

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

Volume 24 Number 49
Council Chambers, Pablo, MT

Held: April 30, 2024
Approved: May 9, 2024

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

OTHERS PRESENT: Jennifer Trahan, Council Support; Leniece Trahan, 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 James Steele, Jr.

The **Tribal Council Meeting Minutes** for April 25, 2024 were presented for approval.

MOTION by James Steele, Jr. to approve the Tribal Council Meeting Minutes for April 25, 2024, with corrections. Seconded by Bing Matt. Carried, 8 for; 2 abstentions (Tom McDonald and Jim Malatare).

The **agenda** was presented for approval.

MOTION by Martin Charlo to approve the agenda, with changes. Seconded by Tom McDonald. Carried, unanimous (10 present).

Germaine White requested approval of a letter supporting the proposed The Great Burn Wilderness Area in the Nez Perce - Clearwater and Lolo National Forests. The public comment period closes on May 15. This is a unique area with healthy white bark pine, wolverine habitat and mountain goats. Snowmobile use and mechanized vehicle use are a conflict. **Tony Incashola, Jr.** has engaged with the Nez-Clear Forest and Tribal Liaison Office for re-engagement for consultation. There was a letter from CSKT to suspend consultation, and Tony requested a copy of that letter so re-engaging in consultation can begin. Tony is reviewing the information and plans to have a meeting with SQCC for further review. **Kathryn McDonald**, Tribal Relations Specialist, let council know that the public comment period closed in February 2024. The Forest Service will

review the rejection letters for the record of decision in May. CSKT requested re-engagement for consultation with the Forest Service and requested that the Tribes be granted some time to review what has been going on for the past 14 years. Kathryn is working with the Forest Liaison to find CSKT's deferment letter to help her understand what the determination was or why there was a deferment from CSKT. The Forest Service is open for re-engagement.

MOTION by Tom McDonald to approve the comment letter to the United States Forest Service Region One Forester supporting the proposed The Great Burn Wilderness Area in the Nez Perce - Clearwater and Lolo National Forests. Seconded by James Steele, Jr. Carried, unanimous (10 present).

Pete White, Tribal Credit, requested approval of two resolutions and letters of support for the CSKT and Two Eagle River School to submit grant applications to the Native American Agriculture Fund. The grant provides funding of \$200,000 for two years. The two applications do not compete against one another.

MOTION by Martin Charlo to approve the resolution and letter of support for the CSKT to apply for the Native American Agriculture Fund grant. Seconded by Tom McDonald. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 24-074

RESOLUTION AUTHORIZING THE CONFEDERATED SALISH & KOOTENAI TRIBAL HEALTH DEPARTMENT TO SUBMIT AN APPLICATION IN RESPONSE TO THE 2024 REQUEST FOR APPLICATIONS (RFA) FOR THE NATIVE AMERICAN AGRICULTURE FUND (NAAF)

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

WHEREAS, The Confederated Salish and Kootenai Tribes recognizes the importance of advancing agricultural initiatives that promote food sovereignty, economic development, and environmental stewardship within our Tribal community; and

WHEREAS, the funding the Native American Agricultural Fund (NAAF) offers funding opportunities to support such initiatives, providing resources to address the unique challenges and opportunities faced by Native American farmers, ranchers, and agricultural producers; and

WHEREAS, the Confederated Salish and Kootenai Tribes has identified specific projects and programs aimed at enhancing food security, supporting Tribal

farmers and ranchers, and implementing sustainable agricultural practices, aligning closely with the mission and objectives of the NAAF; and

WHEREAS, the submission of a grant application to the NAAF represents an important step towards securing the necessary funding to implement these projects and programs, furthering the goals of the CSKT Tribe to strengthen our agricultural economy, preserve our cultural heritage, and improve the well-being of our Tribal members; on the Flathead Reservation.

NOW, THEREFORE, BE IT RESOLVED, the Confederated Salish and Kootenai Tribes is authorized the submission of a grant application to the Native American Agricultural Fund (NAAF) for funding support for the following projects and programs, on behalf of the Confederated Salish and Kootenai Tribes.

Conduct a Comprehensive Needs Assessment.

Create a strategic plan around organizational operations to support CSKT Food Sovereignty.

Facilitate Access to Capital for Climate-Smart and Regenerative Agriculture Practices on Tribal Lands.

Integration and Business Plan Development for Agri-Business Ventures.

BE IT FURTHER RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes supports the submission of a grant application to the Native American Agricultural Fund (NAAF) for funding support for all documents and authorizes the Tribal Chair and his designated representative to negotiate and sign all documents and execute this submission on behalf of the Tribes.

MOTION by Martin Charlo to approve the resolution and letter of support for Two Eagle River School to submit a grant application to the Native American Agriculture Fund. Seconded by Tom McDonald. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 24-075

RESOLUTION APPROVING TWO EAGLE RIVER SCHOOL TO SUBMIT AN APPLICATION AND ACCEPT A NATIVE AMERICAN AGRICULTURE FUND GRANT

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

WHEREAS, there is a great need to promote food sovereignty among Indian students and families on the Flathead Reservation by providing healthy food choices, traditional food production and preservation practices, and opportunities to explore careers in agriculture;

WHEREAS, NAAF Grant funds are available for youth programming, as the organization believes that Native youth are critical to the continued growth of Native food systems and to that end seeks projects that focus on support of the next generation.

WHEREAS, Two Eagle River School meets the eligibility criteria for a NAAF Grant, as a BIE funded Tribal Grant School; and,

WHEREAS, The Confederated Salish and Kootenai Tribes designates Two Eagle River School to apply for a NAAF Grant on its behalf, and if funded, agrees to provide NAAF a limited waiver of sovereign immunity for the amount of funding provided to the Tribe covering the period of the grant, and accepts the limited IDC rate of 15%.

NOW, THEREFORE, BE IT RESOLVED, the Tribal Council of the Confederated Salish and Kootenai Tribes supports the request for Two Eagle River School to submit a NAAF proposal as one of the designated entities for the Tribes and authorizes the Tribal Chair and his designated representative to negotiate and sign all documents and execute the grant documents and any amendments thereto.

Carole Lankford informed council that the work requested by a tribal member will be completed this week.

Frank Pierre and **Richard Pierre** requested to meet with council in **executive session** to discuss a personal matter. **George Ducharme**, Tribal Lands Department; and **Dan Decker** and **John Harrison**, Legal Department; were present for discussion.

Clem Lafley requested to meet with council in **executive session** to discuss a personal matter. **Dan Decker** and **John Harrison**, Legal Department, were present for discussion.

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

Council reconvened into **regular session**.

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

R.T. Hendrickson discussed the Arlee Rodeo grounds and requested funding for 110 bleacher boards due to safety concerns. R.T. obtained bids from WBC, Home Depot and Lowes. **Martin Charlo** suggested R.T. request donations from the tribal corporations. R.T. advised he receives funding from S&K Gaming. **Bing**

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Matt recommended using ARPA funding to purchase the bleacher boards since the rodeo grounds are on tribal land. **Lisa Shourds**, Director of Administrative Services, informed council there is no allocation for the rodeo grounds. The plan only included bleachers for the pow wow grounds and the rodeo grounds were not part of the plan. **George Ducharme**, Tribal Lands Department, joined the discussion and advised he will follow up with the department head to see if the Tribal Lands Department can provide any assistance. **Jennifer Finley** suggested using the community funds to help with these expenses. **Council** took the request under advisement to find out if any tribal programs can provide assistance.

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for a corridor planning study MDT is initiating on US Highway 93 between Polson and Somers.

MOTION by Tom McDonald to approve the project specific agreement with the Montana Department of Transportation for a corridor planning study MDT is initiating on US Highway 93 between Polson and Somers. Seconded by Carole Lankford. Carried, unanimous (10 present).

Tara Irvine, Tribal Lands Department, requested approval to advertise the 2024 fireworks bid packet in the Char-Koosta News from May 1, 2024 to May 24, 2024, with a minimum bid requirement of \$2,000.00. Bids will be opened on June 3.

MOTION by Martin Charlo to advertise the 2024 fireworks bid packet in the Char-Koosta News from May 1, 2024 to May 24, 2024, with a minimum bid requirement of \$2,000.00. Seconded by Tom McDonald. Carried, unanimous (10 present).

Rich Janssen and **Greg Wilson**, Natural Resources Department, requested approval of change order 5 to Project Management Plan #15 via Agreement No. 16-141 with the Bureau of Reclamation to increase the budget by \$1,426,066 to complete the Kicking Horse final design, for a new not-to-exceed amount of \$4,589,718, and extend the completion date to November 15, 2025. The project will go out for bid in 2026 and be completed in 2028.

MOTION by James Steele, Jr. to approve change order 5 to Project Management Plan #15 via Agreement No. 16-141 with the Bureau of Reclamation to increase the budget by \$1,426,066 to complete the Kicking Horse final design, for a new not-to-exceed amount of \$4,589,718, and extend the completion date to November 15, 2025. Seconded by Danielle Matt. Carried, unanimous (10 present).

Rich Janssen, **Whisper Camel-Means**, **Les Evarts**, **Kari Kingery**, **Todd Espinoza**, and **Dan McClure**, Natural Resources Department, presented the

fiscal year 2023 report and fiscal year 2025 work plan, and requested approval of the Draft SKQ 2024 Submittal Report and approval to advance the report to the consultation group for review before sending the final version to the Bureau of Indian Affairs and Federal Energy Regulatory Commission. **Whisper Camel-Means** reviewed the budget. She would like to enter into a sole source contract with David Rockwell for work on the management plan. The capital equipment budget includes the purchase of a river boat. **Les Evarts** gave an overview of nonnative species management. The plan promotes life history diversity, sustain connectivity, and productivity. The department has been replacing the K Canal. The new diversion will create a complete year-round barrier to Rainbows and there will be a new fish ladder with a trapping system. Les gave an overview of the Liberty Creek Rainbow Trout removal project. The project will be done next fall and it will take about 3 days to complete. It may take some additional time for a deactivation station. There would be a second removal if any Rainbow Trout are detected again. The staff will then transfer pure Cutthroat Trout into Liberty Creek from a nearby population. The program acquired a gillnetting boat in 2023. The staff worked with the Wildland Recreation program to replace the dock, so there is now a shore station for the boat.

Kari Kingery reviewed the wildlife budget. The program contracts with a company to conduct infrared wildlife survey imaging to detect animals in order to monitor wildlife populations. The staff provided outreach and education presentations to 42 public groups to promote the importance of habitat restoration and management and decreases in human-wildlife conflicts, while increasing knowledge of cultural values and language of local wildlife specialists. The program provides human-wildlife conflict outreach and management. The biologists responded to 59 grizzly bear conflicts in lands adjacent to wildlife mitigation areas. The biologists worked with the public to promote non-lethal predator control methods, such as e-fences, fladry, securing attractants, and fruit trees. Four e-fences were built for public residents and NLPC kits were loaned to 8 landowners throughout the season. 531 shrubs and trees were planted. 295 acres were sprayed as part of the invasive weed management. Northern Leopard frogs were reintroduced and some Bullfrog surveys were conducted in the Mission Valley. Tadpoles and adult frogs were removed from ponds and canal systems. The program received the Unsung Hero award from the Montana Fish, Wildlife & Parks Montana Conservation Corps/AmeriCorps.

Todd Espinoza gave a presentation on the Wildland Recreation program. Future projects include the installation of a shower at Big Crane Park to reduce swimmer's itch. The staff provided administrative oversight for grounds operations and maintenance at the Blue Bay Campground. They coordinated with multiple contractors on the construction of a new fishing pier and dock for the Blue Bay Campground, which now includes a secure area for the Fisheries program. The staff did some work on the Salish Point dock and Blue Bay dock (before the new dock construction). Todd showed council some pictures of the

Moiese Boat Launch, which is one of the seven river access sites the program maintains throughout the year. The Wildland Recreation crew cleared out the Jocko River Fishing Access Trail. The staff provides public outreach and education throughout the year, which includes the River Honoring. The program installed 5 kiosks that contain reusable cleanup bags for the public's use. A playground was installed at the Blue Bay Campground. The program has a borrow-and-return kiosk that offers free access to life jackets courtesy of the Sea Tow Foundation. The program will seek grant funding for future projects.

Whisper Camel-Means presented the 2023 report for Aquatic Invasive Species. Staff performed watercraft inspections at the mandatory inspection stations located in Ravalli and Thompson Falls. 18,308 watercrafts were inspected and 161+ watercrafts fouled with plants, mud and water were decontaminated. The program teams up with Fish, Wildlife & Parks on decontaminating watercraft at the Ravalli Inspection Station. Staff provided public outreach and education, which included the Mussel Walk for four schools with 280 students and the River Honoring with 675 students. The program received grant funding for public outreach and education. The work plan includes training and monitoring inspectors to ensure inspections are done properly. **James Steele, Jr.** suggested the staff present to the local area Chamber of Commerce and the St. Ignatius City Council.

Stephanie Gillin presented the 2023 report for Information and Outreach. The program reached 1,000 students at the annual River Honoring and 100 students at the Lake Honoring. The staff gave presentations to about 600 elementary students, 200 middle school students, 200 high school students, 250 college students, 350 adult groups and teachers directly, and over 1,000 students indirectly via various school or other programs. The staff provided information and education materials to internal and external audiences through the tribal internet, telephone, email, and direct contact with the public. The staff produced about 50 new releases, 30 radio shows, as well as developing and recording paid public service announcements. They also produced print and broadcast media campaigns for both the Spring and Fall Mack Days fishing event, aquatic invasive species prevention, Bison Range, developed wildlife signs, produced media campaigns for various wildlife issues, and helped develop signs, brochures, and tear-out pages for Bison Range visitors. Staff updated and refined a web-based off-reservation wild bison hunt orientation, including video and audio materials, and participated in 9 bison hunt orientations for more than 300 tribal member hunters. Goals in the fiscal year 2025 work plan include continuing the annual River Honoring and Lake Honoring, make contact with students and adults on and off the Bison Range via school presentations and other programs like the Maker Truck, continue press releases and radio shows, and continue updating the Riparian Animal Field Guide mobile apps.

Dan McClure presented the fiscal year 2023 annual report for the Fish and Game Department. The Game Wardens checked 3,633 sportsmen and recreationists for tribal permits, worked 516 hours conducting foot and bike patrols in areas not accessible by motor vehicles, spent 90 hours posting signs along the lower Flathead River, and issued 97 citations for various 44-D and State violations. The program plans on ramping up patrols on the river this year and have at least 4 patrols per month on Saturdays. Numerous homeless folks are living along the river and there is a lot of trash left behind in those areas. All of the Game Wardens are required to provide outreach and education to the public. The River Honoring is scheduled for next Monday. The evening community event will begin at 6:00 p.m. for the honoring and meal. The students will be there on May 7 and May 8 from 9:00 a.m. to 3:30 p.m. **Carole Lankford** suggested using cameras and drones for high-use areas. The submittal report is due by June 27, 2024.

MOTION by Tom McDonald to approve the Draft SKQ 2024 Submittal Report and advance the report to the consultation group before sending the final version to the Bureau of Indian Affairs and Federal Energy Regulatory Commission. Seconded by Carole Lankford. Carried, unanimous (10 present).

Whisper Camel-Means requested approval of the Kicking Horse Fishing Derby. The staff will work with the Tribal Health Department to do the fishing derby.

MOTION by Tom McDonald to approve the Kicking Horse Fishing Derby. Seconded by Carole Lankford. Carried, unanimous (10 present).

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

Dan Decker and **Michael Wheeler**, Legal Department, requested an amendment to the Law & Order Code Ordinance 103A to amend the qualifications for the attorney Tribal Court judge position. The current law requires qualified applicants to be an enrolled tribal member of the CSKT. The amendment changes that requirement to allow for first generation CSKT descendants to be eligible for the position.

MOTION by Len TwoTeeth to approve Amendment 40 to Ordinance 103A, as presented. Seconded by James Steele, Jr. Carried, 10 for; 0 opposed; 0 not voting.

ORIDNANCE 103A, AMENDMENT NO. 40

BE IT ENACTED BY THE TRIBAL COUNCIL OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES THAT AMENDMENT NO. 40 SHALL AMEND ORDINANCE 103A AS FOLLOWS:

TITLE I, CHAPTER 2 – COURTS, PART 2 – Tribal Court Judges

1-2-202. Appointment, staggered terms, and advertisement.

(5) A person shall be eligible to serve as a non-attorney Tribal Court Judge only if the person (i) is a member of the Confederated Salish and Kootenai Tribes, and (ii) has never been convicted of a felony, or, within the last year, of a misdemeanor, with the exception of minor traffic violations.

A person shall be eligible to serve as an attorney Tribal Court Judge only if the person (i) is a member of the Confederated Salish and Kootenai Tribes or a first generation descendant of the Confederated Salish and Kootenai Tribes, and (ii) has never been convicted of a felony, or, within the last year, of a misdemeanor, with the exception of minor traffic violations.

The above amendment to Section 1-2-202 (5) replaces the following:

(5) A person shall be eligible to serve as a Tribal Court Judge only if the person (i) is a member of the Confederated Salish and Kootenai Tribes, and (ii) has never been convicted of a felony, or, within one year then last past, of a misdemeanor, with the exception of minor traffic violations.

Dan Decker, Michael Wheeler, Katie Jones, Chelsea Colwyn, Melissa Schlichting, Stu Levit, Brian Upton, Shane Morigeau, Lynsey Gaudioso, and Zach Zipfel, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Lynn Ducharme**, Natural Resources Department, joined the discussion.

Council reconvened into **regular session**.

Jeanne Christopher, Early Childhood Services, invited council to the Head Start Pow Wow this Friday at the event center. Marquis Askan was hired as the Kootenai Language Specialist.

Jeanne Christopher, Early Childhood Services, requested approval to apply for continuation funding from the Department of Health and Human Services to fund the Early Childhood Services Head Start/Early Head Start program.

MOTION by James Steele, Jr. to approve by resolution submission of a grant application to the Department of Health and Human Services for continued funding for the Early Childhood Services Head Start/Early Head Start program. Seconded by Martin Charlo. Carried, 10 for, 0 opposed; 0 not voting.

RESOLUTION 24-076

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FUNDING THE EARLY CHILDHOOD SERVICES HEAD START/ EARLY HEAD START PROGRAM

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

WHEREAS, The Confederated Salish and Kootenai Tribes are committed to improving the education, training, and employment opportunities of all children and families, and

WHEREAS, the Tribal Council has declared that the children of the Salish, Kootenai, Pend d'Oreille Tribes are our most valuable resource of the Flathead Indian Nation;

WHEREAS, the funding agency, the Department of Public Health and Human Services, offers funding opportunities for grantees to receive Cost of Living Adjustments for employees of Early Childhood Services;

WHEREAS, the Department of Public Health and Human Services offers Quality Improvement funds that support the grantee in meeting health and safety policies for children and families; **NOW, THEREFORE**,

BE IT RESOLVED, That the Tribal Council of the Confederated Salish and Kootenai Tribes support the application submitted to the Department of Health and Human Services for annual funding for the Confederated Salish and Kootenai Tribes Early Childhood Services Head Start/Early Head Start program for the children of the Flathead Indian Reservation; and

BE IT FURTHER RESOLVED, that The Tribal Council of the Confederated Salish and Kootenai Tribes support the application submittal to The Department Health and Human Services for Early Childhood Services Head Start/ Early Head Start program to receive Cost of Living Adjustment funding, which includes Quality Improvement funding.

BE IT FINALLY RESOLVED, that The Tribal Council Chairman and/or his designated representative are authorized to negotiate and execute the grant documents and any amendments thereto with the Certification, listing Tribal Council authority from Article VI, Section 1 of the Tribes' Constitution and Bylaws.

Jeanne Christopher, Early Childhood Services, informed council she has been working on recruitment and increasing enrollment, and she has a meeting

scheduled with Salish Kootenai College as part of the effort to increase enrollment numbers. Jeanne presented the Early Childhood Services Annual Report to the Public and requested acceptance of the report. The report is required as part of the department's performance standards.

MOTION by Martin Charlo to accept the Early Childhood Services Annual Report to the Public. Seconded by Bing Matt. Carried, unanimous (10 present).

Jeanne Christopher, Early Childhood Services, gave an overview of the base funding and requested approval to use that funding to offer the staff a 3.25% cost of living increase.

MOTION by Carole Lankford to authorize the use of the base funding for a 3.25% cost of living increase for the Early Childhood Services employees. Seconded by Jim Malatare. Carried, unanimous (10 present).

Sergey Tarasov, FCS Group; **Teresa Wall-McDonald**, **Dan Depoe**, **Gordon Fyant**, **Cindy Benson**, and **Michael McKee**, Mission Valley Power Utility Board; **Zachary Conko-Camel**, Mission Valley Power General Manager; **Michael Wheeler**, **Melissa Schlichting** and **Shane Morigeau**, Legal Department; requested to meet with council in **executive session** to discuss utility issues.

Council reconvened into **regular session**.

MOTION by Jennifer Finley to go with option 2, as recommended by the Utility Board. Seconded by Len TwoTeeth. Carried, 8 for; 1 opposed (Danielle Matt); 1 abstention (Carole Lankford).

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

Nicole Hansen and **Sarah Nasta**, United States House of Representatives, Committee on House Administration, Democratic Elections Counsel, discussed barriers to voting in nontribal (local, state, federal) elections for CSKT citizens. **Dan Decker**, **Lynsey Gaudio** and **Shane Morigeau**, Legal Department, were present for discussion. The Committee on House Administration is the committee of the United States House of Representatives with jurisdiction over federal legislation related to the administration of federal elections, including the Native American Voting Rights Act. In support of their work with NAVRA, they are drafting a staff report on the history and current state of Native voting rights to be released in June and become part of the record for NAVRA upon its next introduction in the U.S. House. As part of the report, they are meeting with tribal leaders throughout the United States to hear about barriers to voting in their communities and what Congress can do to better support tribal citizens' right to

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vote. That meeting is a follow-up to an April 29 roundtable regarding voting rights for tribal citizens in nontribal elections.

MOTION by Jennifer Finley to adjourn the meeting.

Council **adjourned** at 4:21 p.m., and is scheduled to meet again on Thursday, May 2, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary