

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

Volume 21 Number 86
Zoom Meeting

Held: August 24, 2021
Approved: August 26, 2021

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

MEMBERS ABSENT: Ellie Bundy McLeod, Secretary (MMIP Training at the National Native American Law Enforcement Conference – Las, Vegas, Nevada); and 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 9:02 a.m. Quorum established.

The meeting was opened with a **prayer** by Chairwoman Fyant.

The **Tribal Council Meeting Minutes** for August 19, 2021 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for August 19, 2021, with corrections. Seconded by Bing Matt. Carried, 7 for; 1 abstention (Carole Lankford).

The **agenda** was presented for approval.

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

C.T. Camel, Division of Fire, gave an update on local fires. The Crooks fire has a few organizations going right now. The fire is holding a lot of heat in the Belmore slew on the southeast portion. They are clearing out South Fork Road. It is jumping across the Jammer Loop. There is interior smoke. The road closures are the same. He hopes to open the road by Labor Day weekend so people can hunt, fish, and camp. **Len TwoTeeth** asked if they were able to get all of the tribal members to work. C.T. told him everyone that signed up is working right now. The Boulder fire is more complex. Clint Davis, Incident

Tribal Council Meeting Minutes
August 24, 2021

Commander, has a chipper organization going on. That started yesterday. They chipped down the 2700 Road and then to the highway. People have been asking if it is their responsibility; Clint stated it is the fire's responsibility to clear up what is in the right of way. Len asked the status of getting the BAER plan approved. C.T. has not been advised of that. **Chairwoman Fyant** told him that they told us they were in the process of finalizing the draft plan. Len wants to get the plan approved so we are able to take erosion control measures. If we have a fall rain event, we will have a lot of sediment pouring in the lake. **Chairwoman Fyant** directed Jennifer to get a status report. C.T. reported that the priorities are the north and south contingency lines, so they don't have to worry about it going north or south. He has been getting calls about the stage one closure for evacuations for mile markers 9-11. It has nothing to do with the fire; it's the hazard trees. They want to keep them alert of hazards in that area and hopefully lift it when the arborists are done with the tree removal tomorrow. There has been some single tree torching now and then; it is interior, and then there are some drainages from the fire. **Tony Incashola, Jr.**, Tribal Forestry, joined the discussion and gave an update on the BAER plan. They are touching base to make sure the Regional Office had the NEPA document for review. Shawn DeFrance is checking with the Regional Office and National Coordinator to make sure it is reviewed and going through the Regional Director. He hopes to get a response back this week. Once the NEPA document is reviewed and approved by the Regional Office and once the fire is controlled we can start on the emergency stabilization portion of the plan. **C.T. Camel** informed council that Lolo plans on coming out of stage two restrictions on Wednesday at midnight. He wants to go with the group and do what they do or move to stage one restrictions. C.T. has the recission document for the chairwoman's signature. We could come out tonight at midnight. Mark Clary, Lake County, is on board with that. C.T. will let the council know whether they are all the way out or in stage one restrictions as soon as that is determined. We are in a high fire danger level five. Stage one restrictions allow for campfires in designated established rings.

Rich Janssen and **Casey Ryan**, Natural Resources Department, requested approval to submit a competitive water resources funding proposal in the amount of \$55,000 to the Bureau of Indian Affairs. The funding will be used to further the Tribes' understanding of hydraulic conditions on the reservation and will support the water measurement program maintained by the Tribal Water Monitoring & Measurement Program.

MOTION by Charmel Gillin to approve by resolution submission of a competitive water resources funding proposal in the amount of \$55,000 to the Bureau of Indian Affairs. Seconded by Mike Dolson. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 21-109

RESOLUTION AUTHORIZING THE SUBMITTAL OF A COMPETITIVE WATER RESOURCES FUNDING PROPOSAL TO THE BUREAU OF INDIAN AFFAIRS

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

WHEREAS, the Tribes have maintained a Water Management Program since 1982; and

WHEREAS, the Tribes have been in active negotiations concerning the settlement of their reserved and aboriginal water rights for a lengthy period; and

WHEREAS, the Bureau of Indian Affairs has tendered a competitive proposal to Tribes to submit Water Resources Management, Planning, and Pre-Development (N34) funding proposals; and

WHEREAS, the Water Rights Compact for resolution of the Tribes' reserved and aboriginal water rights assumes a high level of commitment to hydrologic information; and

WHEREAS, the proposal referenced below will further the Tribes understanding of hydrologic conditions on the Reservation and will support the water measurement program maintained by the Tribal Water Monitoring & Measurement Program.

NOW, THEREFORE, BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the proposal titled FY 2022 Water Resources Management, Planning, and Pre-Development (N34) be submitted to the Bureau of Indian Affairs.

Rich Janssen, Natural Resources Department, requested approval of a resolution to accept funding in the amount of \$15,000 and a partnership with the University of Montana Flathead Lake Biological Station for Fish Consumption and Advisory Awareness. There will be a conference via zoom with the Tribal Health Department and will be sampling fish tissue from our Fisheries program. Those fish that are sampled will be used through Native Fish Keepers.

MOTION by Martin Charlo to approve by resolution the acceptance of funding in the amount of \$15,000 and a partnership with the University of Montana Flathead Lake Biological Station for Fish Consumption and Advisory Awareness. **MOTION WITHDRAWN**. Council directed that the resolution be corrected and presented back for consideration.

Rich Janssen and **Frank Acevedo**, Natural Resources Department, requested approval to affirm and appoint James Steele, Sr. as a Temporary Hearings Officer for the Shoreline Protection Board for a period of two years to hear contested cases.

MOTION by Charmel Gillin to approve by resolution the affirmation and appointment of James Steele, Sr. as a Temporary Hearings Officer for the Shoreline Protection Board for a period of two years to hear contested cases. Seconded by Carole Lankford. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 21-111

RESOLUTION TO AFFIRM AND APPOINT A TEMPORARY HEARINGS OFFICER FOR THE SHORELINE PROTECTION BOARD

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

WHEREAS, the Tribal Council is the duly recognized governing body of the Flathead Nation with the authority to preserve and protect the natural environment; and

WHEREAS, the Tribal Council has enacted the Tribal Administrative Procedure Ordinance, ordinance, Ordinance 64-A (as amended) and the Aquatic Lands Conservation Ordinance 87-A (as amended) to preserve and protect the waters and aquatic environments of the Flathead Indian Reservation; and

WHEREAS, the Tribal Council has enacted the Tribal Administrative Procedures Ordinance, Ordinance 86-B (as amended) to provide procedures for Promulgation of regulations and to establish the process for conducting contested case proceedings under Ordinance 64-A (as amended) the Shoreline Protection Ordinance and the Aquatic Lands Conservation Ordinance, Ordinance 87-A (as amended) and for appointment of a Hearings Officer to conduct contested case proceedings; and

WHEREAS, the Tribal Council hereby reaffirms the past appointments of Hearings Officer under 64-A (as amended) and 87-A (as amended); and

WHEREAS, the Tribal Council has determined that there is insufficient case load to justify appointment of a full-time Senior Hearings Officer;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Part V, Section 17 of Ordinance 86-B (as amended) the Tribal Council hereby appoints James Steele Sr., of Polson, Montana, as Temporary Hearings Officer for the

future contested cases under Ordinance 64-A (as amended) and 87-A (as amended);

BE IT FURTHER RESOLVED, such appointment is to carry a two-year term and may be reappointed as the discretion of the Tribal Council every two years, as the Tribal Council sees fit.

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for bridge underwater inspection contracts. The project specific agreement is for the bridge that goes over Flathead River and will take place in August and September 2021.

MOTION by Len TwoTeeth to approve the project specific agreement with the Montana Department of Transportation for bridge underwater inspection contracts for the bridge over Flathead River. Seconded by Charmel Gillin. Carried, unanimous (8 present).

Len TwoTeeth mentioned that there was previous council discussion about working with our tribal member certified diver. The council was going to have the Natural Resources Department possibly get that individual under contract and start our own underwater diving team. This is a very valued resource we have that we need to acknowledge and utilize. We have a lot of activity going on in the lake and it would be very prestigious for the Tribes to have our own certified tribal member divers working for us. **Chairwoman Fyant** thought that was covered in number three of the contract, which states that the Montana Department of Transportation will require its consultants to contact the Indian Preference Office and abide by those laws. **Melinda Charlo** informed council that she is not aware of the tribal member diver and there are no divers on the Indian Preference list. Part of the memorandum of understanding with the Montana Department of Transportation indicated that they have their own disadvantaged business enterprise list that they use. They use their own list for subcontracting most of the time, although they do review our Indian Preference business list. She suggested that be looked at when the memorandum of understanding comes up for review again in four years. **Len TwoTeeth** commented that our Indian Preference laws need to be followed when they do projects on the reservation, and we need to let them know to start using our tribal member contactors for their projects. **Chairwoman Fyant** asked Len to reach out to the tribal member diver and advise him to register with the Indian Preference Office. **Mike Dolson** stated that parts of the issue three and four are missing from the document and he wanted to see those included. **Melinda Charlo** will include those in the document and return for the Chairwoman's signature at that time.

Laurence Kenmille gave an update on Veteran's Affairs. CSKT requested to be allowed to participate in the roundtable that is set for Thursday. Peter Matt, a

representative for Senator Tester, notified the chairwoman that we could participate in the roundtable as part of the tribal portion, and we were placed on the agenda. They will discuss the exams that are needed for veterans and the hardships they cause. They want to see if it would be feasible for the Tribal Health doctors to be part of those contracts so our veterans would not be required to travel to Helena or Spokane for their exams since they are on a fixed income, and it is a hardship on them to get to those facilities. The Warrior Society has a set aside fund to provide assistance for meals and gas to help cover their travel costs. A tribal member used to volunteer his per capita payments to the Warrior Society for 8 years so funding could be provided to veterans to help cover travel expenses. Laurence requested approval for John Wheeler to speak on behalf of the CSKT at the roundtable. **Chairwoman Fyant** advised that Peter Matt had invited the CSKT to participate in the roundtable discussion on August 26. It will be specific to compensation and pension exams, how well they do or do not work, how long of a drive it is, and quality of facilities. The other things related to paperwork and appeals is beyond the scope of this meeting. Shelly asked Laurence, John, and Lloyd to get together and work on their presentation with Peter to make sure it was within that scope. Council action is needed to authorize John Wheeler to speak on behalf of the CSKT at the roundtable.

MOTION by Charmel Gillin to authorize John Wheeler to speak on behalf of the CSKT at the roundtable meeting. Seconded by Mike Dolson. Carried, unanimous (8 present).

Rich Janssen, Natural Resources Department; and **Erin Sexton**, Flathead Lake Biological Station; returned to council to seek approval of a corrected resolution to accept funding in the amount of \$15,000 and a partnership with the University of Montana Flathead Lake Biological Station for Fish Consumption and Advisory Awareness.

MOTION by Martin Charlo to approve by resolution the acceptance of funding in the amount of \$15,000 and a partnership with the University of Montana Flathead Lake Biological Station for Fish Consumption and Advisory Awareness. Seconded by Bing Matt. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 21-111

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

WHEREAS, the Tribes maintain a Natural Resources Department.

WHEREAS, the Tribal Council proclaimed that the Natural Resources Department partner with the University of Montana Flathead Lake Biological Station on a Fish Consumption and advisory awareness project.

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.

WHEREAS, the project is entitled Fish Consumption and advisory awareness among food pantry patrons receiving products of lake trout suppression of Flathead Lake, Flathead Indian Reservation, Montana.

NOW, THEREFORE, BE IT RESOLVED, that the University of Montana Flathead Lake Biological Station and Confederated Salish and Kootenai Tribes agree to work collectively on this project for the benefit of the people of the Flathead Nation and the general public health.

Melinda Charlo, Indian Preference Office, returned to council to provide a complete copy of the documents from the Montana Department of Transportation. **Chairwoman Fyant** signed the project specific agreement.

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

Dan Decker, Chelsea Colwyn, Brian Upton, Stu Levit, John Harrison, and Michael Wheeler, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Jami Pluff**, Policy Analyst; and **Rich Janssen**, Natural Resources Department; were present for discussion.

Council reconvened into **regular session**.

MOTION by Charmel Gillin to approve the letter to Jonathan Wilkinson, Minister of Environmental and Climate Change Canada Government of Canada; and George Heyman, Minister of Environmental and Climate Change Strategy Government of British Columbia regarding mining issues in the Elk River Watershed. Seconded by Mike Dolson. Carried, unanimous (8 present).

MOTION by Anita Matt to approve the resolution, with corrections, to submit a joint letter with the Kootenai Tribe of Idaho to the Government of Canada supporting the Ktunaxa Nations Council's request to BC and Canada to stop environmental analysis of new and expanded coal mines in the Elk River Valley. Seconded by Bing Matt. Carried, 8 for; 0 opposed; 0 not voting.

RESOLUTION 21-112

RESOLUTION TO APPROVE AND SUBMIT JOINT LETTER WITH THE KOOTENAI TRIBE OF IDAHO TO THE GOVERNMENT OF CANADA SUPPORTING THE KTUNAXA NATIONS COUNCIL'S REQUEST TO BC AND

CANADA TO STOP ENVIRONMENTAL ANALYSIS OF NEW AND EXPANDED COAL MINES IN THE ELK RIVER VALLEY

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

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

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

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

WHEREAS, the Teck, Inc., has proposed to expand its Fording River (of the Elk Watershed) operations and other mine permitting proposals are before the BC and Canadian regulatory agencies; and

WHEREAS, the Lands and Resources Council and Nation Chair of the Ktunaxa Nation Council (the “KNC”) August 13, 2021 wrote a letter requesting a suspension of Provincial and Federal environmental assessments of new coal mines and coal mine expansions within the Elk River Watershed; and

WHEREAS, the CSKT wishes to support the KNC in its request.

THEREFORE, BE IT RESOLVED, that the Tribal Council send a joint letter with the Kootenai Tribe of Idaho to the governments of Canada and British Columbia supporting the Lands and Resources Council and Nation Chair of the Ktunaxa Nation Council (the “KNC”) August 13, 2021 letter requesting a suspension of Provincial and Federal environmental assessments of new coal mines and coal mine expansions within the Elk River Watershed.

MOTION by Martin Charlo to approve the letters to the list of departments designating Brian Upton, Rick Eneas, and Jennifer Trahan to receive the proposals for addressing opioid abuse redemption. Seconded by Charmel Gillin. Carried, unanimous (8 present).

MOTION by Len TwoTeeth to approve the letter to Kiel Duckworth in response to the allegations made against Carole Lankford last week. Seconded by Anita Matt. Carried, 7 for; 1 abstention (Carole Lankford).

Martin Charlo mentioned COVID is still here, and we are being impacted. We have had some deaths in the past few weeks and Martin sends his condolences to those families. The Delta variant is here and is very dangerous. It is more severe for the unvaccinated population. We are up 30 cases since yesterday with 125 active cases. 41 of those cases are fully vaccinated individuals. Martin encouraged everyone to get the vaccine; it could save their life. He asked everyone to stay safe and look out for our most vulnerable population. Martin has face masks if anyone needs one. **Len TwoTeeth** would like to go back to what we did in the past, require temperature checks upon entering the buildings, and control access to our buildings. We need to know who is in the building at any given time.

MOTION by Len TwoTeeth to implement our monitoring protocols back into our tribal facilities again. Seconded by Martin Charlo. Carried, unanimous (8 present).

Mark Couture and **Tara Irvine**, Tribal Lands Department, requested approval of a one-year revocable permit for Never Alone Recovery. The terms would be a rental payment of \$1,000 per month, renter's insurance, and waive the bond. **Len TwoTeeth** does not like the idea of charging a fee to this group. We are doing a similar thing with Black Bear Ranch and not charging them rent. This will positively impact the community, and he will not support charging a rental fee. **Carole Lankford** said the deductible is \$10,000 for the insurance. They will need to find funding for that. The goal is to make sure the clients being served pay their way, because that gives them incentive to work themselves out of that place and leaves room for someone coming in there. **Chairwoman Fyant** asked who would be responsible for the utilities, maintenance and upkeep. Mark responded it was going to be covered by the rental payments, but if the rent is waived then they will need to get the power, water, and insurance in their name and pay those costs. The effective date will be September 1, 2021 through August 31, 2022. Carole would like to have early access to clean the building, install beds and do some measuring, but nobody would be moving in early though.

MOTION by Len TwoTeeth to approve the revocable permit to Never Alone Recovery, with the stated terms, and a rental payment of \$500 per month. Seconded by Bing Matt. Carried, unanimous (8 present).

Anita Matt left the meeting on personal time off for the remainder of the day to go to an appointment.

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 met in **executive session**.

Council reconvened into **regular session**.

Mike Dolson informed council that the Election Committee met and talked about the circumstances that occurred last Tuesday and Thursday. Although they were troubled with the lack of due diligence and how things were initiated, carried out, and responded to, they do not want to censure candidates. They will put together a memo with recommendations and advice to the candidates, which should be available by the end of the week. **Len TwoTeeth** asked what type of recommendations they made. Mike stated it was about taking their campaign strategies and keeping them out of tribal headquarters and out of tribal business and carrying out their strategies outside of those times and places and do their due diligence to take responsibility in their actions. **Chairwoman Fyant** asked if the social media policy was addressed. Mike advised that the Election Committee would not be addressing the social media policy at this time.

MOTION by Charmel Gillin to adjourn the meeting.

Council **adjourned** at 1:21 p.m., and is scheduled to meet again on Thursday, August 26, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary