pollinator conservation on tribal land degraded by annual invasive grasses, and the other one is for esplanade herbicide injury to non-target perennial grasses. **Charmel Gillin** requested that the grammar errors be corrected and structure edits be made to the letter.

MOTION by Charmel Gillin to approve a letter of support, with corrections, for the control, management, and restoration of grasslands infested with annual invasive grasses for the grassland restoration and pollinator conservation on tribal land degraded by annual invasive grasses research project. Seconded by Fred Matt. Carried, unanimous (9 present).

Virgil Dupuis will return to council after he obtains review from the Preservation Office and the Natural Resources Department for the esplanade herbicide injury to non-target perennial grasses research project, and he advised he would make the edits requested by Charmel Gillin.

Tony Incashola, Jr. and **James Lozeau**, Tribal Forestry, followed up on previous discussions regarding the Spring 2020 tree planting contracts. On March 24, 2020, Tribal Forestry requested approval of the low bidder for fire rehab planting of Garden Creek and Rattlesnake, but COVID-19 became an issue and the tribal council directed the department to go with local planting crews to reduce the risk of COVID-19. Tony requested approval to award a contract to Watershed Restoration Group in the amount of \$117,000 for the Garden Creek project. The work will be completed within 20 days. There is a COVID-19 plan in place. WRG

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assured the department that their workers have not left the state of Montana and are not feeling sick. Tribal Forestry will do a trailer swap with them in a three-day turnaround time. One person will be on sight checking their plots daily. The other contract with a local tribal member contractor will come back to council next week after signatures are obtained.

MOTION by Fred Matt to approve the tree planting contract with Watershed Restoration Group out of the Bitterroot in the amount of \$117,000.00. Seconded by Bing Matt. Carried, unanimous (9 present).

Casey Ryan, Kidney Keepers, requested approval to amend the group-use permit for the Big River Run scheduled for October 24, 2020, contingent upon all the conditions being in place, such as the shelter in place restrictions being lifted. The permit was previously approved for the Klondike Road Relay, but it had to be postponed due to COVID-19.

MOTION by Charmel Gillin to amend the group-use permit for the Big River Run. Seconded by Anita Matt. Carried, unanimous (9 present).

Mark Couture and **Tara Irvine**, Tribal Lands Department; and **Tony Incashola, Jr.**, Mission Valley Travel Softball Team; discussed a request from the Mission Valley Travel Softball Team for a revocable permit to use the blue fields on Tract T-4118 in St. Ignatius. Options presented were: (1) approve a permit, waiving the use fee and bonding if the Mission Valley Travel Softball Team can provide proof of liability insurance coverage with the Tribes as a certificate holder, and pay a \$10 administrative fee; (2) deny the request; and (3) hold further discussion. There is a safety plan in place and social distancing protocols will be followed. The team will proceed with activities after the shelter in place order is lifted.

MOTION by Len TwoTeeth to go with option 1 and approve a revocable permit for the Mission Valley Travel Softball Team. Seconded by Martin Charlo. Carried, 6 for (Mike Dolson, Martin Charlo, Carole Lankford, Len TwoTeeth, Bing Matt, and Fred Matt); 2 opposed (Shelly Fyant and Charmel Gillin); 1 abstention (Anita Matt).

Mark Couture, Tribal Lands Department, discussed Lease 2758 (former White property). The lessee has requested that the Tribes replace the 40 HP irrigation pump that was destroyed in a fire on April 18. The fire destroyed the pump house, power pole, meter box, and control panel. Mission Valley Power believed the fire started in the control panel, but no fire reports were done by the responding agency. That lease contains 945 acres and has secretarial water rights coming out of the Little Bitterroot. The lessee pays \$4.65 per acre. All of the irrigation equipment, meter box, and improvements are the Tribes' assets. Provision 20 of the contract requires the lessee to keep the premises in good

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condition and all repairs are the lessee's responsibility, except usual wear and tear. The cost of a new pump is \$7,600. An 1800 RPM pump is needed there. The Lands Department has two 40 HP pumps in storage, but they are not the correct RPM rating. Options presented were: (1) approve the Tribal Lands Department to provide a pump to the lessee, if available; (2) approve the Tribal Lands Department to have the old pump rebuilt and cover the cost; (3) deny the request; and (4) hold further discussion. The Tribal Lands Department recommended approving option 3.

MOTION by Fred Matt to accept the Tribal Lands Department recommendation and go with option 3 to deny the request. Seconded by Len TwoTeeth. Carried, 7 for; 2 opposed (Mike Dolson and Anita Matt).

Anita Matt, for the record, "I am opposed because I think it should be something they could have worked out or paid half of it, or even a payback agreement. I am concerned as to what the person can do with this piece of land with no pump. Without a pump, they will lose the first crop."

Dan Lozar, Natural Resources Department, gave an update on the Falls Creek Irrigation structure design and reconstruction that is located downstream of the North Fork Jocko on the Tabor feeder canal. It is in need of immediate replacement, and Dan requested acceptance of BIA Irrigation funds to design and reconstruct the Jocko K and Lower J diversion structures. There will be new gates on the Falls Creek side and the canal itself so the canal only accepts the maximum amount of water it can take.

MOTION by Charmel Gillin to accept BIA Irrigation funds to design and reconstruct the Jocko K and Lower J diversion structures. Seconded by Anita Matt. Carried, unanimous (9 present).

Dale Becker, Natural Resources Department, presented a request from Adventure Scientists for a collection permit to document wildlife mortalities on portions of Highway 93 and Highway 28. The data would be useful as the department monitors the wildlife crossings on those roadways. Dale will ensure that the company complies with the COVID-19 safety guidelines.

MOTION by Martin Charlo to grant Adventure Scientists a collection permit to document wildlife mortalities on portions of Highway 93 and Highway 28. Seconded by Bing Matt. Carried, unanimous (9 present).

Dale Becker, Natural Resources Department, requested approval of a letter and attachments to Senators Tester, Senator Daines, and Representative Gianforte supporting funding of the Tribal and State Wildlife Grant Program to fund wildlife and fish projects. The program has applied for this funding since 2004.

MOTION by Bing Matt to approve the letter and attachments to Senators Tester, Senator Daines, and Representative Gianforte supporting funding of the Tribal and State Wildlife Grant Program to fund wildlife and fish projects. Seconded by Fred Matt. Carried, unanimous (9 present).

Dale Becker, Natural Resources Department, informed council of The Nature Conservancy's interest in transferring the Safe Harbor March Preserve to the Tribes and asked whether the tribal council would like to continue these discussions. There are trumpeter swans, bald eagles, and osprey in that area. It was the **consensus** of council to continue discussions.

Dale Becker, Natural Resources Department, requested approval of an emergency regulation to close hunter harvest of antlerless (cow and calf) moose by hunters on and off the reservation, due to a decline in moose population. The permit allocations are adjusted each year based on the data collected. **Len TwoTeeth** would like the membership education prior to taking an any action and have the information about the moose population declining in the Char-Koosta News. Dale advised that he would work with Steph Gillin to get a press release issued next week.

MOTION by Charmel Gillin to approve an emergency regulation to close hunter harvest of antlerless (cow and calf) moose by hunters on and off the reservation. Seconded by Fred Matt. Carried, 8 for; 1 abstention (Carole Lankford).

Greg Wilson, Natural Resources Department, requested approval of change order #1 to the Pablo Dam PMP #12 to extend the performance date to accommodate Reclamation's schedule.

MOTION by Martin Charlo to approve change order #1 to the Pablo Dam PMP #12 to extend the performance date to accommodate Reclamation's schedule. Seconded by Anita Matt. Carried, unanimous (9 present).

Greg Wilson, Natural Resources Department, requested approval of change order #1 on the Mission Dam PMP #11 Feasibility Study to extend the performance date to September 30, 2021.

MOTION by Charmel Gillin to approve change order # 1 on the Mission Dam PMP #11 Feasibility Study to extend the performance date to September 30, 2021. Seconded by Martin Charlo. Carried, unanimous (9 present).

Greg Wilson, Natural Resources Department, requested approval of change order 5 to extend the performance date to May 31, 2020 for the Kicking Horse

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Dam PMP #8 to prepare a draft document on what it would take on the schedule and budget to go through the final design on outlet works design phase two.

MOTION by Martin Charlo to approve change order #5 for Kicking Horse Dam PMP #8 design phase two. Seconded by Bing Matt. Carried, unanimous (9 present).

Rich Janssen, Natural Resources Department; and **Tyler Tappenbeck**, Flathead Lake Biological Station; requested approval of a collection permit for the Flathead Lake Biological Station to continue ongoing research on zooplankton, excluding the South Fork and Lozeau primitive areas.

MOTION by Fred Matt to grant a collection permit to the Flathead Biological Station to continue ongoing research on zooplankton, excluding the primitive areas. Seconded by Mike Dolson. Carried, unanimous (9 present).

Rich Janssen, Natural Resources Department; and **Tom Bansak**, Yellow Bay Biological Station; requested approval of a collection permit for the Flathead Lake Biological Station to continue the Columbian ground squirrel reintroduction and field studies at the Flathead Lake Biological Station.

MOTION by Anita Matt to approve a collection permit for the Flathead Lake Biological Station to continue the Columbian ground squirrel reintroduction and field studies at the Flathead Lake Biological Station. Seconded by Fred Matt. Carried, unanimous (9 present).

Rich Janssen, Natural Resources Department; and **Tyler Tappenbeck**, Flathead Lake Biological Station; requested approval of a collection permit for the Biological Station to continue monitoring the aquatic invasive species sampling. NRD staff accompanies them on the boat when they do the samplings.

MOTION by Charmel Gillin to approve a collection permit for the Biological Station to continue monitoring the aquatic invasive species sampling. Seconded by Bing Matt. Carried, unanimous (9 present).

Rich Janssen, Natural Resources Department; and **Tom Bansak**, Yellow Bay Biological Station; requested a collection permit for the Biological Station to look at lake and stream water for educational demonstrations and student research purposes for grades K-12 and interns. This permit has been approved for the last ten years. The intern program will only have all Montana-based interns.

MOTION by Fred Matt to approve a collection permit for the Biological Station to look at lake and stream water for educational demonstrations and student research purposes. Seconded by Mike Dolson. Carried, unanimous (9 present).

Seth Makepeace, Natural Resources Department, requested approval of a contract with McMillen Jacobs & Associates for a not-to-exceed amount of \$160,000 to do the preliminary engineering to design the irrigation diversion and fish protection structure on the Jocko K Canal. The contract was reviewed by Contracts & Grants, and the procurement policy and Indian Preference Policy were followed. The structure was originally constructed in 1885.

MOTION by Martin Charlo to approve the contract with McMillen Jacobs & Associates for a not-to-exceed amount of \$160,000 to design the Jocko K Canal headworks irrigation and fish protection infrastructure. Seconded by Fred Matt. Carried, unanimous (9 present).

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

Carole Lankford gave a report on a commission committee meeting she attended in Helena regarding reapportionment. They are preparing to draw the Montana legislative and possible congressional districts for the next decade. It will be based on the 2020 Census. People need to be educated to go to the website to do the census since the census will not be mailed to post office boxes. Population trends over the last decade moved to urban counties. Missoula County and Gallatin County have seen the most growth. It is important for the CSKT to stay on top of this commission. **Council** will follow up with the State-Tribal Relations Committee.

The Homelessness Committee gave an update on the homelessness issue. **Jody Perez** reported that the committee suggested that the Tribes hire a consultant to work on this problem could be beneficial. The committee members have full-time jobs that are demanding, so they cannot dedicate the necessary time needed to address homelessness. There are many resources available to the membership, but not every tribal member may know what is available or how to navigate through the process. The committee recommended that the tribal council require referrals from the Tribal Lands Department, Salish Kootenai Housing Authority, and Department of Human Resources Development before providing special assistance. The other recommendation was to create a directory available to the membership of what resources are available. The committee did not know where to refer people when they have exhausted all available resources and request additional assistance. The top four root causes of homelessness are a lack of affordable housing, unemployment, mental illness, and substance abuse. SKHA tests the housing units, and last year 43% of the housing units tested positive. The committee compiled a list of categories for hard-to-house situations. Possible short-term options were presented for consideration, such as purchasing additional emergency shelters. SKHA found some modular homes that could be moved here and placed on footings or a foundation. SKHA asked HUD to provide more guidance on third party meth

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contamination. It costs up to \$40,000 to clean a unit if it tested positive for meth. There are lots available at the Maggie Ashley Trailer Court. The Maggie Ashley Trailer Court Policy would need to be amended to allow for modulars there. Questions for this option included who would manage the units and pay the expenses; would there be a program for services, or would it be for short-term stay only; what happens if people get kicked out; and would the units be tested after move-out. The long-term options included having a substance abuse treatment center. The other option was to build tiny homes.

Janet Camel reported there are some vacant lots at KHJCC and some of the houses could be torn down there. There is a plan to demolish those homes, and she did not know if there was Department of Labor funding to do that. The sewer/water lines are getting assessed where to hook up homes. The ANA carryover was submitted, and Janet is waiting to hear if it is approved to develop a curriculum and tools for tiny home construction and having a tiny home trades program. SKC could use the old carpentry building for the curriculum. They need to go to council for a long-term plan for KHJCC. The idea was to build homes at KHJCC that people could live in while receiving financial assistance, counseling, and homeless people would be offered preference for homes. They could maybe get EDA grant funding to reconstruct those buildings. We could hire a contractor to teach the tiny home building. The other option is to purchase some Miller Barns sheds to be placed on a gravel pad. We would hire an electrician and plumber to do that work. **Charmel Gillin** commented that One Heart had developed guidance on different levels of care and financial data. We need to advertise for some consultation to develop a vision and mission and get the support base activated. There may be some funding sources available to get us through the first steps. We received our Treasury money today and that may be a possible funding source.

Jody Perez continued the presentation on long-term solutions. She discussed the Jason Moore project, which is co-housing communities project. Jason was developing tiny homes at Plum Creek. They would be constructed in the large buildings onsite and then moved on the parameter. They would have community support. There would be a community kitchen, water, and sewer if their home did not already have those. Once the person paid for it, they could move it off the Plum Creek property to wherever they wanted to have it set up. There are many collaborative groups working on the homelessness issue. Our efforts will have impacts on the issues directly related to homelessness and the root causes. A consultant could ensure that everything is streamlined and not duplicated. The permanent supportive housing project has been discussed for the past few years and blueprints were done for a 15-unit apartment complex. Early Childhood Services, the Department of Human Resources Development and the Tribal Health Department were going to have office space there. It was an \$11 million project. We would have had \$5 million of tax credits and there was not enough money to move forward. There was also a lot of pushback from the

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community to have it located in Ronan, so the project was paused. Jody wants to start that up again. Supportive housing is a long-term goal that would require financial support and collaborative manpower from several departments and the tribal council.

Katie Miller serves on the homeless committee for the State. They helped with 7 supportive housing units in Colorado. The programs need to run the supportive housing, not the developers. They need mental health and social services running it. **Anita Matt** commented that the committee also discussed working people through the system. Finding the money, support, programs, and the necessary staff would be needed to get it done. The Lands Department developed an application for special assistance, and it would be helpful in the short term if that form is used so each department could review it and know where the applicant has been to. It would also be helpful if we knew where individuals had already been when they come in and having a directory. **Chairwoman Fyant** commented that we need to look at sustainability and meeting the needs of our people. **Len TwoTeeth** suggested making a determination on how much of the COVID money we received could be used on this project. Shelly told him that the council has a meeting with Rick Eneas next week to discuss the funding. **Charmel Gillin** discussed next steps. She would like to request that the committee formalize what they heard into a statement that the council could support with an action or a consensus that lays out the development of stages that may lead to a consultant, and whether the committee has the ability to identify some consultants.

Council met in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

MOTION by Carole Lankford to adjourn the meeting. Seconded by Martin Charlo. Carried, unanimous (9 present).

Council **adjourned** at 5:30 p.m., and is scheduled to meet again on Tuesday, May 12, 2020, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Secretary