

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

Volume 24 Number 1
Council Chambers, Pablo, MT

Held: October 3, 2023
Approved: October 10, 2023

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

MEMBERS ABSENT: Tom McDonald, Chairman (Personal Time Off).

OTHERS PRESENT: Jennifer Trahan, Tribal Council Support; 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 Len TwoTeeth.

The **Tribal Council Meeting Minutes** for September 26, 2023 were presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for September 26, 2023, with corrections. Seconded by Mike Dolson. Carried, 7 for; 2 abstentions (Jennifer Finley and Ellie Bundy).

The **agenda** was presented for approval.

MOTION by Ellie Bundy to approve the agenda, with changes. Seconded by Martin Charlo. Carried, unanimous (9 present).

Kelly O’Bennick, Robert Woodcock and **Kristine Woodcock** informed council that Kristine is a minor and she would like to go bison hunting. Kelly wanted to know if she could allow her daughter to use her tag or if Kristine could get her own. The bison regulations require council action for a minor to obtain a permit. Kristine went through the bison hunt orientation. **Cecille Brown**, Natural Resources Department, was present for discussion and supported the request so long as the minor is accompanied by a parent. The bison hunt regulations state that *“If a hunter desires to take more than the annual harvest quota of bison in a permit year, or a member younger than 18 years old who has attended the current bison hunt orientation and wishes to obtain a permit, he/she may present*

his or her request to the Tribal Council at a duly convened council meeting. The Tribal Council shall have the right and power to grant or deny such a request based upon cultural or religious practices or need. If such request is granted, the Tribal Council shall direct the Division to issue the permit.” **Council** commended the family for teaching their daughter how the traditional ways of hunting should be conducted. **Len TwoTeeth** commented that this is an important Treaty right and it is important to teach our youth what our Tribes have gone through to have this right, and he is proud of the family. **Council** would like Kristine to provide them with a report and pictures when she returns from hunting.

MOTION by Carole Lankford to issue Kristine O’Bennick a Yellowstone Bison Hunt permit. Seconded by Ellie Bundy. Carried, unanimous (9 present).

Gina Marie Roullier and **Louise Mitchell** requested to meet with council in **executive session** to discuss a personal matter. **Melanie Piedalue**, Personnel Department; and **Michael Wheeler**, Legal Department; were present for discussion.

Nathan Sandberg requested to meet with council in **executive session** to discuss a personal matter. **Rick Eneas**, Tribal Executive Officer; **Michael Wheeler**, Legal Department; and **Melanie Piedalue**, Personnel Department; were present for discussion.

Council met in **executive session**. **Rick Eneas**, Tribal Executive Officer; and **Michael Wheeler**, Legal Department; were present for discussion.

Council reconvened into **regular session**.

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

Abby Dupuis, Appellate Court Administrator, requested approval of a judicial services contract with Kelly McDonald to serve as the Chief Justice of the Appellate Court for a four-year term. The vacancy was advertised and Kelly was interviewed and selected on August 29, 2023. Kelly’s swearing in will be scheduled for a later date.

MOTION by Jim Malatare to approve by resolution the judicial services contract with Kelly McDonald to serve as the Chief Justice of the Appellate Court for a four-year term. Seconded by Jennifer Finley. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 24-001

A RESOLUTION TO ENTER INTO A JUDICIAL SERVICES CONTRACT WITH KELLY MCDONALD

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

WHEREAS, the Confederated Salish and Kootenai Tribes of the Flathead Reservation wish to enter into a contract with Kelly McDonald to provide judicial services needed for the administration of the Confederated Salish and Kootenai Tribes Court of Appeals' authorized activities contained in Ordinance 103-A, as amended, the CSKT Laws Codified; **NOW, THEREFORE**,

BE IT RESOLVED that beginning October 3, 2023, Kelly McDonald shall act as Chief Justice of the Confederated Salish and Kootenai Tribes' Court of Appeals providing services in accordance with the terms and conditions of the contract attached hereto.

Greg Spahr, Financial Management, requested approval of a memorandum of agreement creating a subrecipient agreement with the Salish Kootenai Housing Authority to institute a cooperative financial relationship between the CSKT and SKHA for funding and coordination of efforts to administer and operate the Environmental Health and Sanitation Construction program on the Flathead Reservation.

MOTION by Carole Lankford to approve the memorandum of agreement with the Salish Kootenai Housing Authority to institute a cooperative financial relationship between the CSKT and SKHA for funding and coordination of efforts to administer and operate the Environmental Health and Sanitation Construction program on the Flathead Reservation. Seconded by Ellie Bundy. Carried, unanimous (9 present).

Greg Spahr, Financial Management; and **John Carter**, Legal Department; requested to meet with council in **executive session**.

Council reconvened into **regular session**.

MOTION by Carole Lankford to approve the resolution, as presented, authorizing the distribution of Individual Indian Money funds to the remaining Cahoon family descendants impacted by Resolution 16-105. Seconded by Mike Dolson. Carried, 8 for; 1 opposed (Len TwoTeeth); 0 not voting.

RESOLUTION 24-002

RESOLUTION AUTHORIZING THE DISTRIBUTION OF INDIVIDUAL INDIAN MONEY (IIM) FUNDS TO THE REMAINING CAHOON FAMILY DESCENDANTS IMPACTED BY RESOLUTION 16-105

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

WHEREAS, prior Council action in Resolution 16-105 made certain determinations about Cahoon family descendants making them ineligible to receive the funds set aside for them in their respective IIM accounts; and

WHEREAS, after following the Kennerly Letter process certain descendants' IIM funding was returned to the Tribes account according to the process; and

WHEREAS, after appealing the Kennerly Letter process certain descendant accounts were found to have been eligible for distribution to the adult account holder without making a counter-determination to Resolution 16-105; and

WHEREAS, after careful consideration the Legal Department has determined that the likelihood exists that future appeals would result in favor of the descendants and would require the balance of the descendants named to process an identical appeal; and considering the successful appeal on a prior determination, anticipate a similar determination. They recommend that the funds for the adult descendants be released to them and that the minor's accounts be distributed to them when they reach age 18; **NOW, THEREFORE**,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the remaining accounts held pertinent to Resolution 16-105 be released, as recommended by Legal Department, to the adult members of the Cahoon family descendants as described in Resolution 16-105; and

BE IT FURTHER RESOLVED, that funds held on behalf of a minor be released and distributed to the individual when they reach age 18; and

BE IT FURTHER RESOLVED, nothing in this Resolution shall change the policy or procedures governing future decisions; nor shall the account holders maintain any standing for future action against the tribes in this matter.

Mark Simpson, Natural Resources Department, requested approval of modification 2 to Contract No. 21-227 with McMillen Engineering to complete geotechnical work on the North Fork Jocko Diversion structure replacement project. The geotechnical work is necessary for the cut slope stability immediately adjacent to the proposed structure and to create a 3-D, Rivet model so that the staff and construction contractor will be able to better understand the structure and forewarn of constructability issues that may arise. Progression

of plans set to 60% design will occur with the modification. The geotechnical work is outside the scope of work in the original engineering and construction design work contract. The amount of the modification is \$117,893.00, for a total not-to-exceed amount of \$1,273,814.00. The contractor will comply with the Indian Preference Ordinance. **Len TwoTeeth** requested periodical reports and he would like that coordinated through the Indian Preference Office. Len requested before and after pictures when these types of requests are brought before the council. **Rob McDonald** informed council that csktwatercompact.com is a website that has a section called projects and it shows photos and details. There is a story map, which means it is a GIS map of a flyover and shows what it looks like with photos of the project.

MOTION by Mike Dolson to approve modification 2 to Contract No. 21-227 with McMillen Engineering in the amount of \$117,893.00 to complete geotechnical work on the North Fork Jocko Diversion structure replacement project, for a total not-to-exceed amount of \$1,273,814.00. Seconded by Bing Matt. Carried, unanimous (9 present).

Brian Upton, Shane Morigeau, Michael Wheeler, John Harrison, Yolanda Page, Lynsey Gaudio, Katie Jones, Chelsea Colwyn, and Dana Jackson, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Gwen Lankford**, Consultant, was present for discussion.

Yolanda Page, Brian Upton, Shane Morigeau, John Harrison, Michael Wheeler, Lynsey Gaudio, Katie Jones, and Chelsea Colwyn, Legal Department; and **Maylinn Smith**, Tribal Prosecutors Office; requested to meet with council in **executive session** to discuss legal matters.

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

Council reconvened into **regular session**.

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

Tony Incashola, Jr., Tribal Resources Management; **Chad Benson**, Kootenai National Forest; and **Kevin Askan**, Tribal Preservation Office; discussed the Libby Exploration Project. The project is situated within part of the previous location of the proposed Montanore Project. The Montanore Project Plan of Operations was withdrawn by the proponent and the withdrawal notification of the draft supplemental environmental impact statement regarding the Montanore Project was posted in the Federal Register on June 17, 2022. The Libby Exploration Project is a deposit evaluation program that consists of drilling

for precious metals over the next four to five years. The State of Montana issued Operating Permit No. 00150 area encompassing 219 acres. There is no additional surface disturbance proposed on public land and no new water rights would be required to support the project. The mining would go underneath federal ground and the other activities would occur on private ground. It is ground held in trust by the federal government. There is a current Bad Actor litigation with the parent company Hecla Mining. Tony is opposed to this project moving forward until the litigation is finalized. **Chelsea Colwyn**, Legal Department, advised the case is continuing to move forward. There was a motion to dismiss and move to summary judgment from the Hecla subsidiaries. The CSKT plan to add two new parties to the lawsuit. **Len TwoTeeth** would like the Elders and Culture Committees involved in this and he would like to have a meeting scheduled at the Kwataqnuq Resort. Len wanted to know the timeframes. **Mr. Benson** advised it would take up to 120 days for the assessment, after that it would go out for public comment, and then the permit could be approved. It would take up to four to six months to complete the process. There is also a water quality process that must be followed that is not calculated within those timeframes. **Len TwoTeeth** thanked the Forest Service for meeting with the council today and advised the Tribes are strongly opposed to this mining operation and would like to meet with the mining folks.

Mark Couture, George Ducharme, Holly Hitchcock, Tammy McCrea, Tara Irvine, and Twila Irvine, Tribal Lands Department, requested to meet with council in **executive session** to hold a Land Committee meeting. **Bryce Muench** was present for discussion.

Mark Couture, George Ducharme, Holly Hitchcock, Tammy McCrea, Tara Irvine, and Twila Irvine, Tribal Lands Department, continued to meet with council in **executive session** to hold a Land Committee meeting.

Council reconvened into **regular session**.

MOTION by Ellie Bundy to show interest in purchasing Allotment 1015 from Kendall Dupuis at the appraised value. Seconded by Bing Matt. Carried, unanimous (9 present).

MOTION by Bing Matt to show interest in purchasing Yvonne Grenier's undivided interest in Allotments 1399, 1400, 1401, 1402, and 1402-A and check with the DEWR office to see if the program can reimburse the Land Acquisition budget. Seconded by Jim Malatare. Carried, unanimous (9 present).

MOTION by Jim Malatare to show interest in the land exchange with Ruby Vanderburg to exchange Tract 4357-D for a house and land of equal value on Tract 1268. Seconded by Bing Matt. Carried, 8 for; 1 abstention (Mike Dolson).

MOTION by Carole Lankford to show interest in the purchase of June Parker Jones's undivided interest in Allotments 2212-A and 2313. Seconded by Bing Matt. Carried, unanimous (9 present).

MOTION by Bing Matt to show interest in purchasing a portion of Allotment 201 from Gary Plouffe, containing 75 acres, with a fee patent of five acres for his wife. Seconded by Ellie Bundy. Carried, unanimous (9 present).

MOTION by Bing Matt to show interest in granting Sheila Young a five-year revocable permit to access her fee property across trust corners in the rural Dixon area. Seconded by Mike Dolson. Carried, unanimous (9 present).

MOTION by Ellie Bundy to rescind Resolution No. 23-158 authorizing the purchase of the Herbert Ducharme property. Seconded by Bing Matt. Carried, unanimous (9 present).

MOTION by Jim Malatare to approve the corrected resolution to authorize the purchase of the Herbert Ducharme trust property. Seconded by Jennifer Finley. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 24-003

RESOLUTION AUTHORIZING THE PURCHASE OF TRUST LAND LOCATED IN MISSOULA, MONTANA

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

WHEREAS, the Tribal Land Acquisition Program was approved by the Act of June 18, 1934 (48 Stat. 984); and the Act of July 18, 1968 (PL90-402);

WHEREAS, Herbert Francis DuCharme has offered to sell to Confederated Salish and Kootenai Tribes all right, title, and interest in Allotment 1549-D, described herein as: NW ¼ SE ¼ SW ¼ NW ¼ (2.5 ACRES), and a portion in the N ½ N ½ N ½ SW ¼ SE ¼ SW ¼ NW ¼ (.313 ACRES) of Section 24, Township 15N, Range 20W, Principal Meridian, Missoula County, Montana, containing a total of 2.813 acres, more or less, totaling 2.813 acres, more or less.

WHEREAS, Herbert Francis DuCharme and the Confederated Salish and Kootenai Tribes have accepted the appraised value; **NOW, THEREFORE**,

BE IT RESOLVED, that the above-described property be purchased from Herbert Francis DuCharme and that the Bureau of Indian Affairs, pursuant to the Act of

Tribal Council Meeting Minutes
October 3, 2023

June 18, 1934 (48 Stat. 984), transfer title to the property to the U.S.A. in trust for the Confederated Salish and Kootenai Tribes.

BE IT FURTHER RESOLVED, that the Chairman of the Tribal Council, or his delegated representative is authorized to execute the transactional documents necessary to complete the land conveyance for real property situated in Missoula County, Montana.

MOTION by Ellie Bundy to go along with the recommendations of the Tribal Lands Department and approve a modification to the business lease for Steve Dupuis's lease at Blue Bay for an additional 25-year term, so long as all leasing requirements are met and the benchmarks for improvements are met each year. Seconded by Jennifer Finley. Carried, 8 for; 1 opposed (Jim Malatare).

Jordan Thompson, Tribal Executive Office; **Dana Hewankorn**, Food Sovereignty; **Fred Billings**, **Greg DuMontier** and **Shelly Fyant**, Garden for Life Network; gave an update and discussed the importance of food sovereignty. The Food Sovereignty program has been a partner with the Garden for Life Network and hosted a garden at the Kicking Horse Job Corps Center site and a garden in Elmo. The network has five additional gardens throughout the reservation with other hosts. Fred gave a report on the Garden for Life Network garden season for this year. Their goal is to be sustainable and have partners to fund an orchard and a cooking kitchen. Fred would like for youth initiatives to be a priority. **Ellie Bundy** suggested having the Wellness Court participants and Second Circle residents help with the community gardens. **Mr. Billings** did not think community gardens work because they are done by community members, and he recommended having a gardening course. They have been allowed to utilize tribal lands for their gardens, and Mr. Billings suggested having a formal lease for those parcels.

Rodney Bird, Two Eagle River School; and **Melanie Piedalue**, Personnel Department; requested to meet with council in **executive session** to discuss a personnel matter. **Michael Wheeler**, Legal Department, was present for discussion.

Council reconvened into **regular session**.

Martin Charlo reminded council that the Beartracks Bridge Pow Wow is scheduled for October 9, 2023. Indigenous Peoples Day is a tribal holiday.

Len TwoTeeth reminded everyone that there will be no council meeting on Thursday. The quarterly council meeting is scheduled for this Friday.

Tribal Council Meeting Minutes
October 3, 2023

Martin Charlo informed council that the Salish Pend d'Oreille Culture Committee meeting for this Wednesday has been postponed.

Council discussed the agenda for the quarterly council meeting. **Len TwoTeeth** mentioned a tribal employee that he wants to honor at the quarterly meeting.

Council **adjourned** at 5:11 p.m., and is scheduled to meet again on Friday, October 6, 2023, at 9:00 a.m., for the quarterly council meeting.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary