

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

Volume 21 Number 81
Zoom Meeting

Held: August 5, 2021
Approved: August 10, 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.

The meeting was opened with a **prayer** by Martin Charlo.

The **Tribal Council Meeting Minutes** for August 3, 2021 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for August 3, 2021, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

The **agenda** was presented for approval.

MOTION by Len TwoTeeth to approve the agenda, with changes. Seconded by Anita Matt. Carried, unanimous (9 present).

Steve Stanley introduced himself to the tribal council. Mr. Stanley is the new Lake County Commissioner from District 2, due to Dave Stipe resigning from the position. He used to work as the Disaster Emergency Coordinator for Lake County and retired after 31 years of employment. He stated that the County DES worked well with the Tribes. Mr. Stanley talked about how they handled fire management in the past and he hopes to work well with the Tribes in his new capacity. **Council** congratulated Mr. Stanley on his appointment and they look forward to working with him in the future.

Tony Incashola, Jr. and **Ron Swaney**, Tribal Forestry/Division of Fire, gave a fire update. The Crooks Fire is in the Jocko Canyon. It has the most team members involved, and they will be trying to push up the fire. Ron requested an incident management team to manage it safely. It came out as a complex incident. We cannot engage with getting people in there safely. It is unlikely we will get an incident management team though. It required requesting a team, though, so Ron made the request. The other fire is Boulder 2700 located east of Polson. The concern is as the fire progresses uphill; it pushed into one of the drainages yesterday. Ron is certain this team will not be able to get around the fire so they may need to request a second team to assume command. This current team will be here for 14 days. Lands is staffing some road closures to keep people out of the area. Those closures are becoming a drain and making Ron consider forest closures. They need every firefighter available to fight fire instead of being concerned about road closures. It pulls their attention away from the task at hand. **Chairwoman Fyant** reported that Rick Eneas has a plan in place where we could easily mobilize land monitors from the last closure they did due to the pandemic. We could close the forest entirely. Shelly attended the cooperators meeting yesterday with the command team, US Forest Service, BIA, Montana DNRC, Lake County law enforcement, and the Volunteer Rural Fire Departments from Arlee to Bigfork. Shelly recorded the meeting and needs to figure out how to get it off her phone, so she will get some technical assistance and send it out to everyone. Governor Gianforte was at this morning's briefing. He talked about the most important thing was what are our needs. The team relayed more air assets. The main strategy right now is using the water, helicopters, and planes to dump water on the fire. The governor stated it is the number one fire in Montana; early on it was the number one fire in the nation, but things change daily and hourly. **Rick Connell**, Incident Commander, is here and is working with the CSKT. Mr. Connell recommended approval of the closure of a portion of Flathead Lake near the Boulder Creek fire. **Rich Janssen**, Natural Resources Department, requested approval of a resolution approving the emergency closure of a portion of Flathead Lake located at Skidoo Bay adjacent to the Boulder 2700 Fire within the exterior boundaries of the Flathead Indian Reservation due to extreme fire danger and so they can scoop water from that area.

MOTION by Charmel Gillin to approve the resolution approving an emergency closure of a portion of Flathead Lake located at Skidoo Bay adjacent to the Boulder 2700 Fire within the exterior boundaries of the Flathead Indian Reservation. Seconded by Anita Matt. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 21-100

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE CSKT:

WHEREAS, on August 4, 2021, the Tribal Council proclaimed a State of Emergency that exists on the Flathead Reservation as a result of the threat of extreme fire weather; and

WHEREAS, the preservation of public health, safety, Tribal property, wildlife and natural resources, and general welfare of the Tribes and people throughout the entire Reservation is among the highest priorities of the Tribes; and

WHEREAS, pursuant to the Tribal Constitution and Ordinance 109-A, the Tribes have the authority to regulate and manage the use of Reservation Waters to preserve and protect them; and

WHEREAS, the Tribal Council on advice from the Incident Command Team of the Boulder 2700 fire finds it necessary for all persons on the Reservation utilizing any type of marine watercraft whether it be motorized or non-motorized or personal floatation device to adhere to an emergency closure of a portion of Flathead Lake located at Skidoo Bay adjacent to the Boulder 2700 Fire within the exterior boundaries of the Flathead Indian Reservation; and

WHEREAS, this closed portion is described as Boulder Creek to Station Creek beginning at the shore and extending ½ mile out into Flathead Lake. This is located on the east shore of Flathead Lake; and

WHEREAS, this request is to reduce the possibility of members of the public from unsafely accessing the interior of the fire perimeter with watercraft and to facilitate the effective and safe usage of aviation resources in proximity to the fire; and

WHEREAS, this closure is effective immediately and shall remain in effect until revoked and shall be implemented consistent with applicable law; and

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council hereby issues the above-mentioned closure to become effective immediately.

Steve McDonald, Tribal Forestry, requested approval of modification 1 to the Eva Paul Del Logging Unit contract.

MOTION by Len TwoTeeth to approve by resolution modification 1 to the Eva Paul Del Logging Unit contract. Seconded by Mike Dolson. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 21-101

RESOLUTION APPROVING MODIFICATION #1 EVA PAUL DEL LOGGING UNIT CONTRACT NO. F203C20021

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

WHEREAS, The Superintendent, Flathead Agency, Pablo, Montana approved Timber Contract No. F203C20021, Eva Paul Del Logging Unit, between the Confederated Salish and Kootenai Tribes, the Seller; and Lonepine Logging, the Purchaser; and

WHEREAS, Tribal Forestry is seeking permission to approve the action of allowing Lonepine Logging to process and deliver timber from the fuel break developed within the perimeter of the Crooks Fire in the Jocko, which is adjacent to the Eva Paul Logging Unit;

WHEREAS, the timber will be added to the Eva Paul Contract and stumpage for the material will be collected at the same rate as the Eva Paul Logging Unit Rates; and

NOW, THEREFORE, IT IS HEREBY AGREED THAT: Tribal Council shall approve the action of allowing Lonepine Logging add the processed and delivered timber from the Crooks fire fuel break to their Eva Paul Logging Unit;

FURTHER, it is mutually understood and agreed that except as herein expressly specified, the Timber Contract shall remain in full effect and force, binding upon the parties thereto, and this Modification of Contract shall become effective upon approval by the Approving Officer.

Ron Swaney continued the fire update. **Ellie Bundy McLeod** had heard 20 structures were burned in the fire and she wanted the current numbers. Ron thinks the numbers are higher than 20 looking at structures (primary homes to outbuildings). **Chairwoman Fyant** heard it was 8 homes and 22 structures at this morning's briefing. Ron requested that the tribal council close the forest to eliminate risks to the public and eliminate person-caused fires. It would be extended until everyone agrees they feel comfortable allowing people in the woods again. **Charmel Gillin** supports the request, but she wanted to know if there was a resolution or an operations plan that goes with it. **Rick Eneas**, Tribal Executive Officer, stated that he could get something put together by this afternoon and focus on the high-needs areas. **Tony Incashola, Jr.** has been in contact with Rick Eneas. We can initiate the plan that the Natural Resources Department had in place last year for the recreation areas that were closed and further define what the other high priority needs are. **Rick Eneas** will work with the Legal Department on drafting a resolution and present back for council consideration.

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

Charmel Gillin left the meeting.

Mark Couture, Tribal Lands Department, requested approval for the Tribal Lands Department to retain the proceeds from the sale of two homes (former Caye and Brown Ranch) to cover property management costs. **No action taken.** Chairwoman Fyant advised it needs to go to the Budget Committee.

Mark Couture, Tribal Lands Department; and **Doran Dumont**, Tribal Member; requested to meet with council in **executive session** to discuss a land issue. **Delphine Bourdon** was present for discussion.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to start the process of adding Doran Dumont to the leases after getting confirmation from the lessees. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Martin Charlo); 1 not voting (Charmel Gillin out of the room).

***Martin Charlo**, for the record, "We don't have all the information so I'm not supporting this action."*

Greg Spahr and **Mariah Camel**, Cash Flow & Investments; and **Brian Lipscomb**, Energy Keepers, Inc.; discussed a request from Energy Keepers, Inc. for approval of Amendment 1 to the loan agreement between Energy Keepers, Incorporated and the CSKT to extend the maturity date from the Lender Agreement, Security Agreement, and Promissory Note dated July, 31,2018 (The "Loan Agreement") from July 31, 2035 to July 31, 2050 (15-year extension to the term); adjust the interest rate during the first 10 years from 3.10% to 3.09% and allow the rate to float in five-year subsequent increments over 20 years; and move the payment date to September 1st of this and each subsequent year until the loan is paid off. **Len TwoTeeth** mentioned that he has received many questions from the membership about Energy Keepers, Inc. and S&K Gaming. **Brian Lipscomb** explained that this is part of the implementation of the strategy identified in the Annual Operating Plan.

MOTION by Martin Charlo to approve by resolution Amendment 1 to the loan agreement between Energy Keepers, Incorporated and the CSKT to extend the maturity date to July 31, 2050, adjust the interest rate during the first 10 years from 3.10% to 3.09% and allow the rate to float in five-year subsequent increments over 20 years, and change the payment due date to September 1, 2021 and each subsequent year until the loan is paid in full. Seconded by Ellie Bundy McLeod. Carried, 8 for; 0 opposed; 1 not voting (Charmel Gillin out of the room).

RESOLUTION 21-102

RESOLUTION AUTHORIZING THE FIRST AMENDMENT TO THE LOAN AGREEMENT BETWEEN ENERGY KEEPERS, INCORPORATED (EKI) AND THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD NATION, AN INDIAN TRIBAL GOVERNMENT ORGANIZED PURSUANT TO SECTION 16 OF THE INDIAN REORGANIZATION ACT OF 1934 (USC 476) (LENDER) ON THE FOLLOWING TERMS AND CONDITIONS

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

WHEREAS, the Tribes established Energy Keepers Incorporated, a federally chartered corporation that is wholly owned by the Tribes. With the purpose to operate and maintain Selis Ksanka Qelispé' (SKQ) Project and all its related assets on behalf of the Tribe.

WHEREAS, the Lender seeks to establish fair and equitable lending facilities to its Corporations and may review request to modify existing lending arrangements from time to time. And when practicable, the Tribes seek to make accommodations to such arrangements at the shareholder's discretion.

WHEREAS, EKI the Borrower seeks to:

- (A) Extend the maturity date from the Lender Agreement, Security Agreement, and Promissory Note dated July, 31, 2018 (The "Loan Agreement") from July 31, 2035 to July 31, 2050 (15-year extension to the term)
- (B) Adjust the interest rate during the first 10 years from 3.10% to 3.09% and allow the rate to float in five-year subsequent increments over 20 years.
- (C) Move payment date to September 1st of this and each subsequent year until the loan is paid off.

NOW, THEREFORE, BE IT RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the First Amendment to the promissory note between CSKT and Energy Keepers Inc. (EKI) and shall be adopted as included.

Charmel Gillin returned to the meeting.

Ron Swaney, Division of Fire, returned to council regarding this morning's discussion. Closing the woods was a hasty decision. We have some road closures around the fires. He spoke to Rick Eneas, and Rick told him he could provide some personnel to staff those. That is a concern for the Incident

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Commander, so if we could cover that piece Ron feels better about keeping the woods open. Boulder is a human-caused fire and is under investigation. **Chairwoman Fyant** is in favor of the closing the woods for the month of August, due to the current conditions. Shelly flew over both fires and there is a lot of downfall. We really need to push arson reporting. The phone number is 1-800-47-ARSON and the website is www.wetip.com. **Len TwoTeeth** commented on the high number of out-of-staters in this area and recreating on tribal lands. A tribal employee reported there was an abandoned campfire. Len supports a closure. **Rick Eneas** commented that the Incident Commander is asking for a closure due to safety concerns and staffing needs are hampering that, so Rick is working on a plan to address it. The discussion on Tuesday with the rest of the Forestry and Division of Fire staff had a let's get a plan in place for when it makes professional sense to shut down, and that is what we are working on. He can come back with that. That is something we could do. Rick does not think we can get something meaningful that addresses the many varied aspects by this afternoon, unless it is a blanket closure. But that is not the professional resource's advice. They are continuing to work on a plan and unless there is a request to expedite it, Rick will bring that back next week.

Rhonda Swaney, Legal Department; and **Rick Eneas**, Tribal Executive Officer; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

Martin Charlo extended his thanks to his co-workers and everyone who stayed here last night counting the ballots and thanked everyone for watching the livestream. December 18 is the general election.

Len TwoTeeth talked about increasing compensation for the election judges. They work late hours, and last night was a good example of it. Council agreed to do that but never took official action, so we need to discuss it with Rick about what type of increase we are talking about. That is a lot of work, and it takes away from their families. They maintain the integrity of the election process. Jennifer advised that Rick increased compensation already. **Chairwoman Fyant** will bring back that information to council.

Carole Lankford gave a shoutout to Char Neal for taking care of two hospital issues. She worked outside the box to figure it out. Carole mentioned a land issue regarding Adelle Vincent that came in this morning. She thought it needed to go to the Lands office to get resolved before coming into council. Another issue is an elder was part of the event for tablets. She was asked for a driver's license and social security papers. She got back the license, but they kept the social security papers. She needs those papers back and does not know what happened to them. Carole asked Johnathan Owens about it, and he said the Tribal Health Department is not directly involved but a Tribal Health employee

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is involved. Mr. Owens will put out a notice to everyone of this process not being done by the Tribal Health Department and for people to be cautious about what they are giving out. Carole hopes that lady gets her social security papers back. Carole discussed a black mold issue she brought up a long time ago. She wanted to know if it was addressed or is something the council wants staff to follow up on. The guy was never contacted. There should be some contact by Tribal Credit or someone.

Council met in executive session.

Council reconvened into **regular session.**

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

Jared Silverman, HATCH; and **John Holm**, Pyxera Global; discussed a project they would like to partner with the Tribes on. Their mission is connecting people to a global network and resources to accelerate climate change. The Earth is undergoing a rapid transformation of not having enough goods, materials, and resources. Their goal is to turn materials into product. Waste management and recycling is typically viewed in a vacuum. They could take that waste management system to make it useful. They want to do an assessment of waste management to understand the opportunities to improve waste management from the community perspective. After the assessment is done, they would develop interventions on behalf of the Tribes and be stewards of those proposed interventions to seek external resources for implementation. Regardless of the interventions proposed, the CSKT would own and manage any projects that come out of this process. The next steps would be (1) connection to key contacts within the Tribes to guide the assessment; (2) linkages to key stakeholders on and off the reservation; and (3) planning for waste characterization study in mid-September. **Chairwoman Fyant** stated that climate change is a priority of ours. The CSKT joined the We Are Still In initiative. The National Congress of American Indians has a specific climate change task force and looking at best practices. She thinks what they are talking about involving waste management infrastructure, we couldn't go wrong with that if the Tribes were to look at that. She is interested in pursuing this project. Shelly worked at the former Kicking Horse Job Corps Center and worked on a Go Green initiative in 2010. They had a campaign that every day was Earth Day. They organized a Go Green Fair and they did a recycling challenge. Mike Durglo established a youth group called EAGLES (Environmental Advocates for Global and Local Ecological Sustainability). They won two governor's awards two years in a row. The youth did an energy audit in the Arlee School. Martin Charlo has promoted reimplementing our recycling program ever since he has been on the council and has requested recycling bins. Shelly referred them to Mary Rose Morigeau who works for the Environmental Department and provides recycling trailers; and Velda Shelby is the Economic Development Director.

Whisper Camel-Means and **Shannon Clairmont**, Natural Resources Department, returned to council to continue discussions on bison surplus options. There was no capture in 2020 due to the pandemic. They recommend removing 35-40 bison, aged one to four. 5 would go to other conservation herds and 30-40 would be sold through a live auction.

MOTION by Martin Charlo to accept the recommendations from NRD for the surplus bison options. Seconded by Anita Matt. Carried, 8 for; 1 abstention (Mike Dolson).

Chairwoman Fyant informed council that Rick Eneas increased compensation for the election judges. Rick asked Pete White to follow up on the house in St. Ignatius. Rick is following up on the issue of contractors/equipment; he is getting more information on best value of contracts and will report back to council. Council wanted to get a briefing from Legal before the Solicitor's meeting with Mission Valley Power, so they will get that before proceeding.

Martin Charlo asked that the Whiskey Trail Ranch be on next week's agenda. Jennifer was directed to make a note of it.

Ellie Bundy McLeod informed council that she was invited to give a MMIP presentation at the National Native American Law Enforcement Association Annual Training Conference in Las Vegas on August 24. The Tribes would be required to cover her travel expenses. She will also be able to take part in the training conference. **Council** agreed to pay the cost for Ellie to travel to Las Vegas.

Len TwoTeeth informed council of a Health Conference in Billings August 16-18 that is being sponsored by the Rocky Mountain Tribal Leaders Council. Len is unable to attend, so he asked any interested council members to let him know if they want to attend in his place. He will email the agenda to council. The travel expenses will be paid for by the RMTLC. **Council** will check their schedules. **Martin Charlo** will be gone the morning of August 19. **Ellie Bundy McLeod** will be at the State MMIP Task Force meeting in Billings on August 12. **Anita Matt** has ongoing appointments in August.

Carole Lankford informed council that she had Turquoise Devereaux write up an invoice to give a presentation to the tribal council on historical trauma. Carole sent an email to the chairwoman on the dates she is available. There is a cost for that if council wants to do it. Turquoise would like to do it on August 12, but she is available some other dates. **Council** showed interest in having the presentation. It was the **consensus** of council to have Turquoise give a presentation on historical trauma on August 17.

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Council met in **executive session**.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to adjourn the meeting.

Council **adjourned** at 2:05 p.m., and is scheduled to meet again on Tuesday, August 10, 2021, at 9:00 a.m.

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/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary