

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

Volume 24 Number 32
Council Chambers, Pablo, MT

Held: February 22, 2024
Approved: February 27, 2024

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

MEMBERS ABSENT: Danielle Matt (Personal Time Off).

OTHERS PRESENT: Jableau Arlee, Tribal Council Support; 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 Tom McDonald.

The **Tribal Council Meeting Minutes** for February 20, 2024 were presented for approval.

MOTION by James Steele, Jr. to approve the Tribal Council Meeting Minutes for February 20, 2024, with corrections. Seconded by Tom McDonald. Carried, 8 for; 1 abstention (Jennifer Finley).

The **agenda** was presented for approval.

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

Tom McDonald would like council support to start an enrollment study and get something finalized this calendar year so it will be completed for the next election cycle. Tom wants an enrollment committee set up with the governing body to come up with alternatives to modify current enrollment practices long term. **James Steele, Jr.** would like to have public involvement in the process. **Len TwoTeeth** agreed the public should be involved and keep the council out of it. It would be important to put a timeframe on it. **Jennifer Finley** agreed the committee should be made up of community members.

MOTION by Tom McDonald to set up an enrollment committee made up of the governing body to come up with alternatives to modify the current enrollment practices long term. Seconded by Martin Charlo. **Chairman Dolson** would like to institute the five-day rule requirement before taking action on the issue and asked for consideration for another week so the entire council would be available. It was the **consensus** of council to schedule it for March 7, 2024.

Jennifer Finley gave a report on the State-Tribal Economic Development Commission meeting she attended earlier this week. STED announced a new grant program to open on March 1. The grant application period will be open for two months. She will forward it to S&K Business Services today. The grant will provide funding of \$2.75 million over a five-year period and it could provide seed money for the travel center in Elmo. The State will award seven grants and one is set aside for a tribe for a project in a rural and under-visited community. The funding can be used to provide resources, support, planning, and architectural designs.

James Steele, Jr. attended the City Council meeting in St. Ignatius. He is working on the \$100,000 aqua funds for the district. The city is in a situation to take over the maintenance of Taelman Park and the city would like to make some improvements so there can be some picnic tables and repairs to the basketball courts. There are six basketball backboards at the park and only one is functioning. The basketball court located by the Longhouse has two backboards and only one of them has a hoop. The city wants CSKT to help with the purchase of equipment. There was discussion about tribal recreation permits no longer being sold in St. Ignatius and the city council would like to find another option. They requested the Tribes donate a tribal flag for their council chambers. James had a call with Kathy Torosian about Char-Koosta News not calling her back for three weeks. When Tom McDonald was chairman, there was a motion for new hires to be published in the Char-Koosta News, but that no longer happens. He asked Abby to look up that motion. **Martin Charlo** commented that the directive was for Personnel to publish the new hires in the Char-Koosta News. Kathy was concerned about the council taking action and the staff is not listening to them. The city needs to do some deferred maintenance for what might need to be done at the skatepark and make the Taelman Park family friendly for children. James was following up on the Larry Barnaby situation and asked for a copy of the policies for how the ARPA money was to be spent and he has not received the information requested, he asked for the housing policy and is still waiting to receive it, and he requested an update on the Schulz situation and has not received a response back. We have an executive team, but he suggested having an office of constituents of tribal member services so the council has staff to help track issues. **Council** had no objection to donating a tribal flag to the St. Ignatius City Council.

Shawn DeFrance, Tribal Forestry; **Mark Couture**, Tribal Lands Department; and **Mike Durglo**; requested approval of a partnership with ARA to seek Defense Appropriations Act funding for data collection using UAS with 3 cm precision to identify threatened and endangered species (white bark pine and invasive weeds). The technology would enable the staff to capture rangeland species with more accuracy. **No action taken.** **Carole Lankford** suggested having legal review. **Mark Couture** would like to follow up with S&K Technologies. Shawn informed council of a symposium in North Carolina the second week of May.

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

Lynn Ducharme, Natural Resources Department, requested approval of a resolution authorizing the purchase of the Martin parcel with Bonneville Power Administration resident fish mitigation funding.

MOTION by Tom McDonald to approve by resolution the purchase of the Martin parcel with Bonneville Power Administration resident fish mitigation funding. Seconded by Jim Malatare. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 24-049

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 (“Fourth Amended CSKT-BPA Resident Fish MOU” for fiscal years 2023-2025”), dated October 4, 2022 to provide for BPA to fund, and the Tribes to implement, the permanent protection and mitigation of resident fish habitat

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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 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 "Martin (Windmill) Parcel" (described below) qualifies for acquisition with BPA funds pursuant to the Fourth Amended CSKT-BPA Resident Fish MOU;

WHEREAS, the Martins, own land and appurtenant natural resources containing resident fish habitat in and around the Jocko River as real property more particularly described as:

That tract of land located in the S $\frac{1}{2}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, Township 18 North, Range 20 West, P.M.M., and in the NW $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 5, Township 17 North, Range 20 West, P.M.M., Lake County, Montana, described in that Deed; recorded March 5, 2001, under Microfile No. 414158, records of Lake County, Montana, described as follows:

All that portion of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 32, Township 18 North, Range 20 West, P.M.M., Lake County, Montana, lying between the Northern Pacific Railway Company right of way and the mid-channel line of the Jocko River according to the official map or plat thereof now on file and of record in the office of the County Clerk and Recorder of Lake County, Montana, said tract being bounded on the east by the Northern Pacific Railway Company right of way, on the west by the mid-channel line of the Jocko River and extending from the south line of said Section 32 on the south to the south line of the Townsite of Ravalli, Lake County, Montana, on the north, said south line of the Townsite of Ravalli being identical with the north line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ in Section 32, Township 18 North, Range 20 West.

AND ALSO

A portion of Government Lot 4, Section 5, Township 17 North, Range 20 West, P.M.M., Lake County, Montana, more particularly described as follows: From the

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North Quarter corner of Section 5, Township 17 North, Range 20 West, P.M.M., North 89° 50'59" West 1884.74 feet along the North boundary of said Section 5 to the point of beginning; thence South 17° 08'09" West 246.81 feet; thence North 84° 03'41" West 42.0 feet to the center of the Jocko River; thence North 5° 56'19" East 233.0 feet along said Jocko River centerline to the North boundary of said Section 5; thence South 89° 50'59" East 90.39 feet along said North boundary to the point of beginning. Further shown and described as Tract B on Certificate of Survey No. 3132, on file in the office of the Clerk and Recorder of Lake County, Montana.

EXCEPTING THEREFROM a portion of the SW1/4SW1/4 of Section 32, Township 18 North, Range 20 West, P.M.M., Lake County, Montana, more particularly described as follows: From the South Quarter corner of said Section 32, Township 18 North, Range 20 West, P.M.M., North 89° 50'59" West 1713.39 feet along the South boundary of said Section 32 to the point of beginning, thence North 0° 09'01" East 57.95 feet; thence South 64° 25'56" West 71.99 feet; thence South 76° 04'04" West 109.79 feet to the South boundary of said Section 32; thence South 89° 50'59" East 171.35 feet to the point of beginning. Further shown and described as Tract A on Certificate of Survey No.3132, on file in the office of the Clerk and Recorder of Lake County, Montana.

Said tract is further shown and described as Correct B on Correction Certificate of Survey No. 7701, on file in the office of the Clerk of Recorder of Lake County, Montana.

AND ALSO

That part and portion of Government Lot 4 of Section 5, Township 17 North, Range 20 West, P.M.M., Lake County Montana, more particularly described as follows, to wit:

Beginning at a point on the North line of said Section 5, which point is distant West 129.6 feet from the intersection of the westerly boundary of the Northern Pacific Railway right-of-way and the North line of said Section 5, thence South 70 feet, thence West 50 feet, thence North 70 feet to intersect the North Section line of said Section 5, thence East along said boundary 50 feet to the place of beginning;

TOGETHER WITH Easement rights for ingress and egress as set forth in Deed; recorded April 27, 1982 under Microfile No. 267532, records of Lake County, Montana.

SUBJECT TO AND TOGETHER WITH Covenants, Conditions, Restrictions, Provisions, Easements, Reservations, Encumbrances and Matters apparent or of record.

WHEREAS, the Martins have offered to sell all of their 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 the Martins 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 Windmill property for resident fish mitigation;

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.

John Pavsek, **Scott Fanning** and **Jeff Patten**, Montana Department of Transportation; **Jim Scoles**, Morrison-Marielle; and **Scott Johnston**, Natural Resources Department; gave a CM/GC report on the US 93 at Post Creek project. The project was placed on hold pending a design solution and availability of funds, and a value analysis and risk analysis were conducted. The project delivery was expedited. The Federal Highway Administration funds must be obligated by September 2025 and completed by 2030. A re-evaluation will be done and the consultant will collect some data on Geotech, wetlands, cultural, etc. By the first of April there will be weekly meetings about design and development. CSKT will be part of the decision-making process and was asked to participate. The project will tie into the highway by Gunlock Road. There will be a turtle crossing. **Tom McDonald** discussed public education. MDT listed in their PowerPoint environmental constraints and Tom thought it should be environmental opportunities. Tom asked MDT to consider taking restorative action on the highway.

Brian Upton and **Melissa Schlichting**, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Jordan Thompson**, Tribal Executive Office; **Ryan Rusche**, Sonosky Law Firm; **Zach Zipfel** and **Danna Jackson**, Legal Department; and **Gwen Lankford**, Consultant; were present for discussion.

Jim Malatare left the meeting on personal time off for the remainder of the day.

Council reconvened into **regular session**.

Seth Makepeace, **Tabitha Espinoza**, **Casey Ryan**, **Mark Simpson**, and **Rob McDonald**, Natural Resources Department, gave an update on rehabilitation and betterment projects, including the background, scope of activities, programmatic contracts and solicitation for services; environmental permitting; restoration project updates; FIIP Rehab and Modernization approach to project selection and update on projects; Safety of Dams highlights and water resources program highlights; Water Resources measurement and data reporting, reallocation studies, and compact implementation technical team; Water Rights groundwater management protection areas, registration of tribal uses, and off-reservation water rights; an overview of the responsibilities and activities of the Compact Implementation Technical Team; and settlement implementation activities.

MOTION by Carole Lankford to adjourn the meeting.

Council **adjourned** at 2:20 p.m., and is scheduled to meet again on Tuesday, February 27, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary