

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

Volume 23 Number 61  
Council Chambers, Pablo, MT

Held: July 13, 2023  
Approved: July 18, 2023

**MEMBERS PRESENT:** Tom McDonald, Chairman; Len TwoTeeth, Vice-Chairman; Martin Charlo, Secretary; Mike Dolson; Jennifer Finley; Carole Lankford; Jim Malatare; James “Bing” Matt; and Terry Pitts.

**MEMBERS ABSENT:** Ellie Bundy, Treasurer.

**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 9:06 a.m. Quorum established.

The meeting was opened with a **prayer** by Chairman McDonald.

The **Tribal Council Meeting Minutes** for July 11, 2023 were presented for approval.

**MOTION** by Martin Charlo to approve the Tribal Council Meeting Minutes for July 11, 2023, with corrections. Seconded by Mike Dolson. Carried, unanimous (9 present).

The **agenda** was presented for approval.

**MOTION** by Bing Matt to approve the agenda, with changes. Seconded by Jim Malatare. Carried, unanimous (9 present).

**MOTION** by Carole Lankford to extend the lowering of the flags until Monday evening. Seconded by Martin Charlo. Carried, unanimous (9 present).

**Carole Lankford** informed council that Dureen Blixt Leo passed away. Her son lives in Portland and is staying here to get stuff taken care of before returning home. He needs a plane ticket to get back to Portland and there is not sufficient funds remaining in the burial fund to purchase the ticket. Carole suggested using the council airmiles to purchase the ticket for him. **Chairman McDonald** was aware of an individual driving back to Portland on Sunday and an individual driving there next Tuesday. Tom will check with those individuals to see if they

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would be willing to give him a ride.

**Len TwoTeeth** presented a request from Leonard Michel for a change of duty for the Elmo Pow Wow.

**MOTION** by Len TwoTeeth to grant Leonard Michel a change of duty, with supervisor approval, for the Elmo Pow Wow. Seconded by Martin Charlo. Carried, unanimous (9 present).

**Martin Charlo** attended a meeting below Kerr Dam yesterday afternoon with the KCC Elder Advisory Committee and SQCC Elder Advisory Committee. There was a luncheon and it was the first meeting to start the process of getting a dedication and acknowledgment of the sacrifices tribal members made to build the dam and the history of it.

**Martin Charlo** attended the annexation meeting. The meeting was well attended. The Tribes could do their own sewer and water system if they wanted to. Martin commended Janet Camel for answering all the questions and for being very diplomatic.

**Martin Charlo** mentioned Jim Malatare and Carole Lankford attended the Elders meeting.

**Chairman McDonald** informed council that he and Carole Lankford attended the annexation meeting for the proposed tribally-operated meat processing plant in Ronan. The proposal was to hook up to the city's water and sewer system. It was voted on 4-2, so it will be annexed. Hopefully, the Tribes will be awarded the \$7 million grant. Greg Spahr is planning as if we have the funding so we will be prepared in case it is awarded.

**Chairman McDonald** commented that some people had relatives that worked on the dam. His neighbor Emidy Pablo worked on the construction for the dam and he was a World War 2 hero. Tom wants to do something to recognize his importance to the Tribes for his efforts and his World War 2 tour of duty. Emidy had his tongue cut out because they thought he was a code talker. Tom wants Emidy's outstanding history highlighted in the acknowledgements at the dam.

**Chairman McDonald** passed out a letter from Fred Tapia.

**Thomas "Sonny" Lozeau** followed up on a request from his son to acknowledge the passing of Vern Clairmont and give his condolences to Vern's family for their loss and to the Tribal membership family that Vern was a part of. Sonny discussed a Public Law 280 matter regarding his son in the matter of *State of Montana vs. Thomas Alfred Lozeau III*. Thomas was incarcerated in the Lake County jail for 17 months. A jury trial was scheduled for June 26. They tried to

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get Thomas to enter into a plea bargain and agree to a lifetime suspension of driving privileges and serve probation for a long time. The lawyers would not defend Mr. Lozeau the way he wanted to be defended. On June 9 a motion was made by prosecutor Benjamin Anciaux to dismiss with prejudice all charges against Mr. Lozeau due to a lack of sufficient evidence. The case was dismissed with prejudice, but the Lake County District Court judge sent a copy of the order to the Department of Motor Vehicles to be placed in Mr. Lozeau's driving record. It is wrong that our tribal members are subjected to this kind of treatment by Lake County. **Len TwoTeeth** commented that it was a judge's ruling to dismiss all charges so there should not be any additional penalties. Sonny has a valid point and the Tribes should send it to the Attorney General's Office for review. This will continue if we do not react and respond.

**Cyndy Clairmont** and family members met with council in **executive session** to discuss a personal matter. **Ruth Swaney** was present for discussion.

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

Council reconvened into **regular session**.

**Lynn Ducharme**, Natural Resources Department, requested approval of a letter supporting the Flathead Land Trust submission of a grant to the National Fish and Wildlife Foundation Conoco Phillips Spirit of Conservation Program to seek funding to fund a conservation easement to protect the Owen Sowerwine property in Kalispell.

**MOTION** by Martin Charlo to approve a letter supporting the Flathead Land Trust submission of a grant to the National Fish and Wildlife Foundation Conoco Phillips Spirit of Conservation Program to seek funding to fund a conservation easement to protect the Owen Sowerwine property in Kalispell. Seconded by Mike Dolson. Carried, unanimous (9 present).

**Lynn Ducharme**, Natural Resources Department, requested approval to rescind Resolution 23-115 and approval of a corrected resolution to purchase a parcel of property referred to for these purposes as the "Thompson (Calowahcan) Parcel" to add language that the Tribal Chairman can convey a conservation easement to Bonneville Power Administration.

**MOTION** by Martin Charlo to rescind Resolution No. 23-115 and approve by resolution the purchase of a parcel of property referred to for these purposes as the "Thompson (Calowahcan) Parcel". Seconded by Bing Matt. Carried, 9 for; 0 opposed; 0 not voting.

**RESOLUTION 23-121**

**RESOLUTION AUTHORIZING THE PURCHASE OF TRUST LANDS  
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 (“Fourth Amended CSKT-BPA Resident Fish MOU for fiscal years 2022-2025 Resident Fish MOU”), dated October 24, 2022 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 Fourth Amended CSKT-BPA Resident Fish MOU, made a commitment to acquire and protect resident fish habitat;

**WHEREAS**, the Tribes, pursuant to the terms of the Fourth Amended CSKT-BPA 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 “Thompson (Calowahcan) Parcel” (described below) qualifies for acquisition with BPA funds pursuant to the Fourth Amended CSKT-BPA Resident Fish MOU;

**WHEREAS**, Mark Thompson is the beneficial owner of federally-held trust land, and appurtenant natural resources containing resident fish habitat in and around Post Creek, referred to for these purposes as the “Thompson (Calowahcan) Parcel” and more particularly described as:

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ALL RIGHT, TITLE AND INTEREST in Tract 1, a portion of Allotment 775-A, located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 7, Township 19 North, Range 19 West, P.M.M., Lake County described as follows: The point of commencement, being the corner common to Sections, 5,6,7,and 8; Thence along the line common to Sections 6 & 7, N86°32'10"W, a distance of 364.28' to the true point of beginning; thence continuing along said common line, N86°32'10"W, a distance of 968.97' to the E1/16 corner common to sections 6 & 7; thence S3°12'59"W, a distance of 1324.17' to the NE1/16 corner; thence along the Southern line of said NE $\frac{1}{4}$ NE S86°31'27"E, a distance of 529.99'; thence leaving said line, N10°55'32"E, a distance of 328.38'; thence N85°41'52"W, a distance of 176.02'; thence N26°20'36"E, a distance of 632.10'; thence N62°36'36"E, a distance of 218.04"; thence N27°20'51"E, a distance of 330.18' to the true point of beginning, containing 19.28 acres, subject to all restrictions, reservations and easements apparent or of record.

**WHEREAS**, Mark Thompson has offered to sell all of his 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;

**WHEREAS**, this transaction was the subject of the previous Tribal Council Resolution No. 23-115, which did not include a specific reference to authorization for the Chairman to convey to BPA a conservation easement for the above-described real property;

**THEREFORE, BE IT RESOLVED**, that the above-described real property be purchased from Mark Thompson and that the Tribal Natural Resources Department be authorized to obtain funds from BPA pursuant to the terms of the Fourth Amended CSKT-BPA Resident Fish MOU for payment of land acquisition and closing costs;

**BE IT FURTHER RESOLVED**, that the Chairman is authorized to convey a conservation easement to BPA to perpetually protect the Thompson

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(Calowahcan) Parcel property for resident fish mitigation and that this resolution replaces the previous Tribal Council Resolution No. 23-115;

**BE IT FURTHER RESOLVED**, that the above-described real property will be held 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.

**Lynn Ducharme**, Natural Resources Department, requested to meet with council in **executive session** to discuss a land issue.

Council reconvened into **regular session**.

**Teresa Wall-McDonald, Gordon Fyant and Cindy Benson**, Mission Valley Power Utility Board; **Jeanne West**, Mission Valley Power; and **Zachary Camel**, Mission Valley Power General Manager; gave an update and requested approval of the fiscal year 2024 budget. The approved budget will be forwarded to the Northwest Regional Office.

**MOTION** by Jim Malatare to approve the fiscal year 2024 budget for Mission Valley Power. Seconded by Martin Charlo. Carried, unanimous (9 present).

**Teresa Wall-McDonald, Gordon Fyant and Cindy Benson**, Mission Valley Power Utility Board; **Jeanne West**, Mission Valley Power; and **Zachary Camel**, Mission Valley Power General Manager; requested approval of a letter to Bryan Mercier, Northwest Regional Director, thanking him for his assistance in providing the BIA staff and HDR Engineering staff to the MVP Utility Board and staff and regarding the divestiture of BIA power utilities. The DOI BIA sent an inquiry regarding tribal management and/or ownership of a reservation-based power utility to the San Carlos Apache Tribes. There is an effort on the part of DOI BIA to divest itself of power distribution utilities and the CSKT are interested in those discussions and requested a copy of the internal draft report and analysis.

**MOTION** by Martin Charlo to approve the letter of thank you and an inquiry into the transfer. Seconded by Jim Malatare. Carried, unanimous (9 present).

**Teresa Wall-McDonald, Gordon Fyant and Cindy Benson**, Mission Valley Power Utility Board; **Jeanne West**, Mission Valley Power; and **Zachary Camel**, Mission Valley Power General Manager; requested approval of a letter to Bryan

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Mercier, Northwest Regional Director, regarding the 2023 MVP A-123 Program Review report. This was the second time MVP was written up for failing to have a licensed engineer and the Utility Board has taken actions to address the matter.

**MOTION** by Martin Charlo to approve the letter to Bryan Mercier. Seconded by Mike Dolson. Carried, unanimous (9 present).

**Chairman McDonald** mentioned the Tribes have extended an invitation to the EPA regarding our purchasing power from BPA. Tom asked about the extension of the contract for MVP. **Teresa Wall-McDonald** responded she needs to have a conversation with Dan Lozar regarding that matter. For a period of time the Tribal Council chose a shorter extension period due to considering the move to a compact, and then there was input that we should not pursue a compact yet and remain under the 93-638 contract in order to be eligible for federal funding. The board will follow up and work on it. **Len TwoTeeth** asked if it was possible to operate the utility for profit under a new 638 contract. **Michael Wheeler**, Legal Department, advised the language is fairly clear we cannot do for profit on a 638 unless the contract is significantly modified and we cannot do that under the CFR.

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

Council **recessed** the regular meeting at 11:04 a.m. to conduct an Energy Keepers, Inc. Shareholder Representative meeting.

Council **reconvened** into the regular meeting at 1:07 p.m.

**Brian Upton**, Legal Department; **Dan Hansen**, S&K Gaming; and **Rob McDonald**, Natural Resources Department; requested to meet with council in **executive session** to discuss a legal matter. **Katie Jones**, **Lynsey Gaudio** and **Chelsea Colwyn**, Legal Department, were present for discussion.

Council reconvened into **regular session**.

**Brian Upton**, Legal Department, requested approval of a letter to President Biden and Secretary Deb Haaland requesting White House support for the Tribes and PROGRESS Act legislation. It was the **consensus** of council to approve the letter.

**Brian Upton**, **Katie Jones**, **Lynsey Gaudio**, **Chelsea Colwyn**, and **John Harrison**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

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

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Council reconvened into **regular session**.

**MOTION** by Carole Lankford to grant Katrina Stevens additional leave sharing for pay period 15. Seconded by Bing Matt. Carried, unanimous (9 present).

Council **adjourned** at 2:48 p.m., and is scheduled to meet again on Tuesday, July 18, 2023, at 9:00 a.m.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

/sgnd/

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Martin A. Charlo  
Tribal Council Secretary