

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

Volume 24 Number 5
Council Chambers, Pablo, MT

Held: October 17, 2023
Approved: October 19, 2023

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

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 9:06 a.m. Quorum established.

The meeting was opened with a **prayer** by Stephen Smallsalmon.

The **Tribal Council Meeting Minutes** for October 12, were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for October 12, 2023, with corrections. Seconded by Jim Malatare. Carried, 9 for; 1 abstention (Jennifer Finley).

The **agenda** was presented for approval.

MOTION by Jennifer Finley to approve the agenda, with changes. Seconded by Mike Dolson. Carried, unanimous (10 present).

Stephen Smallsalmon asked where the Tribal Elders fit into the organization and whether they are above or below the Tribal Council. The Tribal Elders used to be placed above the Tribal Council and now they are below. **Carole Lankford** advised the organizational chart shows it is the CSKT people, Tribal Council, and then the Departments and Programs. **Chairman McDonald** stated the Tribal Elders are placed directly under the Tribal Council and the Culture Committee Director is located under the departments and programs. Stephen commented that the Pend d’Oreille people are always left out, but they were here before the Salish and Kootenai people arrived. **Chairman McDonald** agreed with Stephen’s comments and let him know that Pend d’Oreille is on the tribal letterhead. Stephen wants Pend d’Oreille on everything.

Stephen Smallsalmon talked about the Medicine Tree. All the schools go there so it is crowded now, and he is worried someone will get runover. It is tribal land and he demanded that the Tribes fix it. **Martin Charlo** brought it up to the Montana Department of Transportation last week. Tony Incashola, Sr. had been working on it for many years. The Connor South project was split into three phases and the Medicine Tree location will be in the first phase. If we let the Montana Department of Transportation know when we go there, they will put out more signage and have a flashing light. The Tribal Council could ask Lisa Shourds to get involved and have Maintenance do something. **Chairman McDonald** was asked by Clarence Woodcock to make a sign many years ago and that sign is still there. Tom had suggested building more pullouts many years ago. He would like to develop a site plan.

Stephen Smallsalmon told the council that the basement at Nkwusm still needs to be fixed. There was a contractor doing some work, but a different contractor showed up and said it was the wrong piece. The current setup makes it difficult to feed the students.

Stephen Smallsalmon gave a report on an event with the Buddhas. There were about 150 people there and he had a good time. They had a helicopter that went over the mountains. There is a big house where they hold their meetings. When they got done, Stephen prayed with them for two hours. The Buddhas are going to build a road on the other side of the hill and put in another camp. Linda Fitzer purchased some busses for Nkwusm. Stephen has worked at the Nkwusm School for 20 years, worked in the woods for 31 years, and acted in five movies. He would like the council members to listen to him and put their laptops away when the elders are speaking to them.

Daniel Sherwood requested to meet with council in **executive session** to discuss a personal matter. **Patricia Hibbeler**, Director of Tribal Member Services, was present for discussion.

Council reconvened into **regular session**.

MOTION by Ellie Bundy to allow the Director of Tribal Member Services to assist Daniel Sherwood with the purchase of a camper with whatever funds she deems allowable to do so. Seconded by Len TwoTeeth. Carried, unanimous (10 present).

Mark Couture, Tribal Lands Department, requested to meet with council in **executive session** to discuss a departmental matter.

Genevieve Huitt requested to meet with council in **executive session** to discuss a personal matter.

Chairman McDonald reminded council of the meeting with the Missoula County Commissioners scheduled for the afternoon of November 7 and requested a head count since lunch will be served. **Carole Lankford** will not be available to attend the meeting.

Steve McDonald and **Robert McCrea**, Tribal Forestry, requested authorization to purchase capital equipment, consisting of 1 UTV, 2 Tara-torch tanks for UTVs, and 1 trailer for UTV. There is sufficient funding in the regular fuels budget.

MOTION by Terry Pitts to authorize the purchase of capital equipment, consisting of 1 UTV, 2 Tara-torch tanks for UTVs, and 1 trailer for UTV. Seconded by Mike Dolson. Carried, unanimous (10 present).

Martin Charlo told Steve about the yard full of burnt wood for the Tribal elders. There are health concerns about that type of wood, and he would like to figure out a way to not give the elders burnt wood. **Steve McDonald** had the contractor deliver the wood, but he did not realize how charred the wood was. The program is still looking for some clean wood to be delivered and will be more particular on the condition of the wood in the future.

Chasity Haynes and **Arlen Tellier**, Enrollment Office, requested approval of a resolution authorizing the December 6, 2023 per capita distribution. The December 6, 2023 per capita distribution will be made to those members enrolled in the Tribes as of November 8, 2023, at 5:30 p.m. The deadline for claims to be withheld from individuals' December 6, 2023 per capita for judgments, assignments and IIM holds through the Superintendent and Director of Financial Management shall be no later than November 8, 2023, at 5:30 p.m.

MOTION by Martin Charlo to approve by resolution the December 6, 2023 per capita distribution. Seconded by Ellie Bundy. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 24-004

RESOLUTION AUTHORIZING THE DECEMBER 6, 2023 PER CAPITA DISTRIBUTION

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

WHEREAS, The Tribal Council established policy by Resolution 96-83 to make per-capita payments to tribal members three times annually during the months of December, April and August for each fiscal year; and

WHEREAS, said policy states that three equal per capita payments of \$500.00 will be made annually and that one-half (1/2) of each per capita distribution for each minor child enrolled in the Tribes is to be issued to said minor's parent or legal guardian and the other one-half (1/2) is to be placed in a trust account with the Bureau of Indian Affairs to accumulate and earn interest until said minor has reached legal age; **NOW, THEREFORE**,

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that the Northwest Regional Director is requested to authorize the \$500.00 per capita distribution to be made during the month of December 2023; and

BE IT FURTHER RESOLVED, that the Director of Financial Management is directed and authorized to request sufficient tribal monies on deposit in the United States Treasury to be advanced to local status to effect said distribution; and

BE IT FURTHER RESOLVED, that the Superintendent, Flathead Agency, and the Director of Financial Management are authorized to apply these funds to judgments held by Tribal Court, to assignments through Tribal Credit, and voluntary child support and to those accounts under the control of the Superintendent; and

BE IT FURTHER RESOLVED, that the December 6, 2023 per capita distribution will be made to those members enrolled in the Tribes as of November 8, 2023 at 5:30 p.m.; and

BE IT FINALLY RESOLVED, that the deadline for claims to be withheld from individuals' December 6, 2023 per capita for judgments, assignments and IIM holds through the Superintendent and Director of Financial Management shall be no later than November 8, 2023 at 5:30 p.m.

Tara Irvine, Tribal Lands Department, presented a request from Sareen Banna, The Beehive Permanent Cosmetics, for a one-year revocable permit to operate her business on Tribal Tract No. T4513 in Polson. Tribal Lands recommended approval of the request, so long as all permitting requirements are met, including a rental payment of \$400 per month, provide proof of insurance, and payment of a bond. The site has been advertised in the past, but there was not much interest in it.

MOTION by Martin Charlo to grant Sareen Banna, The Beehive Permanent Cosmetics, a one-year revocable permit to operate her business on Tribal Tract No. T4513 in Polson, so long as all permitting requirements are met, including a rental payment of \$400 per month, provide proof of insurance, and payment of a bond. Seconded by Terry Pitts. Carried, unanimous (10 present).

Council asked about a parcel of land. **Tara Irvine** responded that she continues to work on it and is waiting for a response from Mr. Bible.

George Simpson, Polson Police Department; and **Ed Meece**, Polson City Manager; met with council to introduce Mr. Simpson, who was recently hired as the Chief of Police for the City of Polson. Chief Simpson looks forward to working with the Tribes and continuing the great relationship between the agencies. It is important to continue having community trust. **Carole Lankford** mentioned the memorandum of agreement for Public Law 280 was sent to the counties and the city, and she asked if they had received and read the agreement. Mr. Meece responded they have read it and overall are very comfortable with it. They want to continue their relationship with the Tribes. Their attorney just had a couple of edits. **Len TwoTeeth** talked about the fentanyl epidemic and homelessness. He thanked Ed Meece for the way he presented the Tribes' annexation request at the city meeting. That meant a lot to the Tribes and Len appreciated Mr. Meece bringing it forward in a professional manner. Mr. Meece commented there have been some conversations about homelessness, and he would like to partner with the Tribes in any way possible to find a solution. **Craige Couture**, Law & Order, stated the city and tribal relationship is good and he will keep trying to improve the relationship with the county. Fentanyl and homelessness are areas of concern, and Law & Order does what they can to address those issues. **Chairman McDonald** asked about skateparks. The CSKT is looking at building a skatepark in Ronan and Pablo. They are in the process of looking at locations, designs, and standards. He asked if the city had any input on that. Mr. Meece had some experience with skateparks in Livingston and Louisville, where they had an extreme park. He does not recommend having an extreme park. Visibility is important. Ed suggested having active members of the skate community to be involved from the beginning. The city is willing to be involved in the project in any way possible. They are in the process of reorganizing the City of Polson Police Commission. There is a three-person panel established within state law. The city is advertising for volunteers to serve on the Police Commission. Applicants must be a resident of the city of Polson. If the Tribes have any recommendations, Mr. Meece suggested having them apply. The Police Commission members will serve for three years. The terms will be staggered, and they will start out with a one-year, two-year, and three-year term. There is more information available on the website. **Chairman McDonald** mentioned the Tribes' main emphasis is keeping Flathead Lake mussel free. Unfortunately, we have a viable population in the Snake River, which means our Columbia River Watershed has been exposed. It is really paramount that we have people stop at the Ravalli check station, but we do get persons that just drive by without stopping. He asked law enforcement to be part of the solution and asked if he could count on local enforcement to prevent that person from launching their watercraft into our lake. Mr. Simpson stated law enforcement will prevent them from going into the water and will help out in any way possible. **Terry Pitts** thought it would be important for the City

of Polson to put out statements in the media giving credit to the Tribes. **Chairman McDonald** stated the Tribes met with the Montana Department of Transportation last week. Mr. Meece would like to get more involved in the transportation planning in the region. He has had some initial conversations with the Montana Department of Transportation. The city received the first edits back for the traffic study for the newly annexed property. The city recently finished a feasibility study for connecting Ridgewater Drive to Hillcrest and what that would cause for infrastructure work inside Polson and modifying the Hillcrest and Highway 93 intersection.

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

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

Council met in **executive session**.

Council reconvened into **regular session**.

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

Ellie Bundy left the meeting on personal time off for the remainder of the day.

Bryan Mercier, Bureau of Indian Affairs; and **Eric Bruguier**, Superintendent of the Minnesota Agency; informed council that Mr. Bruguier was offered the Flathead Irrigation Project Manager position. Mr. Bruguier gave an overview of his background and experience. He served as the Facility Manager of the Midwest Region prior to serving as Superintendent of the Minnesota Agency. He works with six self-governance tribes in north central Minnesota. **Chairman McDonald** commented that the Mission Reservoir was drained and nearly killed all the fish in it. It had a tragic impact to tribal resources. It was unnecessary and should not have happened. The project oversight impacts our tribal resources and there was a lack of communication. The CSKT have many endangered species on our reservation. **Len TwoTeeth** commented on the importance of the instream flows. We are impacted by climate change. We saw that with the lowering of Flathead Lake this last summer, and that will not be getting any better in the future. Len looks forward to having a close working relationship with Mr. Bruguier. We all need to be on the same page when decisions are made. Len hopes Mr. Bruguier will look at the new design of the Irrigation Project and make sure it is adequate for our needs. **Chairman McDonald** mentioned the need to have a labor pool to manage the diversion points, outlets for canals, and the ditch rider positions. The CSKT have a unique situation with an increased housing demand. Tom would like to work as partners to come up with a creative solution for getting those positions filled to bridge the gap. The Flathead Irrigation Project is

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understaffed. The CSKT want to be part of the solution. Mr. Mercier let council know that Eric has successful experience with rebuilding teams and navigating BIA and HR processes. Fisheries issues will be front and center. They will work hard to avoid issues like what happened this past summer and a plan of action will be developed. **Terry Pitts** commented that Eric needs to look into the cost of repairs to the Hubbart Dam because it serves the landowners south to Hot Springs and is an issue he will have to be aware of. Mr. Mercier gave an update on supplemental pay for firefighters and informed council that the fiscal year 2022 supplemental pay data was received and the money was transferred to the Region. The Office of Self-Governance should be transferring the money to the Tribes any day now. They are in the process of collecting the fiscal year 2023 data. The amount of funding is allocated per person and is tied to hours worked. Carole Lankford asked if those individuals that worked as a firefighter are no longer employed will receive the supplemental pay. Mr. Mercier advised that they were included in the funding allocation. **Mark Couture**, Tribal Lands Department, informed council that the Reum house is still unoccupied and could be a short-term remedy for housing for Eric until a long-term plan is developed for the house. The Tribes could enter into a lease with the Bureau of Indian Affairs. **Chairman McDonald** will follow up with the Area Director. **Martin Charlo** thanked Peter Matt for attending the BIA discussion today. **Chairman McDonald** thanked Peter for the good work he is doing for the senator.

Teresa Wall-McDonald, **Michael McKee** and **Dan Depoe**, Mission Valley Power Utility Board; **Shane Morigeau** and **Michael Wheeler**, Legal Department; requested to meet with council in **executive session** to give an update.

Council reconvened into **regular session**.

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

Robert McDonald, Natural Resources Department; and **Dan Decker**, Legal Department; requested to meet with council in **executive session** to discuss a departmental matter.

Council reconvened into **regular session**.

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

Robert McDonald, Natural Resources Department; and **Andrew Rogers**, Federal Highway Administration Deputy Administrator; met with council for a meet-and-greet. Mr. Roberts will be touring Highway 93 and the animal crossings. He wants to meet community members and learn about the importance of the highway and roads to this community. CSKT was granted a \$35 million grant from the Federal Highway Administration and will be applying for an additional \$35 million grant. Mr. Rogers would like to hear more about

our upcoming projects and needs, and he was interested in learning more about the wildlife crossings. There are millions of dollars available in grant funding to construct wildlife crossings. He heard a little about spirit of place, and he would like to know more about it. **Chairman McDonald** would like to get the Highway 93 project completed. Tom gave Mr. Rogers a Two Eagle River School hat with turtles that is a collector's hat. Tom commented that we only have one landscape that was gifted to us by the Creator and we must steward it in perpetuity for all living beings. All we do has to be considered in that balance. We need to live in balance with the ecosystem. We will not make it if we do not learn from our ancestors. CSKT has signs in the native language along the highway and we try to role model the best we can. **Jennifer Finley** commented that we believe we are the land and the land is us; the songs are the medicine given to us. We have a moral responsibility to protect the things that protect us. This is who we are and where we belong. We are from this land that has given us everything. We have powerful partnerships with conservation groups to protect the land, but nobody will ever protect this land like we will. Mr. Rogers appreciated the council's remarks. He recognizes there are unique needs in transportation for the Tribes. The FHWA has technical knowhow, capacity building, and grant funds available to help the Tribes protect their lands and their people as they see fit. He urged the Tribes to take advantages of the resources available to them. **Chairman McDonald** stated our sense of place is all of Montana. Our aboriginal lands are throughout Montana and in Canada. We are deeply concerned about wildlife crossings throughout the state, such as in West Yellowstone to protect the bison. There are other locations that needs to be focused on. Our aboriginal footprint is everywhere. We have obligation to fish and wildlife species. He encouraged the FHWA to look at that. We have some roads that are under our guidance, like the scenic roads at the Bison Range. He would like to make it more enjoyable for the travelers through the Bison Range. It is paramount that we increase the flexibility for fish and wildlife resources. We need more resilient populations of animals and highways impact those animals. Mr. Rogers talked about the number of culverts. There is \$2 billion being spent to build fish ladders, protect existing habitats, and to encourage the natural migration of these populations to address things that have had a negative impact. The Protect Program has \$7 billion in formula and discretionary grants to address climate change. We need to design and build roadways and make other changes to withstand the changing climate and more extreme weather events, with respect to the environment that is changing around us. There is some salmon funding available. **Chairman McDonald** commented we have threatened endangered species for bull trout. The storm water runoff from the highways impact that. We have landlocked fisheries that fell aside and there was no direct funding for that. Mr. Rogers will look into any flexibilities for that funding. **Carole Lankford** appreciated all the funding for infrastructure. That funding will help address many of the needs.

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An individual told council that he was appointed as a native legal advisor to various places. There is a European group stating that the United States closed the doors for 13 days and want to convert back to the 13 colonies. He travels from tribe to tribe to make things happen, and he has helped a lot of people. He was called here to represent tribal member Gen Huitt in a land case involved in a will. Gen is still the holder of the land and it was not done properly. He is going through the motions to find out why things were done that way. He played an audio recording from the European Union Representative. **Chairman McDonald** responded that it was codified in two different court systems. There is nothing the Tribes can do about that situation and cannot get involved in a court case.

Council **adjourned** at 4:22 p.m., and is scheduled to meet again on Thursday, October 19, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary