

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

Volume 21 Number 80
Zoom Meeting

Held: August 3, 2021
Approved: August 5, 2021

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

MEMBERS ABSENT: St. Ignatius District (Vacant).

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 9:01 a.m. Quorum established. **Charmel Gillin** is at a dental appointment and will join the meeting later.

The meeting was opened with a **prayer** by Carole Lankford.

The **Tribal Council Meeting Minutes** for July 29, 2021 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for July 29, 2021, with corrections. Seconded by Martin Charlo. Carried, 7 for; 1 abstention (Shelly Fyant – not present at meeting).

The **agenda** was presented for approval.

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

Chairwoman Fyant informed council of an invitation to the grand opening of the Montana State University American Indian Hall on Tuesday, October 12, 2021, at 2:00 p.m. Council members interested in attending need to let Jennifer Trahan know so she can RSVP and make travel arrangements. The CSKT contributed \$50,000 (\$10,000 per year for 5 years) to that project.

Chairwoman Fyant gave a report on the community meetings yesterday. There was a community meeting in Arlee yesterday at 4:00 p.m. regarding the Crooks fire. The Crooks fire is approximately 1,000 acres in size. It is not accessible,

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so they are preparing the edges in case they need to do a burnout. It is a long-term fire in a heavy wooded area. There are some road closures. The Jocko Canyon residents had questions about the evacuations. There is a sign-up sheet for notifications and individuals need to contact C.T. Camel for more information. The road from St. Mary's to the North Fork is closed. The main Jocko Road is closed at the 3000 Road junction. There was a community meeting yesterday at the Polson High School Gymnasium at 6:30 p.m. They had tried to livestream both meetings, but there were some technical difficulties. The Type 2 Incident Commander was in attendance. They took over at 0600 to give our crews some relief. The team came from northern California. They were on their way to an Idaho fire, but that order got canceled and they became available for us. Shelly attended the briefing this morning. Assessments of the area were done. Some of the residents are still evacuated and they were asking when they can get back in. The cherry growers are concerned about getting their pickers out in the next couple of days or they will lose their crops. There were various other concerns brought up, as well.

Tony Incashola, Jr., Bob McCrea, and Ron Swaney, Tribal Forestry/Division of Fire, gave an update on local fires. **Ron Swaney** thought the community meetings went well and were well attended. The cooperators, Lake County, Forest Service, Sheriff's Office, BIA Superintendent, and the Rural Fire Departments were in attendance. They spoke to the folks who were directly impacted by the Boulder 2700 fire. The folks that were evacuated have concerns. Highway 35 had an erosion problem before the fire and now that highway corridor is an area of concern. There were a significant number of power poles that were lost in the fire. The homes that survived have a lot of snags and areas of concern. There is a significant amount of work needed just to get the folks to be able to safely re-enter the area. They are trying to stop the fire from progressing north. There is a cluster of homes directly north on the east side of the highway. The fire is moving upslope. The team has a lot of immediate and long-term planning to do. Rick Connell, Incident Commander, National Forest, pulled the fire from us in a quick transition. They knew our crews were up for 40 straight hours and it was necessary to get our guys some rest, and they did that for us. Forest closures were discussed. The management of any closures and the cost of enforcement would need to be figured out. No fires have started due to forest activities. The inter-agency partners have really stepped up and provided some good support. They have the varsity team members in the Crooks fire and have a good plan in place.

Tony Incashola, Jr. does not think the neighboring forests will go into closure yet. Now that we have a team in here it is not necessary to close the woods. The local staff is available now. Tony recommended not closing the woods for now but build a plan if we need to in the future. He is not seeing many red flag days coming up. We could build a plan where we could close immediately if we need to. **Ron Swaney** reported that the weather forecast indicates it will be in the 70s

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next week. They could develop a plan and be ready to implement it if they need to. **Martin Charlo** commented that there were questions about the evacuations. **Tony Incashola, Jr.** advised that at noon today the Finley Point residents can go to mile marker 2 and meet with law enforcement. Residents must verify their residency to gain access. At Mahood Lane, north of Finley Point at Skidoo Lane, and anywhere south they can go back at noon, with proof of residence and a photo ID. The power is on at Finley Point. Mile markers 9 through 11 were impacted by the Boulder fire. **Chairwoman Fyant** announced that Senator Tester reached out yesterday and offered his condolences and offered any resources we need. Shelly missed a call from Deb Haaland because she was in a meeting, and she played the voicemail. Secretary Haaland offered any kind of help and expressed her condolences for the residences lost in the Boulder fire and she said it is a priority of theirs to help us. Secretary Haaland oversees the resources. The staff from Tester, Daines, and Rosendale's offices were in attendance at last night's meeting.

Bob McCrea commented that the fire is coming downhill. They are working hard at South Fork. The top part will be a challenge and they will probably use some of the road system from White Horse Lake and tie into something. That will be a tough one. There are tons of blowdown in there. That fire will be here until the snow flies and we will be dealing with it for a long time. **Anita Matt** asked about shutting down the woods. There was discussion last week about closing it from Seeley Lake down. Bob advised that they shut the road from Seeley Lake. It is shut below St. Mary's and at Pistol Creek. Anita suggested that the Division of Fire get with the Natural Resources Department and the Tribal Lands Department to get a plan going in case. Anita's fear is the recreation on those islands and having campfires on the rivers. She wants to see a plan come back so we are not scrambling to get it done and staffed by gate guards if it becomes a closure. **Tony Incashola, Jr.** stated that they still need to iron out some things and come up with options. Rick had suggested that the Natural Resources Department and Fish & Game plug in and take the lead since we are scrambled at the moment. Tony offered up Steve McDonald to plug in.

Bing Matt suggested getting Fish & Game to help with closures. The fire is directly behind Hank Adams' place. There was an old road across the canal that went up the ridge not quite a half mile, so a guy could get that and make a line on the old road back there and come back down on this side of Pistol Creek and that area. We could get Belmore Road open, along with the road by White Horse Lake that goes on that ridge back there. **Bob McCrea** commented that they looked at that ridge and thought about doing a double-bladed cat line in there. It is too late now, and it is burning down the other side of the ridge. It is to the point we cannot get in there. The fire up north is in some steep ridges. There is a lot of blowdown on the east shore. **Ron Swaney** commented that lightning is coming, and we will have a fire on the Mission front at some point. There have been some discussions in the past about doing some burns, and the only

management tool we have for our wilderness is to put fire on the ground in a controlled manner to protect our resources. **Bob McCrea** thinks it is just a matter of time. If we do not manage the buffer zone from the north end to the south end, we will have an instant replay of what happened this weekend and then we would be putting people at risk. Bob hopes this opens the eyes of people so we can start to do something in the buffer zone to manage it properly.

Chairwoman Fyant announced that LSAR Life Savers can haul and/or house pets and livestock. She gave the contact information to C.T. Camel. There is a team at the Tribes who can help people navigate the homeowners insurance process, and Jami Pluff is the contact person. Jami can be reached at 406-249-7921. **Ron Swaney** commented that if the governor does visit on Thursday, he would appreciate it if Chairwoman Fyant was there to represent us. The briefing is at 7:00 a.m. Ron will provide more information to Shelly. **Len TwoTeeth** commented that we have many employees that were evacuated due to the fire, and he wants to grant those employees administrative leave so they can take care of things. **Chairwoman Fyant** advised that Rick Eneas spoke to the department heads about the supervisors being flexible in schedules so the employees can deal with issues related to being evacuated.

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

Mike Kenmille gave an update. Everything is good and he is working with Maintenance regarding the Elmo pow wow grounds. He handed in his wish list and wants to get moving on things before the pow wow next year.

Trish White and **Amelia Adams**, Victim Assistance Program, requested approval of an updated resolution for the Safe Harbor grant.

MOTION by Martin Charlo to approve the updated resolution for the Safe Harbor grant. Seconded by Carole Lankford. Carried, 8 for; 0 opposed; and 0 not voting.

RESOLUTION 21-098

RESOLUTION SUPPORTING THE 2020 APPLICATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, FAMILY VIOLENCE PREVENTION AND SERVICES PROGRAM

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

WHEREAS, the Tribal Legal Department is charged with the responsibility of enforcing the criminal law as it pertains to the crimes arising out of domestic violence, dating violence, sexual assault, and stalking; and

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WHEREAS, domestic violence, dating violence, stalking and child victimization violates an individual's privacy, dignity, security, and humanity by means of systemic physical, emotional, sexual, psychological and economic control and/or abuse; and

WHEREAS, by providing the reservation community with appropriate education and knowledge of domestic violence, dating violence, stalking, and child victimization, we can begin to alleviate the heinous crimes in our communities,

WHEREAS, these funds are available from FY 2021 thru FY 2023 to continue services provided by the Victim Assistance Program and the sub grantee SAFE Harbor, services which include, but are not limited to, shelter and related assistance for victims of domestic violence, dating violence, sexual assault, and stalking, **NOW, THEREFORE**,

BE IT RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes approves submission of the application to the Family Violence Prevention and Services/ grants for Domestic Violence Shelters/ Grants to Native American Tribes and Tribal Organizations program; and

BE IT FURTHER RESOLVED, that the Chairperson of the Tribal Council or her designated representatives are authorized to negotiate and execute the application on behalf of the Tribes.

Corky Sias, Department of Human Resources Development, requested approval to submit a grant application to the Federal Transportation Administration for operating and preventative maintenance funds for the Transit program in the amount of \$836,336.00. **No action taken.** Chairwoman Fyant requested that Corky submit a resolution as required for the grant. Corky was rescheduled for 1:00 p.m.

Charmel Gillin joined the meeting.

Ruth Swaney, Financial Management, presented an overview of the second quarter financial report.

Rhonda Swaney, Shane Morigeau, Daniel Decker, Brian Upton, Mary Price, and **Michael Wheeler**, Legal Department; and **Ryan Rusche**, Chief of Staff; requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

MOTION by Carole Lankford to ask Legal to draft the papers to decriminalize marijuana on the reservation. Seconded by Martin Charlo. Carried, unanimous (8 present – Ellie Bundy McLeod out of the room).

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

Corky Sias, Department of Human Resources Development, requested approval of a resolution authorizing the submission of the FY19 5311 Formula-Operating and Preventative Maintenance funds from the Federal Transportation Administration in the amount of \$836,336. **No action taken.** Council directed that the typos be corrected and presented back for consideration.

Rich Janssen, **Tom McDonald**, **Dan McClure**, and **Lester Bigcrane**, Natural Resources Department; and **Clayton Matt**, Tribal Services; discussed nonmember outdoor recreation on tribal lands and presented options for consideration. Issue No. 1: The tribal backcountry campsites are full and tribal members are being displaced by nonmember campers in the semi-developed campsites. Options presented were: (1) develop more designated camping areas and increase capacity at current areas; prohibit overnight camping for nonmembers on tribally owned lands unless accompanied by an adult CSKT member; reserve overnight camping for tribal members and nonmembers who are accompanied by adult CSKT members; and implement Forest Plan public access restrictions for the plan's landscape. **Carole Lankford** has had tribal members wanting to reserve Blue Bay for tribal member use only. That would have an impact on revenue. **Chairwoman Fyant** thought if we reopened the lodge that could make up for the lost revenue from nontribal members. **Tom McDonald** stated that the program provides recommendations for consideration. Any regulation changes would require a 30-day public comment period. **Len TwoTeeth** clarified that the target audience he was referring to as nonmembers are the out-of-staters that have moved into this area. Most of the license plates he has seen at Blue Bay are from Utah and California. Len wants to move cautiously when we are limiting use by nonmembers, because many of the local nonmembers have close ties to our community and tribal members. Many of those out-of-staters are kicking our tribal members off tribal lands.

Issue No. 2: There is a perception that many nonmember recreationalists are not licensed and are doing illegal activities such as ATV off-road use, antler gathering, berry picking, big game hunting, etc. and in areas along the Flathead River corridor, upper Jocko basin, Big Draw, and Mission Mountain Buffer Zone. Options presented were: (1) increase full and part-time Game Warden positions; (2) create two portable Warden staff or Gate Guard staffed visitor check stations; (3) establish year-round Gate Guard residences and staffing to provide permanent check points at high-use recreation areas; (4) install live remote cameras where feasible and protected to monitor use activity and compliance; (5) increase number of thick metal vandal-proof regulation signs and install

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surveillance cameras; (6) dedicate sites for certain uses to relieve potential illegal activities, i.e. creating an off-road ATV park to keep users away from the river corridor. There is a 97% compliance rate of nonmembers having a recreation permit. Out of 2,100 compliance checks, there were 50 citations issued. There are so many people moving into this area and there are capacity limitations. The department had previously submitted a budget to add additional Game Wardens and staff to perform additional compliance checks, patrolling, and just having a presence.

Chairwoman Fyant questioned the compliance rate. She spends a lot of time in the South Fork and has seen very few Game Wardens in that area. **Anita Matt** has received complaints about nonmembers using our lands for their businesses. She does not believe the \$100 price is high enough. It is unbelievable what they are doing to the landscape when they are recreating. We could use that money to hire more staff. Anita is not sure that it is worth what is happening to the landscape, and she is not sure if the cost outweighs it. One option is to close all the tribal lands and let it regenerate. **Tom McDonald** explained that the numbers provided were based on the number of random compliance checks that were done in the last quarter. One question is if there is any reason for nonmembers to be in Big Draw or up Garceau Gulch or top of Ferry basin and in these different locations that are not destination recreation areas. Those can be closed to just tribal member use only and focus on valley areas and other parcels that have strings attached for funding that require public access and manage those areas and close the other landscape. There was a discussion point on what is the threshold that these people are willing to pay and if it will cause a significant revenue boost. One recommendation is to raise the fee to \$100. The CSKT could have a river corridor stamp with a separate fee schedule. That idea was brought up many years ago. There could be a regulation where nonmembers can have access certain times of year and specific days only so there is time and lands that are set aside for tribal member use only. There can be an application process to apply for a recreation permit so the long-term residents can still recreate. We could expand to all of the reservation landscape requiring nonmembers to be accompanied by an adult tribal member from the CSKT to recreate on tribal land. Tom talked about nonmember employees of the Tribes being granted use of tribal lands. These are the things discussed in the meetings they held to date. Issues brought up were about tribal employees, descendants, split families, long term friends of the tribe that are residents, and how that would affect businesses. The sooner any steps are taken, the easier they can get a handle on it.

Lester Bigcrane stated that many of the Washington and Idaho residents are at Blue Bay, and many of those are cherry pickers. **Dan McClure** informed council that they remove campsites that are unattended at Blue Bay. They try to get the tribal members to remove their belongings after 30 days. Most of the stuff they remove has been abandoned and the bears and people have already rummaged

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through it, and it turns into a big garbage pit. If they do not know who owns it, they look through the trash to try to identify who it belongs to and notifies them to pick it up. They hold those belongings in the compound for 30 days and then it is turned over to Twice But Nice if it's something that can be used (such as tents). There is a slide-in camper at the North Fork where the horses are to be unloaded. They know who owns it and notified her to remove it, but she has not done it as far as he knows. If the owner refuses to move it, then Les is notified to remove it so people can use those campsites.

Lester Bigcrane stated that the Blue Bay regulations allow people to stay there all summer as long as they move to a different campsite after 14 days as long as they in compliance of the rules. The campsites must be occupied nightly. Some people leave their campsite all week and only show up on the weekends. The staff will bag and tag the abandoned campsite and store it in the shed. It becomes a problem with bears in the area. There has been an ongoing problem of people leaving food in their tents and leaving their campsite unattended. The other problem this causes is that the paying customers or tribal members cannot use the campsite. **Bing Matt** received a complaint where someone rented a campsite for three days and when she came back her belongings were gone. Lester responded that he could check into it if he knows the details. The campsites were evacuated Saturday evening and the roads are closed. Bing said he will text the name to Tom McDonald. **Chairwoman Fyant** wants to get some feedback on these recommendations at the tribal council district meeting.

Len TwoTeeth commented that as we develop this and move forward, he asked them to add the former Cathy Hamel property that the Tribes now own. He wants to start looking at restrictions for that site because there has been a lot of members of the Elmo community letting him know the significance of the area and they prefer only allowing tribal members to use that area. **Tom McDonald** assumed that the acquisition was not designated for any use. The maximum use developed would be for tribal member use only. Lester can develop a management plan for it. Tom did not envision that parcel being used for anything other than tribal member use. March 1, 2022 is the tentative date that the program would implement the river corridor stamp. That is based on the length of time it takes for regulation changes to go through and allow for public comment. **Council** took the recommendations under advisement and will obtain tribal member input. **Tom McDonald** informed council there are two tribal member vacancies on the Reservation Fish & Wildlife Board. Terry Tanner retired and Whisper Camel-Means resigned from the Board. Tom would like to get the replacements appointed to the board.

Corky Sias, Department of Human Resources Development, requested approval of a corrected resolution authorizing the submission of the FY19 5311 Formula-Operating and Preventative Maintenance funds from the Federal Transportation Administration in the amount of \$836,336.

MOTION by Martin Charlo to approve by resolution submission of the FY19 5311 Formula-Operating and Preventative Maintenance funds from the Federal Transportation Administration in the amount of \$836,336. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 21-099

**RESOLUTION AUTHORIZING CSKT TRANSIT AND FLATHEAD TRANSIT
FY19 5311 FORMULA-OPERATING AND PREVENTATIVE MAINTENANCE
FUNDS FROM THE FEDERAL TRANSPORTATION ADMINISTRATION IN THE
AMOUNT OF \$836,336 FOR OPERATING AND PREVENTATIVE
MAINTENANCE EXPENSES**

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

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes is the duly recognized governing body of the Flathead Reservation; and

WHEREAS, the Confederated Salish and Kootenai Tribes have directed the Department of Human Resources Development to continue efforts to seek resources for the families in need including finding ways to increase transportation opportunities for those who are disabled, elderly, unemployed, and lacking transportation; and the Tribal Council has asked the Department of Human Resources Development to seek these types of funds for the one-stop environment and provide transportation services to those who need it the most; and

WHEREAS, The Department of Human Resources and Development is requesting approval for funding in the amount of \$836,336 per year, project under the Department of Human Resource and Development, this grant will be administered by CSKT and used to provide continue supporting the operation of the tribal transit program including facility maintenance;

NOW, THEREFORE, BE IT FURTHER RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes supports the acceptance of funds from the Federal Transportation Administration in the amount of \$836,336 for operating and maintenance expenses for the tribal transit program.

Len TwoTeeth announced that Kiowa Incashola has some tee shirts for sale, and he can share the order form if they want to order one. The tee shirt will have a Cooking With Kiowa logo on it.

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

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Mark Couture, Tribal Lands Department; **Stu Levit** and **Michael Wheeler**, Legal Department; requested to meet with council in **executive session** to discuss the Tribal Lands Ordinance revisions.

Council reconvened into **regular session**.

MOTION by Bing Matt to adjourn the meeting.

Council **adjourned** at 4:13 p.m., and is scheduled to meet again on Thursday, August 5, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary