

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

Volume 21 Number 82
Zoom Meeting

Held: August 10, 2021
Approved: August 12, 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 9:03 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for August 5, 2021 were presented for approval.

MOTION by Charmel Gillin to approve the Tribal Council Meeting Minutes for August 5, 2021, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

The **agenda** was presented for approval.

MOTION by Anita Matt to approve the agenda, with changes. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

Thomas “Sonny” Lozeau, Tribal Member, met with council in **executive session** to discuss a personal matter. **Shana Radford**, BIA Superintendent; **Craig Couture**, Law & Order; **Mark Couture**, Tribal Lands Department; and **Jody Perez** and **Sharon Earthboy**, Salish Kootenai Housing Authority; were present for discussion.

Council reconvened into **regular session**.

Ron Swaney, Division of Fire, gave an update on local fires. The Crooks fire has some Oklahoma folks plugged in. The Bitterroot National Forest and Swan State

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Unit are providing assistance and Navajo country is well engaged. They are building a box around the fire and focusing on the Jocko Canyon. The fire is currently 1,088 acres in size. A local type 3 level team is managing the fire. Ron met with Rick Connell this morning regarding the Boulder 2700 fire. That team is going to turn the fire back to the agency on the morning of August 15. The fire is currently 2,072 acres in size. The Chief Mountain Hotshots from Browning are providing assistance. Resources will be critical. Our geographical area dropped in priority and is currently number 3 in the nation. That is taking available resources out of the system. They are slowly reintroducing the public into the area on Highway 35. There have been problems with runoff. A Burned Area Emergency Rehabilitation (BAER) team was ordered, and Darryl Martinez has that in place. BAER is a national team that looks over areas of concern and builds a plan to mitigate some of the possible destruction that could come after the fire. A comprehensive management plan and implementation plan are being developed so the critical activities can be completed in a timely fashion. The BAER team will be meeting with the Tribal Council later today. There was a town meeting in Arlee last night regarding the Crooks fire, and Ron appreciated the council members that were in attendance. The community provided support to the firefighters. At some point we will need to hold a community meeting for the Boulder 2700 fire. Ron will be meeting with Rick Connell to develop a glide path to bring the Boulder fire back to the Tribes to manage. The division lost about 7 people to new jobs. A lot of them moved to Mission Valley Power and the Bison Range. It has been a challenge to retain folks. He would like to bring the wages to a comparable scale of programs that do this type of work. Ron worked with the Personnel Department regarding standardized position descriptions and asked Renee to present that to the company that was involved with CSKT. The Division of Fire is a federally funded program through the Bureau of Indian Affairs. **Chairwoman Fyant** asked if we have two remote automated weather stations. Ron will find out and report back to council. Ron would like to meet with council again on Thursday to provide a progress report. **C.T. Camel** was contacted by Rob regarding arson and the we tip public service announcements. C.T. sent one out on July 22, 2021. There is a We Tip hotline and a website to report tips. Reporters remain anonymous. The phone number is 800-47-ARSON and the website is www.wetip.com.

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

Lynn Ducharme and **Whisper Camel-Means**, Natural Resources Department, requested approval of a resolution accepting the donation of the Safe Harbor Marsh property from The Nature Conservancy, containing 132 acres on Rocky Point. This donation is part of The Nature Conservancy's nationwide effort to partner with indigenous communities. The Nature Conservancy would like the CSKT to continue management of the parcel similar to The Nature Conservancy's current management. The Nature Conservancy agreed that the CSKT can protect the parcel via resolution as opposed to deed restriction or other method.

The Natural Resources Department agreed to cover the closing costs associated with the land transfer and the Wildlife Program agreed to manage the property due to its significant ecological and wildlife values. The Nature Conservancy would like to transfer the property on August 18, 2021. Brian Upton will investigate the access issue. Some of the landowners off that road do not have access through that parcel so they approached The Nature Conservancy asking if they would work with them for access, and The Nature Conservancy deferred to the CSKT. The Nature Conservancy would like to schedule a celebration on the property.

MOTION by Anita Matt to approve by resolution the acceptance of the donation of the Safe Harbor Marsh property from The Nature Conservancy. Seconded by Charmel Gillin. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 21-103

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

WHEREAS, the Tribal Land Acquisition Program was approved by the Act of July 18, 1968 (PL 90-402);

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

WHEREAS, the Tribes have developed an extensive network of conservation areas throughout the Flathead Indian Reservation that includes a wilderness area, bighorn sheep and elk management areas, a bison preserve, primitive areas, roadless areas, wetlands protection areas and other conservation lands; and

WHEREAS, the Tribes have developed and adopted an extensive Wetland Conservation Plan to guide how the Tribes shall manage, protect and restore wetland and riparian areas; and

WHEREAS, the CSKT Wetland Conservation Plan recognizes that, on the Reservation, “[r]ural areas are now being subdivided and developed for residential, commercial, and light industrial use. As subdivision and development pressures continue, wetland protection measures will become more complex, less effective, and more expensive to implement. Strong support exists for wetland conservation activities from Tribal programs, government agencies, local conservation organizations, and individual citizens.” (*Wetland Conservation Plan at § 1.2*).

WHEREAS, § 1.4 of the Wetland Conservation Plan identifies Tribal goals for wetlands which include: halting the loss of remaining wetlands and riparian areas; halting the decline in wetland and riparian quality; and increasing the acreage of wetlands and riparian areas; and

WHEREAS, § 1.4 of the Wetland Conservation Plan lists numerous Tribal ordinances and management plans which identify and support the Tribes' goals for wetlands; and

WHEREAS, the Tribal Council is authorized to acquire land or any interest therein; and

WHEREAS, The Nature Conservancy owns land and appurtenant natural resources that are wetland/riparian (the Property) more particularly described as:

The E1/2SW1/4 of Section 3, the NE1/4NW1/4 of Section 10, Township 23 North, Range 20 West, P.M.M., Lake County, Montana, together with that portion of the SE1/4NW1/4 of Section 10, Township 23 North, Range 20 West, lying north of the existing Kings Point County Road, further show and described as being Tract-A on Certificate of Survey No. 4211, on file in the Office of the Clerk and Recorder of Lake County, Montana.

WHEREAS, The Nature Conservancy purchased the Property because of its wildlife habitat and diversity of bird species; and

WHEREAS, the Property holds a large freshwater marsh, connectivity to Flathead Lake and provides 132 acres of high-quality habitat to a diversity of upland and wetland bird species, as well as numerous other wildlife; and

WHEREAS, the Tribes believe that the Property is an important Reservation wetland with highly significant connectivity to Flathead Lake, making it a high-integrity Reservation wetland area; and

WHEREAS, The Nature Conservancy has offered to convey all of their right, title, and interest in the Property to the Tribes, as a gift and not as a sale; and

WHEREAS, The Nature Conservancy prefers that the Tribes continue to manage the Property for its cultural, wildlife and natural resource values, and compatible human uses, similar to what The Nature Conservancy has done in the past; and

WHEREAS, the Property is vacant land and subdivision and/or the development of surface structures and/or other infrastructure would be inconsistent with the natural resource values for which the Property was acquired; and

WHEREAS, any management activities conducted on the Property will be for the purpose of protecting and where appropriate improving wildlife and their habitat, and prevent any and all uses of the property that are inconsistent with natural resource management; and

WHEREAS, the Tribal Council has offered to accept the Property to be managed as a natural area; **NOW THEREFORE**,

BE IT RESOLVED that the Chairman of the Tribal Council, or his delegated representative, is authorized to execute the transactional documents necessary to complete the transfer of the Property situated in Lake County, Montana; and

BE IT FURTHER RESOLVED that the Property be acquired from The Nature Conservancy, and that the closing costs be authorized for withdrawal from the Tribes' NRD Administration Account No. 13-503-4559-6100-0000 for payment of title insurance and all other closing costs; and

BE IT FURTHER RESOLVED that the Tribes hereby dedicate the Property, once acquired, as a natural area for use for cultural, natural resource conservation, and wildlife purposes, and that the Tribes will perpetually manage and use the acquired Property exclusively for those purposes; and

BE IT FINALLY RESOLVED that the Confederated Salish and Kootenai Tribes, pursuant to the Act of July 18, 1968 (PL 90-402), may transfer title of the Property to the United States of America in Trust for the Confederated Salish and Kootenai Tribes of the Flathead Reservation.

Chauncey Means, Natural Resources Department, requested approval to purchase capital equipment consisting of a vehicle for the Water Quality Program to conduct water quality field sampling. There are sufficient funds in the 2021 budget and the vehicle will be purchased with EPA grant funding. A request for bids was requested from and submitted by the local dealerships (2 bids were for a Ford and 1 was for a Dodge Ram).

MOTION by Martin Charlo to approve the purchase of capital equipment consisting of a vehicle for the Water Quality Program to conduct water quality field sampling. Seconded by Bing Matt. Carried, unanimous (9 present).

Dan Decker, Jordan Thompson and Chelsea Colwyn, Legal Department, presented for approval the Cultural Waterways Ordinance and to designate the Lower Flathead River as a cultural waterway. A public comment period was conducted, and the ordinance is ready for final approval. Any regulations would go through the Tribal Administrative Procedures Ordinance.

MOTION by Martin Charlo to approve the Cultural Waterways Ordinance and designate the Lower Flathead River as a cultural waterway. Seconded by Ellie Bundy McLeod. Carried, 9 for; 0 opposed; 0 not voting.

ORDINANCE 113-A (Due to the length of the ordinance it does not appear in the minutes. A copy may be obtained from the Office of Records Management.)

Dan Decker, Shane Morigeau, Jordan Thompson, Chelsea Colwyn, Stu Levit, Michael Wheeler, and John Harrison, Legal Department, requested to meet with council in **executive session** to discuss legal issues.

Council met in **executive session**.

Council reconvened into **regular session**.

Charmel Gillin informed council that she was made aware of the circumstance regarding how the per capita holds are in place at 100% for the Tribal Child Support Enforcement Program and she was made aware it is in place for a 100% withholding due to the tribal council action taken in March 2021. She was surprised to find that out. On March 11, 2021, Mike Dolson went on record to ask about the details of the changes because the changes on the redrafted policy were not provided to the council that day. The council was taking action on a policy without having all the information in front of us. On March 18, 2021, it came back to council and a motion was made and passed to go ahead and move forward with approving that policy with what she thought was a commitment to go through it on the following Monday. Her notes indicated that the council members would each review policy changes and discuss it the following Monday; that is why there was action to defer the action. Charmel looked in the TEAMS folder and uploaded the draft into TEAMS and put a bunch of comments in there queuing several items she had hoped the council would follow up on. That was after our promise to go through the policy. Carole Lankford was the only other council member to make any notations in TEAMS. Charmel went on record to say that it is very disappointing that we did not follow up on the kind of review we should have done on this type of a policy. The council failed to go through a very detailed review of this policy being it went into effect. **Chairwoman Fyant** asked if the March 18 action was the action to hold off on it. She thought it was covered in a different meeting with Jami Pluff. Shelly was not sure how the action was taken at 100%. She asked if there was a follow-up action after that and wanted to know how it got to 100% if the council did not take action. **Charmel Gillin** commented that it was not a straightforward tabling of approving the policy. On March 11, 2021, there was a motion by Mike Dolson to approve the policies and procedures manual and then on March 18, 2021, it was brought back in with Jami Pluff. The council held an executive session to discuss issues and then came into regular session and a motion was made by Carole Lankford to amend the action to delay implementation of the policy until the next per

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capita. It was not to reverse the approval; it was to delay implementation in order to further review the policy and provide notice to the membership. We stated we were going to do a detailed review, which led to her several comments on the document in TEAMS on April 5, 2021. We never resolved any of that or went into any detailed discussion. Unfortunately, that is the risk we take when we approve something and follow up on it later, because business continues to happen. **Chairwoman Fyant** requested that Jami Pluff report to council. Shelly would like to review Jami's notes on the policy discussion because she does not remember that either. **Carole Lankford** thought she was forceful on that; there should not be an ordinance presented or approved without going through the Legal Department. **Chairwoman Fyant** was notified that Jami Pluff is not at work today. Shelly requested that Jennifer Trahan email Jami to request a copy of her meeting notes.

Len TwoTeeth informed council that Regina Plant extended her thanks for the council providing nontribal member burial assistance for her husband. Regina is requesting that the Tribes donate the paper products for her husband's feast on Friday. It will be a small gathering with just family members. It was the **consensus** of council to approve the donation of paper products. **Chairwoman Fyant** mentioned that this policy needs to be reviewed; the council is always waiving the policy.

Mark Couture and **George Ducharme**, Tribal Lands Department, requested to meet with council in **executive session** to discuss land issues.

Chairwoman Fyant left the meeting to go to a closing in Polson.

Council reconvened into **regular session**.

MOTION by Martin Charlo to look into the Erickson property on Maude Lane contingent upon water compact funding. Seconded by Ellie Bundy McLeod. Carried, unanimous (8 present – Shelly Fyant out of the room).

MOTION by Len TwoTeeth to show interest in the Hot Springs parcel contingent upon using water compact funding for the purchase. Seconded by Martin Charlo. Carried, 7 for; 1 abstention (Carole Lankford); 1 not voting (Shelly Fyant out of the room).

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

Chairwoman Fyant returned to the meeting.

Darryl Martinez and **Ken Griggs**, Burned Area Emergency Response Team, gave an update. **Darryl Martinez** advised that there are four post-fire program components consisting of suppression rehabilitation, emergency stabilization,

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burned area rehabilitation, and restoration. The burned area rehabilitation is non-emergency efforts undertaken within three years of a wildfire to repair or improve fire-damaged lands which are unlikely to recover to management approved conditions; or to repair or replace minor facilities damaged by fire. The primary objective is to repair impacts due to suppression activities. Emergency stabilization is what they are looking at, which includes the threats to life, property, and critical natural resources. They will address those in the next twelve months of the fire. There is a funding process set up for that. Once the plan is approved, the funding will be accessible for emergency stabilization. They are developing a plan to restore the damages from the fire that will not necessarily come back on their own. It is a three-year program, but in some cases it can be extended to five years for issues that take longer to implement. There is \$5 million set aside for Indian Country and a separate fund for emergency stabilization. They look at invasive species and that is part of their plans. They can use early warning systems and they are working with the Weather Service to set something up. They use signage as well. Signs can be informative and allow the public to understand what is being done and why it is necessary. One critical phase is the cultural sites, and they look at that in their analysis. Fencing will be an issue and roads are always an issue. It is likely that some of the roads will crisscross and be adjacent to the fire. They look at how culverts will be affected. **Ken Griggs** commented that they have an efficient process. They rely on the local resource specialist, fire personnel, and any sort of biologist or hydrologist to make the process solve problems on the ground and make it something we can implement when they leave. They had a meeting this morning to discuss issues and concerns. They want to hear any issues and work through what they can do on the ground in a timely manner. Modeling can happen after the analysis. The team needs the assistance from the local resources to make this a quality plan moving forward. The risk assessment will help triage the most important things. They weigh the risk in evaluating treatment options. **Shawna Jensen** looks at the burned area classification map, which is a burn severity map they take pre-fire and post-fire to check the vegetation to determine the soil burn severity. **Tony Incashola, Jr.**, Tribal Forestry, stated that he brought in this team because he wanted to look at erosion control and runoff issues. They will be looking at harvesting, fencing, and reforestation opportunities down the road. **Ron Swaney**, Division of Fire, informed council that he invited Mark Clary to participate in the team. **Darryl Martinez** mentioned that the modeling and plan will be shared with the Montana Department of Transportation and Lake County Disaster Emergency Services. More information is available in the Interagency Burned Area Emergency Stabilization and Burned Area Rehabilitation Guidebooks.

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

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

Council reconvened into **regular session**.

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

Brenda Richey, Dr. Wan-Yuan Kuo, Mattie Griswold, Havilah Burton, Genesis Chavez, and KayAnn Miller, Montana State University Extension Office, gave an update on multiple food sovereignty research projects that are taking place on the reservation in partnership with the Montana State University Extension Office and Salish Kootenai College. The proposed plan for a research project is to listen to producers, food establishment workers, and consumers through community meetings, individual interviews or surveys to understand the opportunities or supports that exist within four reservation communities (Fort Peck, Fort Belknap, Blackfeet, and CSKT). The approval from SKC IRB is pending for this project. The smoked lake trout project is a collaboration with Native Fish Keepers, Inc. and is about how a smoked fish product from Flathead Lake relates to the food sovereignty movement of the CSKT. There was a focus group interview and surveys were conducted. The bison ranch to school project explores interest, perceptions, opportunities, and barriers for tribal cattle and bison producers; National Bison Range; local meat processors and distributors; school meal program coordinators; parents and youth; and others recommended by the CSKT. The goal is to develop a collaborative partnership with CSKT stakeholders and community to develop a relevant, community based, ecologically and economically sustainable model that can support bison producers and youth nutrition in school meal programs. The next project is a proposed collaboration on co-innovating an indigenous inspired nutrient-dense snack with youth on the Flathead Reservation and seeking approval to identify cultural linkages to ingredients used in the product formulation; gather ideas from youth to codevelop and conceptualize logo design and name of snack; facilitate interactive learning activities to create a sense of youth participant ownership of the final project. The goals are to codevelop a nutrient-dense, low glycemic snack, using local ingredients; to create a sense of ownership by engaging youth in the product development process; propose a value-add product as a manner to foster local economy; and support local food economy by using local ingredients. The native food and mental health project explores the potential role of indigenous diet as a protective factor in suicide prevention and seeking approval to explore whether there is interest in this topic among potential collaborators in the community, such as: Tribal Health and Reason to Live Native, Community Mental Health practitioner and/or physicians, District Representatives interested in suicide prevention, SKC Nursing Department; youth organizations, Selis-Qlispe Culture Committee; Elders Advisory Council; Kootenai Culture Committee; Kootenai Elder Committee; and any others

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recommended by the CSKT. The goal is to build a collaboration from the ground up, ensuring community goals are included and addressed; collectively determine measures, such as biomarkers for suicide ideation and depression to be included and assessed; with councils of elders, the culture councils and others, determine most culturally appropriate indigenous foods to include; and conduct an indigenous diet intervention of a type determined collectively and see if our selected measures change in beneficial ways. Their goal is to conduct a native food survey and launch a community presentation each year. There will be a community meeting during the fall semester to provide a progress report on their findings. **Council** recommended that they contact Jordan Thompson about food sovereignty, the Tribal Defenders Office, and the Director of Morning Star Apartments.

Carole Lankford discussed a request from Charlene Peone regarding LIHEAP services. Charlene feels disrespected because she never received a response. **Chairwoman Fyant** had Donna Durglo search the correspondence file and she could not find anything from Charlene.

Chairwoman Fyant informed council that she was contacted by David Strohmaier, Missoula County Commissioners, that tomorrow is the opening of the Western Montana Fairgrounds. At 11:00 a.m. they are going to have a First Nations Family Day and a ceremony for the Montana tribal flag installation. David would like a CSKT representative to be present for the flag raising event.

Anita Matt mentioned that a few weeks ago Carole brought up the Indian National Finals Rodeo in Polson. They were asking for donations. She did send a list of the other sponsors. They think it will cost \$150,000 to put it on. They submitted their paperwork to Jennifer. They were requesting \$5,000 and it is capped at \$2,500, so she does not know what the council wants to do. **Carole Lankford** was told that something canceled, and it increased to 600+ people signing up. There are a lot of people signing up, and she hopes we do not have to cancel it.

MOTION by Len TwoTeeth to make a donation of \$5,000 to the S&K Gaming Rodeo. Seconded by Anita Matt. Carried, 5 for (Len TwoTeeth, Anita Matt, Mike Dolson, Ellie Bundy McLeod, and Carole Lankford); 3 opposed (Charmel Gillin, Shelly Fyant, and Martin Charlo); 1 abstention (Bing Matt).

***Martin Charlo**, for the record, "I am opposed because I don't know where the funding would come from. I support the event, but I just need clarification."*

***Shelly Fyant**, for the record, "I am opposed for the same reason."*

MOTION by Bing Matt to adjourn the meeting.

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Council **adjourned** at 3:48 p.m., and is scheduled to meet again on Thursday, August 12, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary