

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

Volume 21 Number 47
Zoom Meeting

Held: March 23, 2021
Approved: March 30, 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; Donna Durglo, Recording Secretary; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:01 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for March 18, 2021 were presented for approval.

MOTION by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for March 18, 2021, with corrections. Second by Mike Dolson. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Anita Matt to approve the March 23 agenda, with changes. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

Elizabeth Talbert, Social Services, requested approval of a change of duty for March 24 & 25, 2021, from 3:00 p.m. to 6:00 p.m. for a Language Workshop. The employees would need supervisor approval. The list of employees are Natalie Kenmille, Department of Human Resources Development; Rhoda Couture, Family Advocate, Early Childhood Services; Celeste Hewankorn, Information Technology; Kayla Ridgley, Tribal Health Department; and Elizabeth Talbert, Social Services.

MOTION by Len TwoTeeth to approve the change of duty, with supervisor approval, for the list of tribal employees to attend the Language

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Workshop on March 24 & 25, 20201, from 3:00 p.m. to 6:00 p.m. Seconded by Fred Matt. Carried, unanimous (10 present).

Clayton Matt, Tribal Services; and **Mark Couture**, Tribal Lands Department; gave an update on a Lands issue. There was a question about a potential squatter above the canal. They gave some information on that and a brief update on the Shoreline Drive property regarding a potential trespass there. **Mark Couture** advised that Clayton got ahold of him yesterday morning with some concerns. A tribal member actually called in about the gated property next to the former Ranald McDonald house on the vacant lot. He sent compliance crews down there yesterday to take a look, and there are actually two sets of gates on that vacant property. There is a big double metal gate right on Shoreline Drive that had a bunch of tumble mustard and brush gathered up on the fence. It does not look like anybody has been accessing it through the main road, but there is a gate access on the east boundary of the property next to the adjacent landowner. That gate was open and when the compliance crew was down there nobody was home at the adjacent property. It looks like he has a small garden on that property and it has been there for some time and has been used. With a little bit of research and talking with Clayton yesterday the individual had a working relationship with Ranald McDonald. Ranald allowed him to have a garden there as long as he maintained it as in mowing the upper piece. So the individual has still been doing that. The staff is trying to reach him right now to let him know that he does not have permission to utilize that property and that he has to have permission to keep his garden or have access to that property. We do have a trespass involved on that property. The staff is working right now to just get it cleared up so the individual knows that he can no longer utilize it for his garden or mowing the property and that the Lands Department will have to take that on when they mow the former McDonald property. **Chairwoman Fyant** commented that we do have a trespass, and she wants the department to keep council updated on that. **Charmel Gillin** reported this alleged trespass to Tribal Lands Department a year ago, and it was reported to me that there was some former agreement. However, it was my understanding these two lots were not part of the acquisition from Mr. McDonald. So it is curious how Mr. McDonald would have made an agreement with a neighbor on some property that I don't believe he had title to. No one seemed to be aware that we owned those lots, when I came onto Council. Nevertheless, I just want to say that this was brought up several months ago, to the Lands Department so just to make that clear that this trespass has been known from some time. **Mark Couture** said the compliance officers did go down last year, and they got that information of them having a verbal commitment. He can get more updates on when we purchased that property and how this came about. He does not have that readily available right now. He will have to work with George and Roberta to get that history of the purchase. The individual was told last year that the trespass was going on and that he needed to cease and desist the stuff has not been removed. That's why they are reaching out to him again and letting him know that he

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cannot utilize that property. Lands was informed yesterday that there is a squatter on tribal property in the Terrace Lake area. Clayton brought that to Mark's attention. Rich got ahold of him yesterday and had a discussion on it. Mary Rose Morigeau went up there with the EPA with Brownsfield and did a check with Tribal Ranger Tom Haynes. He got a report from her with pictures. The pictures are in the council packet that Clayton sent out. Going into further discussion he has talked with some Game Wardens and with Rich. This is a Game Warden issue because it is an illegal campsite. And with the Brownsfield for cleanup for the dumping and the garbage area, he also reached out to Game Warden Brandon Couture and he actually went up there this morning, so this is new information. Brandon went up to take a look to try and find somebody. The Compliance crew was also up there with him. Upon their inspection this morning, they seen that there has been some green timber that has been cut and removed from the site. They don't know exactly how much, so he reached out to Tony Incashola Jr. at Forestry, and he was sending out some of his people to take a look at potential timber theft. Also what came out of the report was there was a name that was involved with it and the Game Wardens are out looking for that individual to notify them. There was a pull trailer with some gas cans, as shown in the pictures, that were in a group and a tent and some other debris that was left on site. Game Warden Couture is going in today and he is going to be confiscating the trailer and the tent and they are going to be impounding it at the Fish and Game building up in Polson. They are leaving a note with Brandon's card at the site telling them if they want to reclaim their items that they will have to contact Fish and Game and where the items are going to be located. That was the last update that he got. One other thing is that there was paperwork found up there and the individual is a tribal member, so it is now a civil matter for the court system and the citations to be happening. The one issue is they are a tribal member, and they are underneath the ordinance for Fish and Game. They are going to be allowed to camp on tribal property. It comes down to the garbage and the debris and the cutting of green timber or other issues involved, other than the squatting, but that is if that is that is actually the individual's stuff that is up there. There is still an investigation going on with that. **Rich Janssen**, Natural Resources Department, has been on this since Monday, March 15. What Mark said is true. We have had a lot of people working on this. The big thing that is new to us is that we could not determine if the individual was a tribal member or not, but it sounds like with the individual finding their mail it appears to be a tribal member. But rest assured, they have been on this for over a week. **Clayton Matt** stated that one of the questions that came up yesterday was they can look for options for the Tribal Council to closing off a road or part of a road. He did not know if the council had a chance to consider that, but they need to provide those options for that area. **Fred Matt** thought in the regulations for camping for tribal members was in an established campgrounds, and it doesn't sound like that's an established campground. **Mark Couture** said when he talked to Game Warden Couture, there are established campsites and then there is back country campsites and does not a campfire ring in back woods camping,

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like that, but as a tribal member they are allowed to camp. **Rich Janssen** stated that is correct. What we are seeing here though is not camping, it is a destructive operation, with the garbage there and they tried to burn the garbage already. That is the information he got from Mary Rose, so they are making plans to clean that site up with Lands. What they are finding on the roads from Chief Dan McClure is that the road kind of circles around; it's a site that people use but not for anything in particular. They can bring back options if the council wants to look at shutting down that section of road. He would have to work with Forestry and see if they had the equipment. **Clayton Matt** thinks between Lands, NRD and Forestry they could bring back some options. **Chairwoman Fyant** said that as a person that camps and frequents the woods on a pretty regular basis, she would hate to see us to start Kelly humping all these roads because of one bad actor and there just needs to be more enforcement. The other thing that she is concerned about is there appears to be children involved. There was a little bike and basketball out there. She thought Clayton could take this on. She thinks that needs to be looked at if that involves a potential CPS or homeless issues. **Carole Lankford** is worried about the fire danger in the summer time. We don't know what the capacity of these people are and their mental condition. There are homes in the area. We just don't know, and that's when people start getting fearful for living in their own homes due to this kind of situation. That is a concern. Maybe not Kelly hump, but boulder it off to just stop the access right now. She knows in the past it has been a party place for kids. So you're never going to stop all of this. She thinks there is a lot of traffic. If you see the road then you will understand they are well used roads, and they're in pretty bad condition now because of the weather. **Clayton Matt** commented that the council could either accept or deny any option, but if Council was interested in some options we could at least take a look at that. Chairwoman Fyant wants Rich to take the lead on that. Rich said he is going to work with Mark and Tony. Clayton Matt will follow up on the other issues. Rich's plan is to clean up the dump and ask Lands to help clean up the debris there. Fred Matt suggested they borrow a Game Warden's camera and set one up there to catch those guys when they are going in there and coming out. Rich could try that, but it is always a risk of those cameras getting shot at or stolen. Dan McClure informed council that Sergeant Couture went out there this morning to see if we could catch anybody at the site. There was nobody there. It did not appear as though anyone had been there since it snowed. They took custody of the trailer and they will hold that and see if the individual that owns it will come to claim it. They will certainly deal with them if they do come in and claim it. **Shelly Fyant** asked if the person that owns the trailer is the same person that's name is on the mail. **Dan McClure** said as far as he knows the trailer came back with an inactive registration. **Anita Matt** asked if someone tried to go out there at nighttime, because it appears that they are there at night and they are not finding them during the day. Dan said someone is watching it from the Law & Order side. **Tony Incashola Jr.** told the staff if they find sites like this where we have green timber cut let us know sooner. We have a bad issue out there of green timber

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being cut, so if this is the person that has been doing it that's awesome, we can stop this, but it's also a trust asset and we have a time frame that we have to report that as timber trespass and be able to hold that person accountable within 5 days of actual identification. This amount is not going to lead to \$5000.00 worth or a felony, but at least we could stop it, because over time, if this is the same person, it's been over \$5000.00 worth of cutting in this area of green timber and we do have people going out there today to get a count, paint them up, get a scale, and get an estimate of what it is. By looking at the pictures he doesn't think it's going to reach that, but at least with our guys painting them up, it seems to deter anyone else from going out there because they notice that we noticed it so they stop going to that area and stop doing it. And as for the roads issue, that area is just so flat, it's hard. Once we close one off, they build a new road right next to it, and sometimes it's just better to leave the existing road prism open so they don't create more roads, more issues, more runoff issues, and sedimentation issues. They will put some signs up and try to get some options, but sometimes the best option is to leave that road open.

Mark Couture, Tribal Lands Department; and **Clayton Matt**, Tribal Services; met with council in **executive session**.

Council reconvened into **regular session**.

Jean Matt and **Chelsea Kleinmeyer**, Unified Command Team, gave an update. There are a lot of items transitioning in the COVID world and Public Health will give us some updates on the status of the COVID shots and upcoming clinic changes coming up. **Chelsea Kleinmeyer** reported this morning in Lake County we have a total of 2,098 confirmed cases, 31 active cases, 1 hospitalization, and 28 deaths. When it comes to vaccines, we know there is a little over 24,000 people estimated that are eligible in Lake County for the COVID vaccine. At this point right around 10,000 people have received their 1st dose at least, one dose of vaccine which puts us at 41% of those eligible in Lake County that have received at least 1 dose. At least 6,500 people in our county that have been fully vaccinated which puts us at 27% of those that are eligible. This week the County Public Health and the Tribal Health Department are planning a joint clinic that will be for March 25 from 1:00 to 6:00 at the Resort in Polson and this clinic will be for anybody who falls into the 1B+ category. There are still appointments available for that day. And in order to request an appointment go to the cskthealth.org website, and on the site you will see an icon that says request for COVID vaccine appointment and you will be asked to fill out some information. They get that information immediately and you get on a list to be scheduled. In addition, all of our health care partners across the county are vaccinating people each week in various different locations. We are going to be planning some mass vaccination clinics in April. As you may know as of April 1st, all Montanans aged 16 and older will be eligible for vaccines so the Unified Command Team will be planning at least 2 mass clinics in which we can vaccinate our community. We

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will update everyone once we have the dates set for that. Chairwoman Fyant would like 1B+ explained. 1B+ is basically those that are aged 16 years or older and some people with health conditions. These are chronic conditions that may put them at a higher risk for COVID-19 complications, and then also anybody who is an American Indian or a person of color who might be at a higher risk for COVID-19 complications. The phone number to call Tribal Health is 745-3525. When they get the front desk then ask for the COVID vaccine appointment and they will be transferred to the right person. **Rob McDonald**, Communications, thanked Chelsea. We are informative about the safety of the shot. With some more background and concerns, hopefully we will convince people on the fence that they should go ahead and get the shot. **Martin Charlo** said hopefully we are in the position now we can do a lot of good and helping people get vaccinated. He gets his second vaccine on the 1st of April and hopefully the UCC will be setting up some mass vaccination clinics at the College in Pablo. We are in discussions about a lot of different things as far as events this summer. As of right now, he would lean heavily towards maybe not having large groups and things like that with the level of vaccines we have out and the percentages of our population not only in our community but also with our membership. In order to do that and in order to open gyms and in order to have some kind of normalcy this summer please go out and get vaccinated. We are hopefully winding down with COVID. We really have the control here. We control our own destiny. It's nice to be able to do that. He reiterated getting the vaccine protects not only you, but it prevents others from getting it and you getting severely sick and hospitalized, and possibly dying. It's the difference between and life death for some people out there. He knows that is kind of labeled fear mongering at times but if you have an elderly person that's immune compromised and they get COVID and they are not vaccinated that is a scary thing. In order to protect our communities let's really ramp up not only our personal responsibility but the people around us, the people that we influence, bring it out on social media, encouraging your friends and family, and providing them with the correct information, providing them with sites and literature that they can read if they are on the fence, and not just saying look at Facebook or look at this. That is usually my rule, three sites from different organizations, the sites are out there. If you trust science let's continue doing what we need to by masking up, good hygiene, and avoiding large crowds. It's March 23rd today. He likes the timeline set forth nationally of July of having some normalcy. Let's try to get there. The next few months are critical, first and second doses, let's get on those and have a great spring and go into summer strong and healthy. **Jean Matt** said it is very important that as we get vaccinated we are still wearing our masks and we are still washing our hands, and still social distancing. They are all still important components in our lifestyles and in our gatherings at work and what we have to do, so let's make sure we can adhere to those simple things. Also, as the Councilman just said, it's within our control and that's a good place to be, and that's something that we had the ability to do this whole time. **Shelly Fyant** got her second vaccine yesterday. She feels great. She knows there is a two-week

waiting period before you are considered fully vaccinated so she is waiting for everything to take effect. As Chelsea said in Lake County, we are at 41% of our population being fully vaccinated. She gave a shoutout to the Blackfeet Nation. They are 95% vaccinated and they have opened up their Tribe and the east entrance to Glacier, so good job, Blackfeet. She realizes that getting the vaccine is a personal choice, but until we reach herd immunity, the Tribes are not going to endorse any large gatherings. So along with what Martin said, if you want to read the science and believe the science you can go to any of the CDC websites. We also have the cskthealth.org website that is the Tribes' own website, and Missoula County Public Health has a real good website, as well.

Rick Eneas, Financial Management, requested a contract approval to remove 5 underground storage tanks out at the Kicking Horse Job Corps Center, and the bid will be with Francis Cahoon, and the Cahoon Wildland Fire & Timber, in the amount of \$36,500.00.

MOTION by Anita Matt, to approve a contract with Francis Cahoon and the Cahoon Wildland Fire & Timber for the removal of 5 underground tanks from the Kicking Horse Job Corps Center in the amount of \$36,500.00. Seconded by Martin Charlo. Carried, unanimous (10 present).

Rick Eneas, Financial Management; **Christopher Bitakis**, **Alex Mercer**, and **Jon Rothweiler**, REDW; presented the 2020 audit report, including department-wide financial statements, statement of net position, statement of activities, governmental funds, reconciliation of the balance sheet of governmental funds and statement of activities, and federal and nonfederal awards. Chairwoman Fyant and Charmel Gillin thanked everyone and congratulated the Accounting and Finance staff. Rick Eneas thanked the REDW folks and the Accounting and Finance staff. A slide will be sent to the council.

MOTION by Mike Dolson to accept the audit from REDW. Seconded by Bing Matt. Carried, unanimous (9 present – Martin Charlo out of the room).

Rhonda Swaney, **Ryan Rusche**, **John Harrison**, **Chelsea Colwyn**, **Stu Levit**, **Dan Decker**, and **Michael Wheeler**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

MOTION by Martin Charlo to approve the resolution electing to carry out, on behalf of the Secretary of the Department of the Interior, the activities under Section 7(b) of the Montana Water Rights Protection Act related to the Flathead Indian Irrigation Project. Seconded by Fred Matt. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 21-046

RESOLUTION ELECTING TO CARRY OUT, ON BEHALF OF THE SECRETARY OF THE DEPARTMENT OF THE INTERIOR, THE ACTIVITIES UNDER SECTION 7(b) OF THE MONTANA WATER RIGHTS PROTECTION ACT RELATED TO THE FLATHEAD INDIAN IRRIGATION PROJECT

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

WHEREAS, the Confederated Salish and Kootenai Tribes (“CSKT” or “Tribes”) are a federally recognized, sovereign tribe residing on the Flathead Indian Reservation in western Montana, with a vast aboriginal territory stretching from Canada to Wyoming, and from Washington to Montana; and

WHEREAS, water is among the most sacred substances to the CSKT, and the Tribes utilized water in their aboriginal territory for religious, hunting and fishing, and sustenance purposes; and

WHEREAS, federally-reserved water rights sufficient for the Tribes’ perpetual existence on the Flathead Indian Reservation were secured at the signing of the Hellgate Treaty in 1855, and moreover the Tribes’ aboriginal rights were confirmed by the express rights of the CSKT to hunt, fish, and gather at all usual and accustomed places throughout their aboriginal territory; and

WHEREAS, the United States illegally opened up the Flathead Indian Reservation for non-Indian settlement, and created the Flathead Indian Irrigation Project that dramatically altered natural waterways and irreparably damaged fish and wildlife habitat of the Reservation by creating the Flathead Indian irrigation project, a network of over 1,300 miles of ditches and canals filled with irrigation structures that now serve over 1,800 irrigators, 90% of which are non-Indian, and would have made prior appropriation of water rights nearly impossible to implement; and

WHEREAS, the State of Montana has pursued a state-wide adjudication of water rights, including Indian water rights pursuant to the McCarren Amendment as found applicable to Indian water rights in *Colorado River Water Conservation District v. United States*, 424 U.S. 800 (1976), and simultaneously pursued negotiations with Indian tribes in the State; and

WHEREAS, the Tribes negotiated with the State of Montana and the United States for more than two decades to quantify the Tribes’ reserved and aboriginal water rights, with the Tribes making many concessions and compromises in an effort to find an amicable resolution, which resulted in the Water Rights Compact entered into by the Confederated Salish and Kootenai Tribes, the State of

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Montana, and the United States of America (“Compact”); and

WHEREAS, the 116th U.S. Congress passed the Montana Water Rights Protection Act, Public Law 116-260, 134 Stat. 3008, title V, Division DD, on December 21, 2020, which the President signed into law on December 27, 2020; and

WHEREAS, the Montana Water Rights Protection Act settles the Tribes federal reserved water right claims; and

WHEREAS, on December 29, 2020, the Tribal Council of the Confederated Salish and Kootenai Tribes ratified and approved the Montana Water Rights Protection Act; and

WHEREAS, Section 7(d)(1)(C) of the Montana Water Rights Protection Act requires the Tribes to make an election “[n]o later than 120 days after the date on which funds are first appropriated for deposit in the Trust Fund, or not later than such alternative date as is agreed to by the Tribes and the Secretary” with respect to whether the Tribes will carry out all of the activities in Section 7 of the Montana Water Rights Protection Act, on behalf of the Secretary for the Department of the Interior, related to the Flathead Indian irrigation project; and

WHEREAS, whereas the above-mentioned 120-day period, which started on the date Congress first appropriated funds for deposit in the Trust Fund, officially began on December 27, 2020 when the Act became law, thereby giving the Tribes until April 27, 2021 to make an election under Section 7(d)(1)(C) of the Montana Water Rights Protection Act; and

WHEREAS, Section 7(b) of the Montana Water Rights Protection Act requires, “subject to the availability of appropriations, the Secretary, or on the request of the Tribes, the Tribes on behalf of the Secretary under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.),” in accordance with Section 7(c) regarding environmental compliance, carry out the following activities relating to the Flathead Indian irrigation project: (1) rehabilitation and modernization; (2) mitigation, reclamation and restoration; and (3) acquisition of interests; and

WHEREAS, Section 8(e)(2)(A) of the Montana Water Rights Protection Act provides that any amounts deposited into the Salish and Kootenai Compact Account, an account within the Séliš-Qlispé Ksanka Settlement Trust Fund, “shall be made available to the Tribes or the Secretary, as applicable, on the date on which the amounts are deposited or transferred, for the uses described in [Section 8(h)(1)]”, which is to carry out the activities described in Section 7(b) and (c), “in accordance with the Appendix 3.6 of the Compact;” and

WHEREAS, Section 8(e)(2)(B) of the Montana Water Rights Protection Act provides that any amounts deposited into the Salish and Kootenai Compact Account, “shall be available to the Tribes on the date on which the amounts are deposited for the uses described in [Section 8(h)(2)]”, which is for the administration, implementation, and management of 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; and

WHEREAS, Section 8(f)(2) of the Montana Water Rights Protection Act states that withdrawals from the Salish and Kootenai Compact Account shall be made (A) only in accordance with Sections 8(e) and Section 7 of the Montana Water Rights Protection Act and (B) shall not be subject to the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4001 et seq.); and

WHEREAS, Article VI, Section 1 (a), (c)-(f), and (n), and (u) of the Tribes’ Constitution and Bylaws, said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended, authorizes the Tribal Council of the Confederated Salish and Kootenai Tribes to carry out activities related to the Flathead Indian irrigation project, the Compact, including the Law of Administration, and the Tribal Water Right, **NOW, THEREFORE**,

BE IT RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes approves and elects to carry out the Section 7(b) activities on the Flathead Indian irrigation project under the Montana Water Rights Protection Act; and

BE IT FURTHER RESOLVED, the Tribal Council requests that the Secretary of the Interior, acting through the Bureau of Indian Affairs — Office of Self-Governance, take all action necessary to carry out the Secretary’s responsibilities to enter into a self-governance agreement with the Tribes under title IV of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5361 et seq.) covering all Section 7(b) activities for the Flathead Indian irrigation project as set forth in Section 7(d)(1)(A) of the Montana Water Rights Protection Act; and

BE IT FURTHER RESOLVED, the Tribal Council requests that the above-authorized self-governance and funding agreement cover and be funded to include all activities set out in Sections 8(e) and Section 7, which includes all of the uses in 8(h)(1) and 8(h)(2), of the Montana Water Rights Protection Act as noted above.

MOTION by Charmel Gillin to approve the letter, with corrections. Seconded by Bing Matt. Carried, unanimous (10 present).

MOTION by Anita Matt to join the NARF/ACLU case regarding IEFA. Seconded by Martin Charlo. Carried, unanimous (10 present).

Charmel Gillin would like the Legal Department and Education Department work on communicating to tribal parents, like the Indian Education Committees, the action we just took and our position so they are aware of the reasons we are involved and how it is going to help tribes in Montana. **Chairwoman Fyant** will pass that along to Michelle Mitchell.

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

Hank Conko, Department of Human Resources Development, requested approval of an amended Attachment 1 “a scope of work” with Gregory Kidder. The council approved the contract on February 11, 2021, pending legal review. Legal recommended the amended Attachment 1 as the scope of work. **Mike Dolson** wanted “Tribal Director” more specific in the contract. Hank thought that titled referenced her. **Chairwoman Fyant** requested that it be corrected from “Tribal Director” to “Tribes’ Director of TCSEP”.

MOTION by Len TwoTeeth to approve an amended Attachment 1 “a scope of work” to the contract with Gregory Kidder. Seconded by Fred Matt. Carried, unanimous (10 present).

Patricia Courchane, Department of Human Resources Development, requested approval of a modification to the contract with Dorothy Clinkenbeard to increase compensation by \$7,500.00 for snowplowing services. **Martin Charlo** has had several complaints about this snowplower not doing their job. The contractor does not live in the area and is not accessible. He would like verification that this service is actually being done. Patricia said they require signatures from the clients, and that is how their pay is generated. They cannot plow without getting a signature from the resident. Martin thought that the requirement to get signatures was amended due to the pandemic. **Constance Morigeau** joined the discussion and clarified that they do not require signatures. The modification is necessary for services provided that exceed the initial contract ceiling amount. **Chairwoman Fyant** asked how they verify services are performed. **Charmel Gillin** was unclear where all the plowing is happening, given we have had very minimal snow this year. Constance told council that they spent \$55,000.00 last year and \$90,000.00 the prior year. Constance requested that the budget be \$90,000 this year, but the budget for snowplowing was set at \$55,000.00. One contractor has a larger area and has exceeded the contract amount. The other two contractors have remained under the \$15,000.00 budget so far. Clinkenbeard has not exceeded the contract amount. Constance is requesting the modifications in case we get more snow. **Martin Charlo** wanted to know if we do this every year, why don’t we just contract for a higher amount so we do not have to modify these contracts every year.

MOTION by Len TwoTeeth to approve the modification to the contract with Dorothy Clinkenbeard to increase compensation by \$7,500.00 for snowplowing services. Seconded by Fred Matt. Carried, 6 for; 3 opposed (Mike Dolson, Martin Charlo and Ellie Bundy McLeod); 1 abstention (Charmel Gillin).

Patricia Courchane and **Constance Morigeau**, Department of Human Resources Development, requested approval of a modification to the contract with Lloyd Irvine, Northwest Lawn Care Services, to increase compensation by \$7,500.00 for snowplowing services. This contractor is owed \$3,600.00 for services already provided that has exceeded his contract ceiling amount of \$14,999.00. \$18,500.00 has been spent on this contract to date.

MOTION by Len TwoTeeth to approve the modification to the contract with Lloyd Irvine, Northwest Lawn Care Services, to increase compensation by \$7,500.00 for snowplowing services. Seconded by Fred Matt. Carried, 7 for; 2 opposed (Martin Charlo and Ellie Bundy McLeod); 1 abstention (Charmel Gillin).

Charmel Gillin, for the record, *“I’m abstaining from both actions. I’m very confused. The order in the packet is not right and the amounts on the issue papers do not match. I thought the first one was the one that went over budget, but it wasn’t.”*

Patricia Courchane and **Constance Morigeau**, Department of Human Resources Development, requested approval of a modification to the contract with Jay Skellenger to increase compensation by \$7,500.00 for snowplowing services.

MOTION by Len TwoTeeth to approve the modification to the contract with Jay Skellenger to increase compensation by \$7,500.00 for snowplowing services. Seconded by Anita Matt. Carried, 6 for (Len TwoTeeth, Anita Matt, Shelly Fyant, Fred Matt, Carole Lankford, and Bing Matt); 4 opposed (Mike Dolson, Martin Charlo, Charmel Gillin, and Ellie Bundy McLeod).

Martin Charlo, for the record, *“I feel with the history we should know the approximate amount of contracts. Having to come in to adjust these over \$15,000.00, why not just do it at the beginning and have it done. Since we’re coming out of COVID, we need some accountability for snowplowers and services, based on the amount of complains we get about specific snowplowers. Our elders should be number one.”*

Patricia Courchane and **Constance Morigeau**, Department of Human Resources Development, met with council in **executive session** to discuss a personnel matter. **Clayton Matt**, Tribal Services, was present for discussion.

Council met in **executive session**.

Council reconvened into **regular session**.

Tony Incashola, Sr., Thompson Smith, Nalani Linsebigler, Chaney Bell, Shirley Trahan, Steve Arca, and Sadie Stops, Salish Pend d'Oreille Culture Committee, met with council to provide orientation. **Tony Incashola, Sr.** stated that the purpose of the Culture Committee is to preserve and protect everything that is a gift to our people, such as our culture and our language. Many of our kids and grandkids have taken the easy way and went to the dominant way of life. In the last 20 years Tony has seen a big change where young people are coming back. But our fights continue with not only the outside world, but with our own tribal members who have not had an opportunity to learn, live, really evaluate their culture, their language, and how we should conduct everything we do in our lives to protect the next generation. We are dominated by a whole different value system. We are trying to keep our young kids from falling into that category and to hang on to who we are as a society. That is the main goal. The Treaty cannot and never should be broken. It was an agreement. We are here today because of our ancestors. The stories began at the beginning of time. The animals had their own responsibilities. The changing of the guards of the animals and the people arriving here happened thousands of years ago, but we still look to those animals for guidance. We should never try to dominate or be better than any living thing, because all living things depend on each other to survive. We should never overeat, overharvest, overuse; we should only use what we need and pass it along to the next generation. That was the goal of our ancestors. We should never forget those things. Our elder committee is very important to us. We usually go to the Medicine Tree this month. That event is part of the creation story that our elders tell us about. We have many sites and landmarks to remind of us of the value of what our lives should be like and how to conduct ourselves. At the beginning of every year is when the first food plant comes to visit. That is the bitterroot, and there is a story about the bitterroot. That is the plant we have ceremony for and give thanks for. Every year we gather and have a prayer for the plants and animals that keep us from starving and keep our families growing. The river has an important role in our lives. The Pend d'Oreille River was a highway for our people to go west to visit their lower Kalispel relatives.

Sadie Stops talked about historical collections. They have a vault that contains some oral recordings, maps, original video on film, a small glimpse of their photo collection, anthological collections, and genealogy records. They are moving to a digital format to provide access. 44% of the collections are digitized and they are still working through that transition. The collection continues to grow. They have 2,500 audio recordings, 1,300 video recordings, 20,000 photographs, and 300+ original works of art, maps, and drawings. The material collections continue to grow. There is a collections policy and they don't usually deny any

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collection that comes to them. They put them on display for educational purposes. They have had small projects, like 3D printing, so the students can have their own copy. The majority of items are cared for with proper care and protocols from the elders. The repository space is limited due to being small. They have partnered and networked with Washington State University and the University of Montana. The Washington State University has helped with the sustainable heritage network plateau peoples web portal. The UM ACF and Mansfield Library helps with digital collections. Sadie works on the displays in the Long House to keep them updated and looking nice. She keeps the burial records for the cemetery and helps in that area as much as possible. There is a guidance working document in place so that place can look nice for when we lay our people down. She helps with ordering and sending publications to local areas. Nalani is their receptionist. She sets up their meetings. She helps facilitate the zoom meetings with elders and provides support across all the staff with whatever we need. She is learning a lot while she is there.

Shirley Trahan thanked the council for their support with the language. It's a beautiful thing to be able to speak your language and it makes it even more important when you can write it and read it. Those sounds are in a book and those books are available for purchase. They also have other publications that go with the language. Shirley is the senior transcriber/senior translator/senior language advisor. All of their language stuff goes through her. The young people are working hard trying to be able to write their thoughts in the language. She works with the class seven license and certifications, she translates and transcribes the stored recordings, reviews the written language people do to make sure it's accurate, is involved with the winter Jump Dance, name giving, spring activities, checks the bitterroot for readiness, Medicine Tree visits, the River Honoring, field trips, lake honoring, and is involved with the elders advisory board. She started using the language on Facebook to get the language out to the people. People want to know the language and culture and she does her best to get that out to them because of her own knowledge. She had elders, grandparents, and great grandparents teach her the language and she wants to pass it on to others.

Chaney Bell works with language and the elders. He is thankful for the elders and everyone who worked hard to get where we are today. When they evaluate and reevaluate what they are doing, the main goal is to create highly fluent speakers. When our elders move on, we need people ready to take over those positions who know the language at a high level. It has been a hard process to figure out how to get people there. There was a break in the system where we passed it to our children. There are classes at Nkwusm, Two Eagle River School, and the public schools, but they are not getting fluency. So in 2016 it was reevaluated again and they did a strategic plan, which was helpful. People need to be willing to become fluent and be willing to pass it on to others. Those are the people they are looking for. The goal is that it spreads to more people. All of

our people have the opportunity to learn some level of the language is a goal. They should know who they are and where they come from, and language is a big part of that. They are using the curriculum model that they adopted to learn the language in an effective way. They have six books done but there is some editing to do. They have the methods and know how to teach it, and need to have immersion with fluent speakers, fieldtrips, and intertwine our culture. They identified the stories they want and took them from recordings and wrote a book with 20 stories.

Steve Arca started learning the language through Nkwusm in 2012 with this curriculum. At that time, it was a level one. Those six books with three levels are sequential. They are trying to do it within two years. They are still finetuning and adjusting it. This is a good way to learn for the distance learners. He hopes to get back to the face-to-face learning. Steve gave an overview of each book. Steve is now an adult language teacher at the Culture Committee. There is a two-year degree through Salish Kootenai College for the language. It is important to provide a safe environment for people to learn the language without fear of being chastised or made fun of. The language is vital, and it takes time and a commitment to learn it. The language defines who we are.

Chaney Bell commented that they need to continue to record our elders, create fluent speakers, and put things out to other people so they continue to learn. They put out a CD for basics of the language. They have a language app. The Montana Indian Language Program grant money will be used to update that and put it on an online platform, so it is available on a computer. They created some children's books and updated a lot of books that are bilingual with English and Salish. Their focus is to create fluent speakers and provide language for everybody at different levels. **Len TwoTeeth** mentioned the property in the bitterroot that was donated to the Tribes. He suggested putting up a language camp and spending a couple of weeks there.

Chairwoman Fyant left the meeting.

Thompson Smith gave an overview of the history and ethnogeography projects and showed some pictures. Their job is to put their voices forward as the authority. He is grateful for the amazing work the translators do. The Salish People and the Lewis and Clark Expedition book came out in a revised edition two years ago. It is about the Salish world they entered with a tribal perspective. That book received a lot of good reviews. They linked it up with a page of the website where you can listen to the original recordings of those elders that are excerpted in the book. Last year, the Missoulian printed a special edition 150th anniversary of the city and asked them to provide information on tribal history. The Culture Committee contributed two condensed essays on that area from the beginning up to 1870 and then from 1870 to present to increase an understanding and respect for the Tribes. Thompson discussed the interpretive

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signs initiative and showed pictures of the signs located in various areas throughout the state of Montana. David Rockwell converted DVDs to a web-based format and that went live recently. The next book that will be done is Volume 1 of their published atlas. The Montana Historical Society Press showed a strong interest in it. The aboriginal territories will be Volume 1. Ethnogeography is growing across the country and there is nothing like this. The book came from the reports they did for the Legal Department for water rights.

Martin Charlo discussed a request from Nkwusm to use the pow wow grounds for graduation at the end of May. They will do social distancing. **Anita Matt** wants a written plan to review before taking action. Martin will have them draft a plan or work with Rodney at TERS to use their plan.

Martin Charlo informed the Facebook audience that we do not have any funding available from the American Relief Plan, so any idea of payouts to the membership right now is inaccurate. There is no payout from the previous CARES Act funding either.

Ellie Bundy McLeod discussed the LINC website. CSKT was the second tribe invited into that network and they want permission to use the tribal seal on the website and to link our tribal seal to our website. They also want Ellie to provide a photo of our artwork that represents our community, and she would work with Rob McDonald on that if that's okay. It was the **consensus** of council to approve the request.

Council met in **executive session**.

Council reconvened into **regular session**.

MOTION by Carole Lankford to adjourn the meeting.

Council **adjourned** at 3:46 p.m., and is scheduled to meet again on Thursday, March 25, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary