

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

Volume 21 Number 24  
Council Chambers, Pablo, MT

Held: January 1, 2021  
Approved: January 5, 2021

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

**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 9:10 a.m. Quorum established.

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

The **Flathead Nation Drum Group** sang a flag song.

The floor was opened for comments from the elders.

**Stephen Smallsalmon** has been thinking about how lonely it is. Last night they would all be at Quequesah’s for the jump dance but that did not happen. The elders the virus was coming. It has been tough for every one of us living through this time. It is a new year, and he hopes it will be a better year. The elders look to the council to help them out; they always need money. Stephen wanted a vaccine shot for Christmas. We need to get through this and make each other happy. The elders knew we would lose our language some day; we are living too fast. Stephen is still teaching at Nkwusm. Stephen talks Indian all day and he feels lucky that he went to boarding school. When he was growing up his family spoke Indian and he was able to understand what they were saying. Love is what we need for the children and for everybody. Stephen sang a song. Stephen prayed for the new year and for all of us to make it another year. He hopes to see everyone next year and that we have a better time.

The floor was opened for council updates.

**Carole Lankford** wished everyone a happy new year. She thanked the drum for being here, Shelly for the prayer, and Stephen for being here. She told Stephen she drove over the bridge and thought it was in good shape. She went to

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Chauncey's burial site. She thought we could have an engineer check out the bridge. It has been a long three months with COVID-19. She tested positive and was thankful her family did not get it. The loss of so many tribal members has been difficult. It is devastating not being able to attend funerals. She prays everyone stays strong. Carole is proud of this tribe. She remembers Joe Felsman and Mickey Pablo starting to work on water rights many years ago and it is finally settled. We have the Bison Range. That has been a long fight. There are so many people that were along for that journey. Fred Matt was fighting to secure this opportunity way back then. We look to the future and how many jobs will be created. The water systems will be updated and benefit everyone. We had to give up a few things, but in the long run we did the best we could. She is happy and proud to have served with the people she has. Being part of that has been exciting. We accomplished a lot of things in the last 20 years. We must protect our sovereignty and buy our land back. Carole is humbled by the opportunity of serving on council for as long as she has, and she thanked the membership for giving her that opportunity. A while back we were approving a \$4 million budget to fight water rights, and it is our people who are sacrificing for services and other things to fight for our water rights. She thanked the membership for understanding that. Anna Sorrell worked hard on the Bison Range annual funding agreement and self-governance. That was the first fight for the Bison Range and now we get it in the water rights compact.

**Martin Charlo** thanked Stephen for the words he spoke today. We are in a different world and adjusting to it. He asked for a moment of silence for all the people we have lost in the last year and the ones lost due to COVID-19. We lost some important elders, and a critical piece of our language is gone now. Martin has served on the Unified Command Team from the beginning and every death has bothered him. Chauncey and Willie are a tremendous loss. We are resilient and will get through this. Martin thanked the EMTs, military, police, maintenance staff and Levi Hewankorn, Legal Department, Defenders, Prosecutors, Tribal Health Department, Personnel, Commodities, Accounting Department (who issued approximately 64,000 checks), Char-Koosta News, DHRD, Tribal Credit, and Central Mail. Martin extended his condolences to the Salish Pend d'Oreille Culture Committee for their loss. He thanked the Salish Kootenai Housing Authority; The People's Center, who had a tough loss; and the Administration staff, Abby Dupuis, and especially Jennifer Trahan. Martin will be holding virtual district meetings the second Wednesday of every month, one at 12:00 p.m. and one at 6:30 p.m. The Morning Star Supportive Housing has been completed. It is the former Starlite Motel. That will be staffed by the Tribal Defenders Office. They got done with the food distribution last week. They gave out 300 meal kits in Pablo and about 800 in the community. He helped with the Pablo distribution. The council will address reapportionment. The legalization of cannabis has become an issue and he wants to address the medical use of cannabis on the reservation to combat opioid use. Martin thanked the

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membership. He wants us to make this year the best year ever. Martin thanked his colleagues.

**Bing Matt** thanked everyone for being here today and wished everyone a Happy New Year. He wishes for a healthy new year. Bing extended his condolences to everyone who suffered a loss. It has been difficult for people to attend services for those we lost. When we can receive the vaccine, everything will go back the way things were. Council is still not traveling yet. The water compact was dealt with, along with acquisition of the Bison Range. Legal did a good job working on that issue. Tribal departments were met with this week and informed council of issues and the work they are doing, and it was a good update by the departments. Council is working on the homeless projects. Hopefully, that will get off the ground as soon as possible so there is somewhere to put these people. Bing thanked Charlie and his drum group for the flag song. It has been a long time since we have heard that song. He looks forward to hearing it more often this summer. He thanked Stephen for his words. It is great Stephen does that for our people. We have been doing a lot of work and the council works well together to get a lot of issues completed. He hopes we maintain as we have in the past. Bing hopes it is going to be a better year for us and everything will be fine.

**Ellie Bundy McLeod** commented what a year 2020 has been. She thinks we can all agree that it has been incredibly trying at best. The year witnessed a presidential impeachment trial, wildfires, coronavirus and the crazy toilet paper hoarding, the arrival of murder hornets, the shocking death of sports legend Kobe Bryant, the tragic death of George Floyd and the ensuing Black Lives Matter movement, riots across the nation, the passing of Supreme Court Justice Ruth Bader Ginsburg, and a new President of the United States, to name a few. She hopes that despite the maddening year, everyone was able to find comfort in a few good things, whether it was time spent with immediate family while social distancing became necessary, the completion of projects long overdue, or perhaps something as simple as reading a book that time had not permitted before. She can only pray that 2021 offers us more of those good things, but that we may also realize some normalcy, sooner rather than later, and that we can connect with one another again as community. Her first year on council has been a learning experience in so many ways. Not only are there constantly new topics to learn about, but there was a lot to learn in regards to COVID and how we were to continue providing services to all of you, our membership, in safe and prudent ways. We didn't always get it right, but she would like to thank all of you for your patience and ensure you that we will keep trying. Ellie would also like to take the opportunity to thank her council peers. As is the nature of politics and councils, we have not all always seen eye to eye, and some days have been worse than others. What she does appreciate is that we have been able to work through those adversities and keep moving forward with the work we have been tasked to do. We will continue to learn how to work together, how to

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communicate, how to support each other through the difficult times and cheer each other on during the good times. We are a diverse group and it has been a great honor and a pleasure to work with each of them over this last year. We have accomplished a lot and for that, we should be proud. Additionally, she would like to commend the amazing employees we have working for CSKT. Many have no idea how some department staff have worked above and beyond in incredible ways to address issues such as coronavirus, homelessness, food security and food sovereignty, water rights, Missing and Murdered Indigenous People, education, economic development, and technology, to name only a few. To have people who care so much about what they do and who they do it for is a true blessing. Ellie wishes she could call everyone out by name but the list is long. They know who they are. She thanked them for what they do and for the amazing work ethic and integrity they show when doing that work for our people. They are so invaluable. A brief work update for this last quarter, in early December, Ellie was asked to present to the Montana World Affairs Council on MMIP & Human Trafficking. If you hear nothing else she says today, please hear this: 89% of people in prostitution want to escape but they do not have other options for survival, 34 children are lost to traffickers every hour in the United States, 13 is the average age of a young girl entering prostitution, 12 is the average age of young boy entering prostitution, 15 is the number of times the average sex trafficking victim is sold in a single night, and 50,000 is the average number of times a human trafficking victim will be sold by the time he/she is 21 years old. In 2011, then President, Barrack Obama, issued a Presidential Proclamation designating each January to National Slavery and Human Trafficking Prevention Month. The anniversary of the proclamation became known as National Human Trafficking Awareness Day and is observed every year on January 11th. Human Trafficking is alive and well in Montana, more so than many realize. It is for that reason that she has invited Lowell Hochhalter, Founder and Executive Director of the LifeGuard Group, to provide a presentation on the topic to council and those able to tune in via Facebook. It has been scheduled for next Thursday, January 7th, from 10:00 a.m. to 11:00 a.m. Please listen in and educate yourself so that perhaps one day you can help by recognizing someone in a volatile situation. At the very least, you can help educate others to bring awareness to this heartbreaking epidemic. In November 2019, by Executive Order, President Trump established a task force on missing and murdered American Indian/Alaska Native persons, known as Operation Lady Justice, and Attorney General William P. Barr launched a national initiative to address missing and murdered indigenous persons. In October 2020, President Trump signed Savanna's Act into law. All three of these responses included direction to develop protocols to address how to more effectively respond to missing indigenous person cases. Because of our local efforts related to this issue, CSKT was selected to participate in a pilot project working with the national task force to develop a "Tribal Community Response Plan", which includes four protocols: Law Enforcement, Victim Services, Community Outreach, and Public and Media Communications. Ernie Weyand, Montana's

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MMIP Coordinator, was here in early December to help us develop the first Tribal Community Response Plan related to our specific needs, resources and culture. Six states were selected and we are so proud to have been called on to be the first. It is anticipated that, when in final form, these guides will be used by tribal governments and U. S. Attorneys' Offices, working with other partners, to develop TCRPs for tribal communities nationwide. With that , Ellie would like to give a shout-out to all who made our meetings successful. Our own Flathead Tribal Police staff were instrumental and participated in all four project areas. We had representatives from Lake, Sanders, and Missoula County; Polson and Ronan City Police, Montana Highway Patrol, US Border Patrol, DOJ, BIA, FBI, Safe Harbor, The LifeGuard Group, CSKT Social Services, and many others with their hearts in the right places and their minds open to solutions. In June of 2019, Ellie was appointed to the Montana Missing Persons Task Force, a position she has taken very seriously. She has been able to work with an amazing team of people and feels very proud of the work they have accomplished. A few weeks ago, she was asked to serve as the new Presiding Officer for the Task Force. She is honored to represent CSKT in this way and promises to keep working hard for all of our Missing and Murdered. Ellie thanked Melissa Schlichting, who stepped up to take on this role upon our establishment. She paved the way and set the bar high. With that, Ellie ended her report by saying thank you for this opportunity to serve you. She wished everyone a Happy New Year, and may 2021 bring everyone love, happiness, health, and whatever else it is that you most need. Lem' Lemch Pesya.

**Anita Matt** thanked Chairwoman Fyant for the prayer and the drum for their song. She also thanked the membership for taking their time to participate in our 1<sup>st</sup> Quarterly Meeting of 2021. As many of us did, we stayed up till midnight to make sure 2020 was over. It was a difficult year to say the least. Anita wanted to start by acknowledging our losses of membership in 2020. As of October 4 we have lost 38 Tribal members. This does not include spouses, friends and community members. As a fellow councilman said with the pandemic, we haven't been able to attend all the funerals and show our respect and mourn our losses. She wanted to tell each of the families how truly sorry she is for their loss of loved ones. Part of our presentations today will include honoring some of our staff and celebrating our Water Rights Compact and management of the National Bison Range. This is such a historic and monumental time in our lives. There have been so many people involved with CSKT efforts. With travel suspended for all staff and Council in February, Tribal Council has been reviewing and revising outdated Ordinances and Policies. They are working on the revisions of Personnel Ordinance 69-C (now D), Tribal Lands Ordinance and Reapportionment. Most of the committees we serve on are virtual or by phone, but they continued to participate and represent CSKT. Anita continued to participate in the Homeless Committee, Budget Committee, Enrollment, Land Committee, Intertribal Agriculture Board, Akiptan Board, TCI, Grass Fed Beef Meeting, Indian Health Board, DHHS Conference Call, Economic Development,

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RMTL/COVID Updates, Shareholder Meetings, Department Head, Economic Development, ANA Workforce, Water Rights, NBR, and Title IV/Aging. On December 6 through December 10, she participated in the 1<sup>st</sup> “virtual” Intertribal Agriculture Council membership meeting. They usually have 900 attendees (which includes 150 youth) in a conference center for 3 1/2 days. This year 1,030 people signed up and attended virtually. The Rocky Mountain Region/Intertribal Agriculture Council had 11 specific issues brought forth (10 Tribes in Montana and Wyoming) by Resolution to the IAC Board asking for assistance. IAC is gearing up for the 2023 Farm Bill. The Farm Bill Coalition is gearing up and Intertribal Agriculture has hired Colby Duran to work with its organization from Washington DC. A quick shout-out for producers that USDA/FSA will be implementing a CFAP- 3 program. Please watch as time nears and Anita will assure that Char Koosta advertises sign-up information. Again, Anita would like to thank the membership for their patience AND support, the staff for their continued work and dedication, Madam Chair for her Leadership, and all her colleagues for their dedication and continued collaboration to keep our membership and families safe, programs and services were available, and assuring that members received a little extra money this year to get them through some difficult times.

**Fred Matt** commented what a difficult time his pandemic has been, but he was grateful for the many good things that have happened. He thanked Shelly for the prayer, the drum for the song, and Stephen for his thoughts. Fred mentioned the loss of loved ones we all lost this year. He talked about the water rights and National Bison Range. Fred remembers being in the parking lot with George Waters at Mickey’s funeral, and they were talking with Dan Decker. Fred was the Tribal Council Vice-Chairman and stepped up to Chairman after the loss of Mickey Pablo. Fred pledged himself and his efforts to do everything in his power to see that the Bison Range would come to the Tribes under our umbrella. It is refreshing that he is alive to see this take place. The Tribal Council continued that effort, including Mickey Pablo, Fred, James Steele, Jr., Bud Moran, Joe Durglo, Ron Trahan, and now Shelly Fyant. There were many council members that were instrumental in that effort who are no longer here. Fred is grateful for the staff that worked so hard, especially the Legal and Water Rights staff. Teresa Wall-McDonald was also very instrumental in this effort early on. Although 2020 was an incredible taxing year on all of us, that bill came to fruition in 2020 so we can be grateful for that. He hopes 2021 is a better year for us all.

**Charmel Gillin** wished everyone a Happy New Year. This is the beginning of the fourth year she has been sitting here and it is a privilege to be on the council. She knows she will be exactly where she needs to be next January at this time. We are a strong people, and she is thankful for that. It is important to remember we are not alone. She thanked Stephen for the prayer and the drum group for the song. 2020 was unprecedented in many ways. Council has been doing policy update work. They took actions to make meaningful changes, such as

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establishing a Forestry Advisory Committee for policy updates. Tribal Credit made modifications to fit within the changing housing market. Council took time to engage in difficult discussions. It has been a difficult year. We need to enter this year with a new heart and put our best foot forward. Shelly has done a good job leading the discussions. Services were maintained during this difficult time; most increased and adapted to the needs of the membership. The COVID Relief funds were administered the best way possible. The balance of unobligated funds was estimated the best as possible and we were able to send out a second relief payment to the membership suffering from the pandemic. People were appreciative of that money. Charmel encouraged the membership to thank the staff for their hard work. The management team requested a record number of incentive awards for employees to show our gratitude for the dedicated workforce. CSKT engaged in a team effort with the Court, law enforcement, Legal, Defenders, Prosecutors, and Education Department to get \$3 million for a comprehensive strategic planning grant for community projects. That funding allows for the addition of a Drug Task Force Detective, an investigator to work on MMIP cases, fill vacant jobs, purchase new vehicles, and purchase new radio and communication gear. The Char-Koosta News keeps everyone informed with updated information. They got 100% response to the 2020 Census. Charmel thanked Rob McDonald and his staff for that hard work. The Tribal Health Department had a new Director come on board in September, who quickly supported infection control systems, began preparations for the vaccine, and created telehealth systems, etc. The People's Center Gift Shop got a new lease in St. Ignatius. Under Marie Torosian's leadership, it undertook a strategic plan and rebranding project. It is exciting to anticipate what's ahead for that. We have seen outpouring generosity during 2020.

**Mike Dolson** thanked the council for working together. This is the time we usually shake hands. You give up contention when you do that every year. COVID will not let us do that this year. We can bump elbows and start the year afresh. Mike thanked the membership for allowing him to serve them. Mike will be holding district meetings the fourth Friday of each month starting this month. He thanked the drum group and was pleased to hear their song. He thanked Stephen for his words and was glad he emphasized our language and its importance.

**Len TwoTeeth** commented that his colleagues already mentioned everything the council has been working on. He thanked Ellie for her presentation. She stepped up to the plate, especially with MMIW issues. It has been a tough year for all of us. One difficult thing for the leadership is watching our people lose loved ones and not being able to attend the services and be there with them. Len extended his condolences to those who have lost loved ones. The council has had to make a lot of tough decisions. He is proud to be part of that. One highlight is when you get people working together, there is always going to be contentious discussions and differences, but at the end of the day we realize that we are here

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for the membership. Len was very proud and glad to see the council take action to make those relief payments to our people, because there are a lot of people struggling. He is glad to see we made a difference to the membership and it helped our people to get that money. Len wanted to acknowledge a lot of people that made our jobs a little easier, particularly the employees working the front lines. We are fortunate to have so many good employees working for us. They are worth acknowledging and did a superb job. Len was glad to see Stephen here today. Len misses the elder's meetings. He acknowledged Alice Hewankorn for continuing to work on the language. Len thanked everyone that is still involved in the language. Our water settlement has finally passed. Pat Pierre and Ig Couture are no longer with us. They were at every single water rights meeting. It was good to see them there. Len admired Pat at the end of each meeting to stand up and remind people who this water belongs to. Len wants to honor their memory. They were very instrumental, and he will never forget that. Len never forgets who he works for. It is very humbling to sit up here for two terms. Len has learned a lot. His colleagues have different perspectives to bring to the table, and Len appreciates that. At the end of the day, we all realize whatever decision we make is the best interest of the membership. Len thanked everyone for joining us today. Some day we will be able to sit down together and break bread again.

**Chairwoman Fyant** commented that it has been a difficult year. We have endured so many losses and carry so much grief due to those losses. It is compounded this year because we cannot be with families to support them, there have been no pow wows or other celebrations, and no birthday or graduation celebrations. It has been a difficult year to process all those different emotions. It gave her great pause to re-evaluate her priorities. Shelly talked in 2020 about a clear vision she had for that year and a big focus was adhering to traditional values and principles in our communities and workplaces. She challenged everyone to think about that and talk about it in their families; what traditional values do they practice in their families. Think about the violence, bullying, harassment, gossip, and negative talk and thoughts. Those do not have a place in our society. Shelly challenged each family what values do they bring to this community. While we were chosen as the first tribe to pilot the community response plan, the Big Sky series came up. It is about human trafficking and they left out the MMIP aspect of it. Then they were going to use CSKT as their fictional tribe in their fictional tribal complex, so we had to get after them about that. We had the help of the National Congress of American Indians on that. It was already mentioned about the ten priorities of the COVID Relief funds. The CSKT met with the Missoula County Commissioners on a regular basis and met with the Missoula City Council about renaming the Mullan area because Captain John Mullan was not a friend to Indian people. CSKT met with the Sanders County Commissioners in November. Shelly provided testimony regarding the Elk River Watershed on the recommendation for certain selenium in our water. CSKT received a letter from the State yesterday informing the Tribes that the

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State agreed to the selenium levels that the Tribes wanted. CSKT is gearing up for the Montana legislative session. Jordan Thompson is our lobbyist. Shane Morigeau was appointed to be a Senator for Missoula and was elected by his peers as the Senate Minority Whip. We send good thoughts and blessings to those guys to go on the frontlines for us. Shelly is honored to serve on this council. It has been good to work with everyone here. She served with different people sitting in these seats and this is a good council that is willing to do the hard work. It is good to have the drum here today.

\*\*\*\*\* **Break** \*\*\*\*\*

**Council** honored Teresa Morigeau. The nomination came from Germaine White. The CSKT honored Teresa for cleaning up the roadway east of Ronan. Teresa tirelessly walked the roadway and cleaned up the litter along the highway. She is carrying on our sacred tradition of taking care of the land that supports and nourishes all of us. Council had some flowers and a gift for Teresa. **Carole Lankford** lives in that area and saw Teresa and Gene walking that road many times. She appreciates what Teresa did and making the point that someone is willing to step up and pick up that garbage. Carole appreciates her trying to keep our community clean. Teresa is a respected elder and community member doing good things.

**Council** honored some of the legal staff that were instrumental in getting the water compact. George Waters, from Washington, DC, joined to watch this honoring. George submitted a statement that there are no better attorneys anywhere than CSKT. They served us with great distinction. **John Carter** joined the Confederated Salish and Kootenai Tribes internal Legal Department November 1, 1983, after completing his legal education at the University of Montana Law School in Missoula. John practiced geology before attending law school and provided the foundation for many of the Tribes programs. During his career with the Confederated Salish and Kootenai Tribes, John was a prolific litigator and assisted with or directly tried over thirty cases, many of them direct attacks by enemies of the Tribes on Tribal water rights, treaty rights, jurisdictional authority, or self-governing powers. John also possessed a phenomenal winning record and helped make the Tribes the nationally recognized power they are today. John participated as a guiding member of the Tribes' Water Rights Negotiating Team working diligently for years to accomplish approval by the Montana Water Rights Compact Commission. He put in endless hours reviewing and modifying proposed language, providing legislative and public meeting comment, and generally representing the public face of the Tribes. Thank you for your service and your contributions John. **John Carter** commented that he is only as good as the people that help him. Without the support he received from the tribal council, Natural Resources staff, and the janitors, the whole spectrum is what has made the Legal staff as successful as they are. He bestowed an honor to his wife, and to Rhonda Swaney for being a

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great co-worker and lawyer. John has a lot of respect for Rhonda. He thinks of the many women who have influenced his life, such as Virginia Griffing and Evelyn Stevenson. Winona Tanner is a strong woman. There have also been plenty of strong men too, such as Mickey Pablo and Fred Matt. John thanked the council for the honoring and the blanket. It is the result of everyone's work; not just one person.

**Ryan Rusche** is a member of the Assiniboine Sioux Tribes and grew up on the Fort Peck Reservation in Montana. Ryan possesses many talents, including being a musician, historian and performer. Ryan worked as the sole practitioner for his Tribes after completing his legal education. He also served as the County Attorney for Roosevelt County, including prosecution of the biggest cattle rustling case in Montana in decades. He went on to sheppard the Dry Prairie Rural Water Supply bill through Congress. He secured funding for construction of the project, which brings quality drinking water to the people of Northeast Montana. Ryan, an excellent litigator, came to work for the Confederated Salish and Kootenai Tribes on September 28, 2014. Ryan immediately started work on getting the Salish and Kootenai Tribes Water Settlement Agreement approved by Congress and after some very frustrating years writing and rewriting as well as negotiating the bill with Congress, Administration representatives and local detractors, he accomplished the task. He worked on weekends and late into the night to educate, remind, and advocate for the Confederated Salish and Kootenai Tribes. Ryan credits his success to building relationships and working with people. Ryan's diligence and hard work is greatly appreciated by the Tribes and we look forward to many more years of working together. **Ryan Rusche** thanked council for the privilege of working for the CSKT people and the tribal council. He echoed so many things that were said today already. Ryan thanked the council and everyone who worked on this. He got handed an awesome task of being able to put the cherry on top of a cake that was built many decades before he got here. He was reminded by the commend made by John Carter about the influence of Indian women in his life and where he is today. Ryan was thankful for his mother, grandmother, sister, wife, the council women, and Rhonda Swaney for giving him the freedom and directives that he needed to be his best on the Tribes' behalf. There were many intense moments involved and it cannot be done alone. He needed that support and guidance. Rhonda has been that rock for him for his entire tenure here. It is such a pleasure for him to advance in Indian country. Ryan also thanked the Indian tribes he worked for elsewhere, including the Fort Peck Tribe.

**Rhonda Swaney**, a CSKT tribal member, is the Managing Attorney for the Confederated Salish and Kootenai Tribes. She has served in this role since 2014 and has been in the CSKT Legal Department since 2006. Rhonda supervises a Legal Department staff of 15 people, including 11 staff attorneys. As Managing Attorney, Rhonda has been involved in tribal, federal, and state administrative and judicial litigation, and has dealt with numerous jurisdictional issues.

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Rhonda also provides legal advice to the Tribal Council, as well as all Tribal government agencies. Before becoming an attorney, Rhonda served as Chairwoman of the CSKT Tribal Council. She has also served as the Department Head for the Tribes' Natural Resources Department. Prior to her Tribal government service, Rhonda had worked for the Bureau of Indian Affairs at the Northwest Regional Office in Portland. Rhonda has a long history of working on water rights issues. From her time on the Tribal Council to her time as the Natural Resources Department Head, and now as Managing Attorney, Rhonda was a guiding member of the Tribes' Water Rights Negotiating Team who worked diligently for years to accomplish approval by the Montana Water Rights Compact Commission. She put in endless hours reviewing and modifying proposed language, providing legislative and public meeting comment, and generally representing the public face of the Tribes. Along with Ryan, Rhonda immediately started work on getting the Salish and Kootenai Tribes' Water Settlement Agreement approved by Congress and after some very frustrating years writing and rewriting, as well as negotiating the bill with Congress, Administration representatives and local detractors, she accomplished the task. She worked countless hours educating, reminding, and advocating for the Confederated Salish and Kootenai Tribes. Council thanked Rhonda for her many years of devoted service to our Tribes. **Rhonda Swaney** commented that this is a monumental settlement. She thanked the tribal council for believing in her and believing that it could be done. **Chairwoman Fyant** thanked the other staff who collected data, the groups across the nation, Montana, wildlife, farmers/ranchers, and fisheries folks. There are so many people who contributed to this effort.

The **Flathead Nation Drum Group** sang an honor song.

**Rhonda Swaney** and **Ryan Rusche**, Legal Department, gave an update on the CSKT water compact: Federal Ratification Montana Water Rights Protection Act. On December 21, 2020, the house and senate passed the Consolidated Omnibus Act which included the water rights settlement. It was signed by President Trump on Sunday. Then on Tuesday, the Tribal Council ratified it. In the 1980s the Tribes began the process. The CSKT, Montana and United States negotiated a proposed compact and ordinance. It was approved by the Montana Reserved Rights Compact Commission in 2014 and the state legislature in 2015. It quantifies the Tribes' water rights on and off the reservation and provides unitary administration of water rights on the reservation. After the compact was ratified by the state legislature, we sought ratification by the federal government. It was five years ago that we rolled out our proposal for a settlement. It was an in-depth analysis by the legal staff. On December 21, 2020, Congress enacted the Consolidated Appropriation Act of 2020 which included the Montana Water Rights Protection Act. Senator Tester introduced a bill in 2016, but it did not pass congress in the 115<sup>th</sup> Congress. We continued to work with other members of our delegation and in 2019 Senator Daines agreed to introduce the bill, that

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was co-sponsored by Senator Tester. Congress enacted the Act which ratifies the compact and approves the Tribes' federal settlement. On December 29, 2020, the Tribal Council ratified the compact, accepted the federal settlement, and enacted the ordinance. The next steps are: execution of the compact by the Secretary of Interior; appointment of a federal implementation team; negotiation of agreements and process to allow for the transfer of federal settlement funds to the Tribes for implementation and Tribal management; compact implementation; and decree of compact and tribal water rights by the Montana Water Court.

Key aspects of the compact and UMO quantifies the Tribes' aboriginal and reserved water rights through negotiation thus avoiding litigation; resolves the complex regulatory scenario on the reservation where most water originates on tribal lands, flows across non-Indian lands, then returns to tribal lands: unitary management, permits; confirms a use of 855 Treaty water right for the massive Flathead Indian Irrigation Project (FIIP) for the benefit of Indian and non-Indian irrigators; \$55 million state contribution for irrigation infrastructure, and in-stream flows. It provides for reasonable transition to local management of the FIIP and attainment of federal Endangered Species Act obligations arising from the FIIP; provides for shared shortages of water in dry years; protects fish and wildlife habitat across western Montana; confirming the tribal instream flows where members have historically fished and hunted; makes tens of thousands of acre feet of Hungry Horse Reservoir water available for domestic, municipal, commercial, and industrial uses by non-Indians through lease from the Tribe for nominal rental rates for water that has been previously unavailable; protects valid existing uses as decreed by the Water Court or permitted by the DNRC prior to 1996; protect exiting tribal uses, including traditional tribal culture/religious uses; establishes a process to permit new uses such as domestic, stock, wetlands, municipal, hydropower, industrial, commercial, and ag uses; provides legal protection for post 1996 domestic wells and permits that are currently in limbo; recognize CSKT instream flows on/off the reservation; establishes a modern science-based irrigation water allocation for FIIP; provides funding for improved water measurement and water supply forecasting; provide additional water resource for the reservation from the Flathead River; provides funding for fish and wildlife habitat and FIIP improvements; process for changes to existing water uses; provides more local control than litigation and other benefits with significant lower expenditures of time, money and social disruption. The Treaty includes the right to take fish in usual and accustomed locations. The courts confirmed this right to use water outside the reservation to maintain fisheries flows. CSKT is the only tribe in Montana with this specific Treaty provision.

The key elements of the water rights on the federal level include ratifies the compact and UMO; includes restoration of the National Bison Range; authorize a process for restoration of state school trust lands on the reservation and in exchange the Tribes will convey to the state tribal co-ownership of state rights in

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the Upper Flathead Basin; no Secretary funding (all of the federal contribution of \$1.9 billion will be deposited in a tribal trust account under the American Indian Trust Fund Management Reform Act. This is the largest monetary settlement in history for an Indian tribe. The funding will be split into two pots each year. One pot of money is related to compact implementation, rehabilitation and modernization of the Flathead Indian Irrigation Project and damages caused by the project. There is \$900 million in mandatory funding that was appropriated with the settlement. The Tribes will receive \$90 million per year for the next ten years that will be deposited in the trust fund without additional appropriations. The Tribes and Secretary will negotiate a split of the funds between compact and project funding versus all other authorized uses for self-governance protection for the Tribes in carrying out section 7 activities. We could seek discretionary appropriations as well.

The authorized uses of the settlement trust fund are to carry out activities described in subsections (b) and (c) of section 7; rehabilitation and modernization of the Flathead Indian Irrigation Project; mitigate, reclaim and restore damages caused by FIIP; acquire land and easements to carry out those tasks; comply with environmental laws and requirements, to be carried out under the Tribes' self-governance compact providing important flexibilities and protection to the Tribes; administer, implement, and manage the tribal water right and the regulation and administration of water rights within the reservation under this Act, the compact, and the law of Administration and such infrastructure as is necessary to meet related programmatic needs; to implement the tribal water right through rehabilitation and improvement of agricultural Indian land within the reservation; construction and rehabilitation of livestock fencing on Indian lands on the reservation; mitigate and control noxious weeds on land within the reservation; plan, design, and construct improvements to irrigation system on land served by the FIIP; install screens, barriers, passages, or ladders to prevent fish entrainment in irrigation ditches and canals within the reservation; to plan, design, construct irrigation facilities on Indian land within the reservation that is not served by the FIIP; to plan, design, construct, operate, maintain and replace community water distribution and wastewater treatment facilities on the reservation; develop geothermal water resource on Indian land within the reservation; develop a cultural resources program relating to permitting necessary to conduct the activities authorized under this subsection; comply with federal environmental laws for any use authorized by this subsection; repair, rehabilitate, or replace culverts, bridges, roads on the FIIP and any public or tribal culverts, bridges, roads that intersect with or are otherwise located within the supply and distribution network of the Flathead Indian Irrigation Project.

**Vernon Finley**, Kootenai Culture Committee, commented on the water rights compact and was glad Rhonda and Ryan were part of the process. He is grateful to Ryan for getting this to the finish line for us. The KCC has been negotiating

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this pandemic. An important aspect of our culture is gatherings and there is always food, song, ceremony, social aspect of sharing, and personal contact with one another. That is an important part of our culture and it has been a challenge. They work diligently on the language programs. Chaney maintains the crew down south. KCC has Dorothy Birney working with the apprentices throughout the pandemic. Vernon showed a video of the apprentices in language class.

**Tony Incashola, Sr.**, Salish Qlispe Culture Committee, thanked the tribal council for all their efforts. He knows it is not easy making decisions at times. The membership relies on the council to make good decisions. He shared some stories about the past and how people could speak both languages. That was the strength of the identity to who we are as Indian people. The language is connected in so many different things. language is a big part of the water compact. The elders spoke about placenames and where the aboriginal territory was. Each place has a meaning and a reason. When we talk about those places, it explains what the actual place means. When we helped with the water rights, all of the placenames in the aboriginal territory, gave strength to the people that needed to confront those who did not understand our people. Language was one of the things he elders talked about. Everything is tied to our language. Tony thanked the council for what they do for our future generations. We have had great leaderships with our ancestors. Language is the one thing that brings us together; it is our identity. He thanked the staff for their hard work to make sure our elders are safe, make sure the program is still going, make sure the language learners are still learning, make sure everything is in place. Without this support and good staff, we leaders would not get to where we are going. Chiefs had people supporting them which made them stronger and that is why we are here today. It's the strength, understanding, honesty, and wisdom. Tony's staff has given a lot to this program. We have had some great leaders for this Tribe who had great visions. Chaney Bell gave thanks to the tribal council, Tony, our ancestors, and the Creator. The language classes have taken place online. There are three different groups (beginner, intermediate and advanced) in the program. the advanced group is helping to teach. intermediate is at the third level, and the beginners will begin the next level next week. There are 17 students in the group. The teachers and students introduced themselves and shared some stories. Steve Arca is one of the teachers for the Culture Committee. Melanie Sandoval is the language instructor for the Salish Language Development Program through SKC. Daniel Brown has been in the program for three years and helping to teach the new group. Sierra Jeppesen is a language teacher. Alfred Woodcock, Loni Tomma, Jan Gardipe, Sierra Mahseelah, Becky Wood, ArriAnna Matt, Michelle Matt, Laurencia Starblanket, Nadia Adams, Louis Benz, Shanna White, Francis Brown, Nicole Perry, Linda Ferris, and Lauren Clairmont, Apprentices, introduced themselves to council and spoke in the language.

The meeting was closed with a **prayer** by Tony Incashola, Sr.

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**MOTION** by Carole Lankford to adjourn the meeting.

Council **adjourned** at 1:36 p.m., and is scheduled to meet again on Tuesday, January 5, 2021, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Ellie Bundy McLeod  
Tribal Council Secretary