

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

Volume 24 Number 35
Council Chambers, Pablo, MT

Held: March 5, 2024
Approved: March 12, 2024

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

MEMBERS ABSENT: Jennifer Finley (HB 872 Behavioral Health System for Future Generations Commission Meeting - Great Falls, Montana); and Carole Lankford (HB 872 Behavioral Health System for Future Generations Commission Meeting - Great Falls, Montana).

OTHERS PRESENT: Jennifer Trahan, 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 29, 2024 were presented for approval.

MOTION by James Steele, Jr. to approve the Tribal Council Meeting Minutes for February 29, 2024, with corrections. Seconded by Tom McDonald. Carried, 7 for; 1 abstention (Mike Dolson).

The **agenda** was presented for approval.

MOTION by Tom McDonald to approve the agenda, with changes. Seconded by Jim Malatare. Carried, unanimous (8 present).

Sandra Boham, Salish Kootenai College, informed council that the college receives State funding for the heavy equipment highway construction training program and a limited waiver of sovereign immunity is required to receive that funding. The waiver has been approved in the past. Sandra requested approval of a limited waiver of sovereign immunity for the grant funding.

MOTION by Tom McDonald to authorize a limited waiver of sovereign immunity to receive State funding for the heavy equipment highway construction training program, pending a positive review by the Legal Department and Contract & Grants. Seconded by James Steele, Jr. Carried, 6 for; 1 abstention (Martin Charlo); 1 not voting (Danielle Matt out of the room).

Len TwoTeeth discussed the opioid settlement funds. Council previously talked about developing a committee to look over projects. The Elmo community has some good projects they want to move forward with. **James Steele, Jr.** suggested these individuals contact the Tribal Opioid Response (TOR) Grant Program with Kathy Ross since she has funding available to help with projects. Kathy paid for individuals to go to the peer mentoring training. **Tom McDonald** would like to establish a committee to determine how the money will be spent. He advocated to have an endowment and grow that fund. There are more settlements coming through and the Tribes could spend the interest earned on those funds for programs and community needs within the guidelines of the settlement terms.

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

Monica Tranel, Candidate for Congress, gave an update on her candidacy for Congress and discussed topics of interest to the Tribes. She has been tracking housing issues and Energy Keepers, Inc. **James Steele, Jr.** commented that when he calls Congressman Zinke's office he always gets a voicemail. It is important to receive a live voice when constituents call and he wanted to know Monica's stance on that. One of the issues the Tribes is dealing with is Public Law 280. It is important to have support on a variety of tribal issues. Monica is interested in having a partnership with the Tribes. She tries to do right by her constituents and all Montana residents. There should be a point of contact in every community instead of having to travel to DC. Monica wants to be present in the communities. **Tom McDonald** does not support the possibility of the mail distribution center moving from Missoula to Spokane. It is important to keep jobs in Montana and our mail local. The Tribes want to fully recapture our own destiny in law enforcement and court system. There is a lack of federal funding in Indian country. Federal funding is a limiting factor in addition to what is delegated to us to enforce. We need support to have our Healing Court. There are Indians from other tribes living here, so there is a secondary population of Native Americans we are empowered to take care of. CSKT has been involved in the cleanup of Smurfit Stone and would like support to pressure the Environmental Protection Agency to get the cleanup finished. The Headwaters of the Kootenai River is a boundary water issue with selenium pollution coming from mines in the Elk River. British Columbia is highly influenced by the mining industry. All mining companies seem to reside in Canada. The water pollution is causing harm to fisheries and it needs to be fixed. CSKT engaged the Boundary Waters Treaty Act and International Boundary and Water Commission. It looks like the United States and Canada signed on and made a request to the

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International Joint Commission, and we need our congressional representatives to step up and assist us. The Columbia River Treaty is moving forward and the Tribes need to be represented in that process. When talking about restoring fisheries and removal of dams, part of that remediation package includes the need for clean energy in some form. The Snake River Dams was going to be removed and alternative energy sources would need to be identified. We are part of the Columbia, and our power rates are affected when those dams are removed. The Tribes would like to capture some of that opportunity for production and distribution in Montana. CSKT wants to be at the table. Downstream issues for salmon have always taken the front seat and the upper river Tribes are always left in the back of the bus. When talking about building new power facilities, the upper river Tribes need to have equal footing and that same opportunity. CSKT is interested in equal opportunity for new power generation. We have historically supported restoration of native fisheries. We do not think the downstream river tribes are uniquely situated to be the ones handed an opportunity to develop a whole power plant; that could be anyone, and CSKT should have an equal opportunity. We need to replace that with clean energy. Geothermal is an opportunity once our water settlement is finalized. The Tribes are looking at other investments, such as solar and wind farms. Monica asked about Bonneville Power Administration repurposing their transmission lines which created an opportunity on the Montana side to match that which gives more opportunity to wield power. Northwestern did not want to match the Bonneville Power Administration side, so that is something to look into and is an area of interest to her. **Tom McDonald** suggested she visit with Brian Lipscomb about that. The Tribes are also working on Medicaid Expansion, which impacted our people. Monica commented that everyone was kicked off Medicaid due to the re-enrollment. Tom stated the Tribal Health Department was charged with helping people reapply for Medicaid. Issues of concern include the capacity for the State to get those applications processed and letting people know they need to reapply. Montana and healthcare facilities need Medicaid to survive. **James Steele, Jr.** commented on individuals getting dropped from Medicaid and not being told they were dropped and need to reapply. Tribal Health is a payor of last resort, so insurance and Medicaid are charged first. The service area includes communities off the reservation, such as Missoula. People can come to the reservation for service. Tribal Health has to pay the entire bill if individuals do not have Medicaid, so there is an impact. Monica talked about this run for office being different than the last time she ran. She has national partners and resources during this election cycle, which she did not have last time. Monica requested an official endorsement from the CSKT. Young people need to know their voice matters. **Chairman Dolson** told Monica that the CSKT took action to not endorse any political candidates. Representative Zinke introduced a lake level bill without ever speaking to the Tribes. **Len TwoTeeth** mentioned the next Rocky Mountain Tribal Leaders meeting is scheduled for March 26-27 in Billings and he would welcome her to say a few words at that meeting. **Tom McDonald** will be a keynote speaker at the Earth Day gathering in Kalispell on April 20 and will give Monica

a shoutout if she can attend the event. Monica mentioned there was a PSE filing to ask that climate be considered when analyzing resources by a number of petitioners, and the Big Sky Ski Resort was one the filers.

Matthew Beasley, Chuck Sanger and Renee Camel, Information Technologies; **Stu Levit**, Legal Department; **Lisa Shourds**, Director of Administrative Services; and **Annahlyse Meyer**, Darktrace Holdings Limited; requested approval of the legal language in a three-year contractor agreement with Darktrace Holdings Limited to provide security services for the network and data. The goal is to make sure the Tribes have better visibility for content, data, and traffic that come and go from our network. There has been a 135% increase in email and phishing attacks. IT wants to have a set of products that can track anomalies for the email and network as a security measure. It is an AI-based tool that establishes an AI baseline for email users to help alert IT if those behaviors go outside of normal as well as network traffic on CSKT servers and being offloaded from the system. The AI system will learn everyone's baselines and can automatically react if a user is compromised to keep the data safe. It would do network scanning on a regular basis and send alerts or take action when actions are needed. Stu gave a general overview of the contract terms. The Montana Federal Court would be the court of jurisdiction for any legal actions. The company's legal team does not have attorneys to represent the company in Tribal Court. The discussion continued in **executive session** with Lisa Shourds. **Stu Levit** was present for discussion.

Council reconvened into **regular session**.

There was continued discussion about artificial intelligence and the services provided by the company. The term of the contract would be for the remainder of this fiscal year and three additional years (42 months), and the cost for annual subscription would be \$141,000.

MOTION by James Steele, Jr. to approve the contractor agreement with Darktrace Holdings Limited. Seconded by Tom McDonald. Carried, 7 for; 1 opposed (Len TwoTeeth).

John Harrison, Melissa Schlichting, Lynsey Gaudioso, Shane Morigeau, Christina Courville, Katie Jones, and Yolanda Page, Legal Department, requested to meet with council in **executive session** to discuss legal matters. **Gwen Lankford**, Consultant, was present for discussion.

Council reconvened into **regular session**.

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

Danielle Matt left the meeting for the remainder of the day for MMIW with 48 Hours.

Anthony Botello and **Ryan Powell**, Flathead National Forest; and **Kathryn McDonald**, Culture Preservation Office; met with council to discuss issues of interest to the CSKT. **Tom McDonald** commented the key components are managing resources due to climate change, the unfortunate growth of population and that impact to resources, our treaty rights being the supreme law of the land and the Tribes having our standing rights and the first in time first in use right, restoring access and opportunities that have been diminished on the landscape, protecting and enhancing habitat, how to strategically plan prescriptive fires and respond to wildfire, and how to deal with recreational uses on the landscape. Anthony suggested meeting with the Tribal Council on a quarterly basis to provide updates on projects, such as the wildfire crisis strategy, and understand issues that are important to the Tribes. **James Steele, Jr.** stated the CSKT is a Stevens Treaty tribe and we have the right to hunt and fish in usual and accustomed places. The Forest Service plays a part in being able to participate in that, and it is important for the Forest Service to be familiar with the language in the treaty. When tribal members exercise their rights, it is under that treaty agreement with the United States. The treaty predates the United States by a number of years. Anthony has experience working with tribes that have treaties. It is important for the leadership and employees to have exposure to that language and what reserved rights mean, because the employees understand there is a relationship with tribes but they do not have a full understanding of the depth of that relationship. It is important to make sure the Forest Service leadership understands the treaty and how that relationship works and then make sure the employees that are planning or implementing projects do, as well. **Tom McDonald** discussed aquatic invasive species. There is a lot of flatwater recreation on Forest Service lands and no funding to host a check station. We set up a protection plan for the headwaters of the Columbia. The Flathead Reservation has a 24/7 hour check station. The Continental Divide had a check station for the headwaters of the Columbia and subbasin of the Flathead. Tom wants the Forest Service to think about having a partnership to host a check station on the Forest Service land this side of the divide on Highway 2. Glacier National Park has a tight system and have been good partners. There is a check station at the Clear Water Junction. It would be valuable to go on field trips to look at the landscape and include tribal elders in the process. CSKT is interested in the Good Neighbor Authority and how to develop relationships for co-management opportunities, increased access, workforce development, etc. **Tony Incashola, Jr.**, Director of Tribal Resources Management, is interested in opportunities for reforestation. CSKT is working with the Crown Management Partnership and received its first project for white bark pine for reforestation from the Flathead National Forest in 2018. We are actively working on other white bark pine restoration projects. They are trying to get a tribal youth group established for white bark pine planting. White bark pine is being grown in our

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native nursery for CSKT, Lolo National Forest, Glacier National Park, and Flathead National Forest. **Tom McDonald** commented on the importance of changing names that are offensive and restoring our native placenames, including on the Forest Service landscape. Anthony was interested in a placenames project. He would like to have an orientation on the treaty for the leadership team and employees and have someone from CSKT give a presentation on the history of the treaty. **Kathryn McDonald** thinks the CSKT has professionals within the organization that can educate our neighbors. She is working with the Tribal Education Department to get the age range of high school students that have an interest in resource departments and do partnerships. **Tom McDonald** suggested holding an educational gathering on the landscape. Anthony offered to partner with the Tribes on that. **Tony Incashola, Jr.** commented on the importance of protecting and restoring our treaty rights on Forest Service lands and making sure recreation use is not infringing on those rights. CSKT wants more field trips and informal gatherings with the Forest Service. The Tribes want to follow the Good Neighbor Authority and be co-stewards of the land and have a management partnership moving forward. The CSKT want to be involved in the process to do revisions to the forest management plan. Anthony will work on treaty education, a partnership with CSKT on placenames, field trips, quarterly meetings, aquatic invasive species partnerships, partnering with a youth crew, and a tribal gathering.

MOTION by Jim Malatare to adjourn the meeting.

Council **adjourned** at 1:51 p.m., and is scheduled to meet again on Tuesday, March 12, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary