

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

Volume 21 Number 58
Zoom Meeting

Held: April 29, 2021
Approved: May 4, 2021

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

MEMBERS ABSENT: Fred Matt.

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 9:00 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for April 27, 2021 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for April 27, 2021, with corrections. Seconded by Ellie Bundy McLeod. Carried, unanimous (8 present).

The **agenda** was presented for approval.

MOTION by Carole Lankford to approve the agenda, with changes. Seconded by Ellie Bundy McLeod. Carried, unanimous (8 present).

Len TwoTeeth informed council that he asked Mike Kenmille to meet with council this morning to discuss improvements to the former Mickey Pablo house. There has been discussion regarding the transfer of ownership of the house to Mike. We continuously refer this matter to the Kootenai Culture Committee to get direction from the elders. That discussion has happened time and time again. No one among the Elders Committee was against transferring the house to Mike and some of them prefer having Mike live at that site. The house needs to be transferred to Mike so he can obtain financing to make the necessary improvements to the home. There had been discussion about what would happen if we got into a probate issue, but it should be treated as any other

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homesite. **Mike Kenmille**, Tribal Member, visited with Mark Couture yesterday and mentioned a letter that went to Vernon Finley on the questions that Charmel was asking. Mike never saw anything, so he had Mark email the questions. People need to be educated on why they get the opportunity to live there. This is a very important cultural site to the Kootenai people. It would be important to educate the next person after Mike is gone to make sure that person has the ability to pass it on to the next person that they have in mind on why they get to live in a place like this, which is to protect our cultural grounds. **Charmel Gillin** wanted to make sure it was documented properly, the concerns that the Culture Committee, elders and Mike, the understanding they have so the transfer is well documented in the file. We were waiting for a written statement so we could do what we need to do to get it transferred, the importance of that location, why his family is living there, and how it would be handled going forward in the future. **Anita Matt** stated that the Tribal Council was in favor of it, and they were just waiting for the letter from the Kootenai Culture Committee to the Lands Department to go in the files. **Mark Couture**, Tribal Lands Department, joined discussion. He spoke to Mike yesterday about the questions Charmel had that she wanted resolved from the Kootenai Culture Committee. It was about the role of the homesite and getting it conveyed to him. The question was how it was going to be transferred in his demise or could he sell it or transfer it to another tribal member. The other part was regarding whether it was the Kootenai Culture Committee to be the ones to say who can live in there, how it is going to be transferred, and will they appoint the next successor or will Mike do that. Vernon responded on it and thought it was already conveyed to Mike. Mark had already explained to him that it had not been transferred yet because there were questions that the Kootenai Culture Committee needed to answer. Vernon said Mike knows the importance of the cultural site. The questions from Charmel still have not been answered yet. **Len TwoTeeth** explained that we would treat this as any other homesite lease when we transfer it. When we discuss what will happen in the future, any normal homesite when something like that happens is a life estate is given to the wife and we would not treat it any differently.

Shelly Fyant joined the meeting.

Carole Lankford brought this up because of a situation a couple of years back. We did this with Pat at Dog Lake, and now we have a situation where the family wants it but there is another family in there. She has no problem giving him the house; it is who gets it afterwards. If it is the same situation like we have at Dog Lake, she does not want that and she knows the Elmo community will not want that. It would be nice if Mike could identify people and the community accepts who the successor would be. The homesite is not the issue; it is the successor. We have given away homes in the past. This is a historical site we want to maintain. **Charmel Gillin** commented that we posed the questions and the Kootenai Culture Committee and the elders have responded the way they have and they feel it is adequately responded to. She is supportive of the transfer as is. We have asked them the questions and it is part of the record on the transfer. **Mike Kenmille** stated that he keeps hearing if it is up for sale. The house is

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separate from the cultural site, but it should not be looked at that it is going to be for sale, and selling it should not even be an option. If the Kootenai Culture Committee decides the next successor, the sale of it is out of the picture. He is there to take over a cultural site and watch over it; that is why he lives in the house. **Len TwoTeeth** explained that it would be treated just like any other homesite and upon Mike's demise his wife would get a life estate.

MOTION by Len TwoTeeth to do the formal transfer of ownership of improvements of the former Mikey Pablo house to Mike Kenmille, to be treated as any other homesite, at a cost of \$1.00. Seconded by Charmel Gillin. Carried, 6 for; 2 opposed (Carole Lankford and Mike Dolson); and 1 abstention (Martin Charlo).

Carole Lankford, for the record, *"I would like to see what's worked out between Mike and the Lands Department before I approve it just so I know it's a deed we give to him or what that identifies exactly what's going to happen with this place. We are just giving him the home so he can do a leasehold mortgage to get financing to do the improvements."*

Mike Dolson, for the record, *"I'm opposed because Len's motion does not fit the description of what Mike said about the property. I'm not opposed to Mike getting the house."*

Martin Charlo, for the record, *"I'm in full support, but am abstaining because we don't have all the information in front of us and we are making a decision on something that shouldn't be treated just like a homesite. It should be something bigger than that. If we hold cultural sites to a higher standard, it's not going to be treated just as any other homesite. I feel Mike is the person to do it. I don't want to do it out of haste just to get it done."*

Mike Kenmille commented that a lot needs to be put into this for the future. That would be a big part of sitting down with Mark and putting specific things in there. If people know the area, a lot of the highway corridor has a lot of cultural sites from Elmo to Niarada.

Shawn Matt, Tribal Member, requested an early turnout for the Perma Stock Association. **Mark Couture**, Tribal Lands Department, advised that this was brought up in the Land Committee meeting. Range readiness is a helpful tool, but it is not the only science out there for what is range readiness for grazing. He wants Shannon Clairmont to have a discussion with council. The goal is changing the date for a two-week earlier turnout. Every year for the past six years the Remount Stock Association requests a two-week turnout. A couple of times it was approved for only one week. There is information other than what is out there for range readiness. **Len TwoTeeth** did some research on this. In the past year he knows a lot of tribal member producers have been struggling. The bottom line is our producers do not make very much as people perceive them

to. They barely make it based on what the market does. The more hay they must purchase the less money they are making. If we do not allow them to put their cows up there, someone else's cows will get up there and more than likely they are nonmember cattle that get loose and up in that range. He understands the science of why wildlife is against this and they are trying to protect our resources, but it is not going to allow the operation to get ahead. They are just trying every little plan they can get to try to save money so they can continue on with their operations. He thinks during this pandemic we need to support our producers in every way we can. They made this request for a number of years and they come in for a reason. It is one thing they can use to help them save so they can continue their operation. **Mark Couture** explained that Wildlife's problem with it is they want to make sure there is enough forage for the deer, elk, and other wildlife. 220 AUMs per month is allowed, but they never put out 220 AUMs. Wildlife did one opinion on range readiness. Mark is waiting for the report from the range ologist of when it would be ready.

MOTION by Len TwoTeeth to approve a two-week early turnout for the 2021 season, which is May 15, 2021. Seconded by Bing Matt. Carried, 8 for; 1 abstention (Anita Matt).

Justin Benn, Tribal Member, continued his discussion on suppression, oppression, and progression from the last time he met with the council. Progression is what he is talking about today. We have to think micro and macro. Progression starts with micro and macro. Arguments between neighbors should be kept between neighbors. The community should look out for each other, but we rely on the police and do not look out for each other. Justin got pulled over by the police. He got out and yelled at the police not to shoot him and that he was unarmed. He recommended all people do that when they get pulled over. We are in unprecedented times. Life imitates art. Everything comes from his heart and he hopes everyone can heed that. Let's work toward progression. He wanted that added to the comments he made on the lease issue. He thinks we should go from a director's standpoint. The media starts at 2:00 a.m. so we can see current events. Justin hopes everyone can catch up because it is a beautiful thing. The Tribal Council is elected as officials for our community; they need to do it wisely and listen. Artist minds are the same as meth addicted minds. Their day is weeks into one day and people do not understand that. Justin is an addict and helps people through it, but yet he is the one getting evicted. The discussion continued in **executive session**.

Council met in **executive session**.

Council reconvened into **regular session**.

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

Dale Nelson, Disaster Emergency Services, presented his monthly report. Dale keeps in contact with the local weather service and they guaranteed we would not have a flood season this year. There are some streams that Dale cannot get recordings for, so he has to physically look at them. He keeps an eye on the snowpack. We will have spring runoff this year. Dale continues his relationships with local, state and national agencies. Dale serves as the Logistics Officer on the Unified Command Team and he delivers PPE to tribal facilities. He still has 200 gallons of hand sanitizer available for tribal entities. **Chairwoman Fyant** informed Dale that we were offered some masks if we would pay for the shipping. She will provide Dale with the contact information so he can follow up. Dale reported there will be a setup meeting this Friday at 3:30 p.m. to prepare for the Saturday vaccine clinic. Walk-ins will be allowed at the clinic. Dale works with the Red Cross on a weekly basis; he participates in weekly teleconferences with FEMA; attends safety meetings with Brian Crawford; and attends the Montana DES Coordinator monthly zoom meetings. The Western Division meeting is coming up in Bozeman, but Dale does not know if he can attend since he has no money for travel. He is a member of the Climate Change Advisory Committee; communicates with Montana Fish, Wildlife & Parks on aquatic invasive species issues; and works with Janet Camel on land permits that need his review and comments. Dale received a notice from Western Montana Land Services regarding upgrades on the Glacier Bank (Polson Branch) storm sewer system to put in a spillover sump. Dale is working with DHRD to include the emergency plans in their Tribal Response Plan. **Charmel Gillin** asked about the underground storage tank removal and how it is going. Dale advised that he talked to the contractors about the underground storage tank removal, and he gave them spill response equipment in case something like that happens again. There is a well that goes to access to the top of the tanks. It was full of water and hydrocarbon. They contacted the Natural Resources Department and Disaster Emergency Services to inspect it. Some went into the ground, but it wasn't much. They went through the procedures to remove it.

Steve McDonald, Tribal Forestry, presented a request from USDA USFS Rocky Mountain Research Station to be granted a permit to access tribal lands to collect forest inventory data. The request was denied last year because of COVID, so they have two years of inventory to do.

MOTION by Anita Matt to approve permit number 21-01. Seconded by Ellie Bundy Mcleod. Carried, unanimous (9 present).

Chairwoman Fyant asked how the South Fork and Lozeau plots got in there. **Steve McDonald** explained that those areas have been included since they started taking this inventory in the 1960s. They provide a complete list of their plots on the reservation. There are four lots within the South Fork Jocko Primitive Area and the Lozeau Primitive Area. If the requested areas are located in a restricted area, they are not allowed access. They were told to remove them

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from the list. They did not remove them from the list, but they are denied access to those areas through the permit. The Ferry Basin Management Unit has a time limit to be in there, so they have to wait until after May 15.

Greg Wilson, Natural Resources Department, requested approval of a modification to Contractor Agreement 16-128 with Morrison-Maierle to extend the term to December 31, 2021 to complete the NEPA activities. The contract is set to expire on June 1, 2021. All other terms will remain the same.

MOTION by Anita Matt to approve the modification to Contractor Agreement 16-128 with Morrison-Maierle to extend the term to December 31, 2021 to complete the NEPA activities. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

Mike Dolson mentioned that this contract has been in effect since 2016 with many modifications and he wondered why there would not be a new contract in place. **Greg Wilson** said they did talk about modifying it or getting a new contract. They need to have a NEPA coordinator to provide assistance. It may be worthwhile to have talks with Dan Lozar and have a dialogue with Mike Dolson on a path forward.

Tom McDonald, Natural Resources Department; and **Brian Upton**, Legal Department; gave an update on Bison Range issues and discussed special requests for use for large events and activities that are commercial in nature, concessions, and a colloque of different things that it could be used for. Under 44D we issue free education permits out of the NRD office on tribal lands. There is a process for group use permits for activities that people want to combine with buying recreation permits for events on tribal lands. They have special circumstances that require a special use permit that must be authorized by the Tribal Council. They have issued commercial use permits, such as for the raft company, chartered fishers, and those types of businesses in the past. Those are done through a special permit or a commercial use permit and contract. Brian Upton developed an application that the Service used at the Bison Range as a tool to have those items come forward and evaluated if they can be approved by our officials or the council. Their application requires a nonrefundable fee. Tom asked if council wanted to entertain this. He showed council a draft special use permit. They could have a different fee schedule. If people want to reserve the day use pavilion it could be authorized with conditions and day use fees would cover it. If the council wants to codify something, the first item would be the application form so they could start using it right away so they can evaluate it and recommend action to the council. The question before council today is if they want to approve the draft application and if they want to attach a fee to that. Tom recommended having a fee for commercial use fee. They currently have a \$35 per year administrative fee. As they get further along, Tom wants to revisit 44D on that same topic and increase the annual fee. They also have a

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\$10 per vehicle day use fee. People could be assessed three separate fees for a singular activity. Tom wants to bring in enough revenue to care for the site in perpetuity.

MOTION by Ellie Bundy McLeod to approve the application for special use and/or commercial use permits with a \$25 application fee. Seconded by Mike Dolson. Carried, unanimous (9 present).

Tom McDonald will return at a later date with recommendations for the commercial permits and the correct venue for those.

Tom McDonald, Natural Resources Department, informed council that today is Dale Becker's last day of employment. Dale is retiring as the Wildlife Program Manager. The department has an event planned for him today at KwaTaqNuk, beginning at 4:30 p.m. The council was invited to attend. Tom would like to come back at a later date and request approval to hire Dale under a temporary employment agreement for the duration of this fiscal year to finish some reports and monitoring. **Chairwoman Fyant** requested that Tom get scheduled on the agenda to make the request and provide a copy of the proposed agreement. Shelly asked if Dale will be attending the grizzly bear interagency meeting today. Tom responded that Dale will be attending the meeting and he will be introducing the staff that will be taking over after his retirement.

Rich Janssen, Dan McClure, and Tom McDonald, Natural Resources Department, presented the Fish & Game quarterly report. There was an increase in permit checks. They started the AIS patrols on March 12. Since that date, there have been 3 state citations and 1 warning. There has a total of 41 citations issued the first three months. There were 39 citations through Tribal Court, and 28 of those were for no permit. There were 2 citations in State Court for AIS drive-bys. The report continued in **executive session**.

Council reconvened into **regular session**.

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

Craige Couture, Law & Order, requested to meet with council in **executive session**.

Council met in **executive session**. **Rick Eneas**, Financial Management; and **Rob McDonald**, Communications; joined the discussion.

Council reconvened into **regular session**.

Council **adjourned** at 12:30 p.m., and is scheduled to meet again on Tuesday, May 4, 2021, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Ellie Bundy McLeod
Tribal Council Secretary