

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

Volume 22 Number 83  
Council Chambers, Pablo, MT

Held: September 15, 2022  
Approved: September 20, 2022

**MEMBERS PRESENT:** Tom McDonald, Chairman; Len TwoTeeth, Vice-Chairman; Martin Charlo, Secretary; Ellie Bundy, Treasurer; Mike Dolson; Jennifer Finley; and Carole Lankford.

**MEMBERS ABSENT:** Jim Malatare (Rocky Mountain Tribal Leaders Meeting - Lewistown, Montana); James “Bing” Matt (Rocky Mountain Tribal Leaders Meeting - Lewistown, Montana); and Dixon District (Vacant).

**OTHERS PRESENT:** Jennifer Trahan, Council Office Manager; James Steele, Sr., Sergeant at Arms; and Abby Dupuis, Recording Secretary.

The meeting **began** at 9:03 a.m.

**Brian Lipscomb**, Energy Keepers, Inc., informed council that the Secretary of Energy is inviting CSKT to the Tribal Energy Conference that is hosted by the Department of Energy program. CSKT has attended these conferences in the past. It is significant in that the Secretary will be meeting for a portion of the conference directly with tribal leaders or their delegates. Brian asked if the Tribal Council wants to participate. The key message to the Secretary is the expeditious work to be done for us to get access to direct pay dollars from the Inflation Reduction Act. Subsidiaries have not been afforded to tribes in the past; congress fixed that by allowing direct payment to tribes along with other nonprofit organizations in lieu of taxes. The mechanism needs to be worked out in short order. If EKI invested in a qualifying facility, then EKI would submit that as if it was submitting for tax reimbursement that it qualifies for and they would pay it, which is substantial. Then we could get up to 50% reimbursement. It would be a good time to have a conversation with the Secretary to work with the federal government to get that done. We will be fully informed of the opportunities. Council/delegates can be accompanied by the Senior Advisor. Brian asked if CSKT wants to participate or delegate him to participate.

The meeting was called to **order** at 9:07 a.m. No quorum established.

The meeting was opened with a **prayer** by Carole Lankford.

**Brian Lipscomb** informed council he cannot sit at the table since he is not an elected leader. The conference will take place October 4-5, 2022, in Washington, DC. **Carole Lankford** will attend the conference.

**Arlene Templer**, Tribal Member, introduced Amanda, from the Youth With A Mission. Amanda is doing her mission here for two months. Amanda is from Oregon, but she is originally from Brazil.

**Mike McCrea, Jr.**, Tribal Member, requested to meet with council in **executive session** to discuss a personal matter. **Patricia Hibbeler**, Tribal Member Services, was present for discussion.

**Martin Charlo** joined the meeting. Quorum established.

**Brian Lipscomb**, Energy Keepers, Inc., requested to meet with council in **executive session**.

**Council** met in **executive session**.

Council reconvened into **regular session**.

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

**Lynn Ducharme**, Natural Resources Department, requested approval of a resolution authorizing the purchase a portion of the Good Works Ventures, LLC property with Bonneville Power Administration resident fish mitigation funding.

**MOTION** by Mike Dolson to approve by resolution the purchase of a portion of the Good Works Ventures, LLC property with Bonneville Power Administration resident fish mitigation funding. Seconded by Ellie Bundy. Carried, 7 for; 0 opposed; 0 not voting.

## **RESOLUTION 22-152**

### **RESOLUTION AUTHORIZING THE PURCHASE OF FEE LAND AS RESIDENT FISH MITIGATION HABITAT**

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

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

**WHEREAS**, the Tribal Council is authorized to purchase and exchange Tribal land or any interest therein;

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

**WHEREAS**, the Tribes, and the United States of America, acting through the Department of Energy, Bonneville Power Administration (“BPA”), have entered into a Memorandum of Understanding Between the Confederated Salish and Kootenai Tribes and the Bonneville Power Administration for Resident Fish Mitigation (“2019-2022 Resident Fish MOU”), dated September 27, 2018 to provide for BPA to fund, and the Tribes to implement, the permanent protection and mitigation of resident fish habitat to help fulfill BPA’s duties under the Northwest Power Act, and specifically to partially mitigate the direct construction and inundation impacts of Hungry Horse Dam;

**WHEREAS**, the Tribes, pursuant to the terms of the 2019-2022 Resident Fish MOU, made a commitment to acquire and protect resident fish habitat;

**WHEREAS**, the Tribes, pursuant to the terms of the Third Amended 2019-2022 Resident Fish MOU, have developed criteria by which parcels of land that contain quantifiable amounts of resident fish habitat may be selected for purchase by the Tribes with funding from BPA;

**WHEREAS**, a parcel of land referred to as the “Good Works (Dancing Boy) Parcel” (described below) qualifies for acquisition with BPA funds pursuant to the 2019-2022 Resident Fish MOU;

**WHEREAS**, Good Works, LLC, owns land and appurtenant natural resources containing resident fish habitat in and around the Jocko River as real property more particularly described as:

A portion of the SE1/4NE1/4 and the NE1/4SE1/4 of Section 7, and the NW1/4SW1/4 of Section 8, Township 16 North, RE 19 West, P.M.M., Lake County, Montana, further shown as Parcel 1 on attached Certificate of Survey (number to be assigned), on file and of record in the Office of the Clerk and Recorder of Lake County, Montana.

A non-exclusive easement as depicted as Easement A and Easement B on attached C.O.S. (number to be assigned)

**WHEREAS**, Good Works, LLC has offered to sell all of its right, title, and interest in the above-described real property to the Tribes;

**WHEREAS**, the Tribal Council has agreed to purchase the above-described real property, at a negotiated price determined in accordance with federal law, to permanently protect and mitigate resident fish habitat;

**WHEREAS**, BPA has agreed to provide funding for purchase of the above-described real property;

**THEREFORE, BE IT RESOLVED**, that the above-described real property be purchased from Good Works, LLC and that the Tribal Natural Resources Department be authorized to obtain funds from BPA pursuant to the terms of the 2019-2022 Resident Fish MOU for payment of land acquisition and closing costs;

**BE IT FURTHER RESOLVED**, that the Tribal Lands Department is authorized to submit to the Bureau of Indian Affairs an application for the Interior Secretary to take title to the above-described real property in the name of the United States in trust for the Confederated Salish and Kootenai Tribes, pursuant to the Act of July 18, 1968, Public Law 90-402 (82 Stat. 356); and

**BE IT FINALLY RESOLVED**, that the acquired real property is dedicated for perpetual use to permanently protect and mitigate resident fish habitat.

**MaryRose Morigeau**, Natural Resources Department, requested approval of a contract with NewFields Companies, LLC, for a not-to-exceed amount of \$867,000.00 to work on brownfields grants and projects.

**MOTION** by Martin Charlo to approve the contract with NewFields Companies, LLC, for a not-to-exceed amount of \$867,000.00 to work on brownfields grants and projects. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

**MaryRose Morigeau**, Natural Resources Department, informed council she applied for the Infrastructure Bill funding and will be receiving \$399,960.00.

**Jennifer Knoetgan, Elizabeth Rinehart, Mary Strahan, Jim, Shelly Fyant, and Members of the Friends of the Jocko Valley** gave an update on the proposed asphalt plant and gravel pit for White Coyote Road and Martz Drive in Arlee. The Montana Department of Environmental Quality Opencut Mining Department is administering the permit application. The community members have many concerns about the notification and public comment process and how it pertains to tribal members. The size of this operation is substantial (1,000,000 cubic yards of gravel) and there are huge impacts to the entire community in the Jocko Valley. Community members are concerned about the water quality, air quality, noise and light pollution, impacts to wildlife, and disruptions and contamination to surface water and irrigation water. Recent Montana legislation

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has removed many of our protections and rights. A few community members are in discussions with a local legal firm to decide a course of action. Some residents live one-half mile out of the area, so they were not allowed to provide public comments. The groups wants the Tribal Council to ask for a public hearing. Arlee is designated as a cultural property. The group had a list of questions for the council. They asked if the council would join them and oppose the gravel pit. They want to the request for permit to be disapproved. **Len TwoTeeth** supported the group and would like to demand a public hearing take place. The group would like to have Department of Environmental Quality require an environmental impact statement prepared for this project.

**MOTION** by Carole Lankford to send a letter to the Department of Environmental Quality requesting a public hearing for the Arlee community and Tribes and allow the community to step up and be a part of the hearing and have the Department of Environmental Quality engage in a full NEPA environmental impact statement. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

One of the major issues is air quality. The reservation is designated as a Class I airshed, which is a designation only applied to wilderness areas, national parks, and reservations. It is the most pristine class that can be designated. It is imperative that the Tribes ask the EPA to intervene. The group has engaged a legal firm specializing in environmental protection and are prepared to take any necessary legal action. **Randy Ashley**, Natural Resources Department, commented that the gravel pit and anticipated asphalt plant would not reach the level of significance since it is considered a minor source. **Shelly Fyant** informed council that Riverside Contracting received a deficiency letter and has thirty days to respond. Shelly is concerned about the wildlife in the area. Impacts to the species was not included in the permit. Another key issue is that CSKT spent millions of dollars to restore bull trout to the Jocko River and all of Jocko. **Chairman McDonald** will have the resource managers follow up. This issue needs to be addressed legislatively. **Jennifer Knoetgan** was told the Tribes are meeting with the DEQ on September 29. They would like to submit their list of questions to some of the Tribes' authorities to various departments before that meeting so they can be discussed at that time. They want to know the subject matter of the council's meeting with DEQ on September 29, 2022. The group requested to meet with council in **executive session**. **Dan Decker**, Legal Department; and **Velda Shelby**, Economic Development Office; were present for discussion.

Council reconvened into **regular session**.

**Germaine White; Kelsey Stamm**, International Programs Director, Maureen and Mike Mansfield Center at the University of Montana; **Eng Kea** – Cambodia, **Amriadi Muhdar** – Indonesia, **Victor Matangarran** – Indonesia, **Nadhira Febianisari** – Indonesia, **Noidavanh Kienthaouthone** – Laos, **Chow Jann Jian**

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– Malaysia, **Shine Wai Htun** – Myanmar, **Bernadette Fernandez** – Philippines, **Sheena Ramazanu** – Singapore, **Pasta Chuenkhachorn** – Thailand, **Ana Dulce dos Santos** - Timor Leste, **Chau Thi Tu Nhi** – Vietnam, and **Dinh Thanh Hang** – Vietnam, Young South East Asia Leaders Fellowship Initiative Program; introduced themselves to council. The YSEALI Program is a two-way exchange program that brings professional Fellows from Southeast Asia to the United States to participate in leadership and professional development activities. The Tribal Health Department will host two of the Fellows.

**Brittani Clairmont**, Natural Resources Department, introduced Edward and Mary Spevak, Saint Louis Zoo. They gave an overview of the organizations they work with and the various projects they are involved with. Mr. Spevak assisted the Pesticide Program with their Pollinator Conservation Project. The Pesticide Program partnered with the Saint Louis Zoo WildCare Institute for a grant funding opportunity that allowed the program to purchase local native wildflower seed and plugs in order to enhance and reintroduce native plant populations to mitigation property. The main goal of the project was not only to bring native wildflowers back, but to also provide habitat for native pollinators. The program was able to increase native pollinator importance through various outreach efforts across the reservation. Mr. Spevak works with a number of tribes to plant milkweed and pollinators habitats, traditional food crops, fruit and nut trees, and heirloom varieties to increase food security and sovereignty.

**Dan Decker, John Harrison** and **Lynsey Gaudioso**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

**Council** met in **executive session**. **Melanie Piedalue**, Personnel Department, was present for discussion.

Council reconvened into **regular session**.

\*\*\*\*\* **Lunch** \*\*\*\*\*

**Ruth Swaney**, Financial Management, requested approval of amendment 4 to the fiscal year 2021-2025 Multi-Year Funding Agreement with the United States Department of Interior, Indian Affairs, to agree to the estimated funding pursuant to the fiscal year 2023 Reprogramming Request Worksheet.

**MOTION** by Mike Dolson to approve by resolution amendment 4 to the fiscal year 2021-2025 Multi-Year Funding Agreement with the United States Department of Interior, Indian Affairs, to agree to the estimated funding pursuant to the fiscal year 2023 Reprogramming Request Worksheet. Seconded by Ellie Bundy. Carried, 7 for; 0 opposed; 0 not voting.

**RESOLUTION 22-153**

**RESOLUTION TO AMEND THE SELF-GOVERNANCE FUNDING AGREEMENT FOR FISCAL YEARS 2021 THROUGH 2025 WITH THE U.S. DEPARTMENT OF THE INTERIOR - INDIAN AFFAIRS**

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

**WHEREAS**, the Confederated Salish and Kootenai Tribes have entered into a Self-Governance Compact with the U.S. Department of the Interior – Indian Affairs; and

**WHEREAS**, the Tribes are submitting the Reprogramming Request for FY 2023 that identifies the estimated funding available; now, therefore

**BE IT RESOLVED** by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Fiscal Years 2021-2025 Multi-Year Funding Agreement is proposed to be amended for the purposes of requesting FY 2023 funding; and

**BE IT FURTHER RESOLVED** that CSKT Financial Management is authorized to transmit the amendments to the Office of Self-Governance for approval and final signature; and

**BE IT FURTHER RESOLVED** that CSKT Financial Management is delegated authority to revise the Fiscal Years 2021-2025 Multi-Year Funding Agreement as necessary, prior to signature by the Office of Self-Governance, as requested by the Department of the Interior - Indian Affairs and agreed to by the CSKT.

**Michael Pierre**, Department of Human Resources Development, requested approval to submit the fiscal year 2023 application for the Food Distribution Program (Commodities) on Indian Reservations and the match waiver request.

**MOTION** by Len TwoTeeth to approve by resolution submission of the fiscal year 2023 application for the Food Distribution Program (Commodities) on Indian Reservations and the match waiver request. Seconded by Mike Dolson. Carried, 7 for; 0 opposed; 0 not voting.

**RESOLUTION 22-154**

**RESOLUTION SUPPORTING SUBMITTAL OF THE FY 2023 APPLICATION FOR THE FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS (COMMODITY) PROGRAM**

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

**WHEREAS**, the Confederated Salish and Kootenai Tribes have prepared a budget request for funds to continue to operate the Tribes Commodity Program; and

**WHEREAS**, the Tribal Council has created the Department of Human Resources Development (DHRD) to ensure that families receive the support necessary to achieve self-sufficiency including nutritional supports and the Commodity Program provides such supports; and

**WHEREAS**, the Department of Human Resources Development is the lead agency for continued operation of the Commodity Program and respectfully requests that the State of Montana, DPHHS, FDPIR, provide funds for continued operation of the program, as requested.

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Council Chairman and his designated representative are authorized to negotiate and execute the grant and or contact documents and any amendments thereto.

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

**Brad McCrea** and **Holly Hitchcock**, Tribal Lands Department, met with council to open the sealed bids for the house located on Mission View Road. 30 bids were received. **Mark Couture** will verify the bids and return to council at a later date to seek approval of the best bid.

**Chairman McDonald** informed council that the Montana Outdoor Hall of Fame is honoring the three yayas so there will be some of the Salish Elders group that may want to attend the event in Helena in December. Sadie thought she had enough money to pay for the banquet tickets, but they need assistance to pay the hotel costs.

**Council** discussed their upcoming schedules and who would be attending the meeting in Wenatchee.

**Council** met in **executive session**.

Council reconvened into **regular session**.

**Erin Carey**, Bureau of Land Management; **Tom Heinlein**, BLM Acting Assistant Director for National Conservation Lands and Community Partnerships; **Kim Prill**, State Director; and **Katie Stevens**, Western Montana District Manager; met with council for a meet-and-greet. Mr. Heinlein talked about land tenure and asked if the CSKT would like to be engaged or what they would like to see going forward in terms of the management of the Conservation Lands and Land Tenure/LWCF programs. They are developing a science policy that will include



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Indigenous knowledge. The stewardship instructional manual encourages to seek that knowledge in planning efforts in the early stages.

**Council** discussed STEM programs, educational opportunities, and funding for Indian students. Native students are underserved.

Council **adjourned** at 2:26 p.m., and is scheduled to meet again on Tuesday, September 20, 2022, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Martin A. Charlo  
Tribal Council Secretary