

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

Volume 24 Number 36
Council Chambers, Pablo, MT

Held: March 12, 2024
Approved: March 14, 2024

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

MEMBERS ABSENT: Jennifer Finley (2024 Reservation Economic Summit – Las Vegas, Nevada).

OTHERS PRESENT: Jennifer Trahan, Tribal Council Support; and Abby Dupuis, Recording Secretary.

The meeting was called to **order** at 9:02 a.m. Quorum established.

The meeting was opened with a **prayer** by Chairman Dolson.

The **Tribal Council Meeting Minutes** for March 5, 2024 were presented for approval.

MOTION by James Steele, Jr. to approve the Tribal Council Meeting Minutes for March 5, 2024, with corrections. Seconded by Tom McDonald. Carried, unanimous (8 present).

The **agenda** was presented for approval.

Len TwoTeeth joined the meeting.

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

Carole Lankford was contacted by Ed Winebrenner wanting to know the status of moose hunting on aboriginal territory. **Council** responded that the matter has not come back to council yet. The current regulations would stand as they have always been until the council changes them. The issue will be scheduled on the council agenda after the director reviews the comments. Carole thought it would be important to advertise the meeting so the public could be aware of what was presented. The council agendas are published.

Chairman Dolson reminded council that Ed Meece, Polson City Manager, invited folks to tour different facilities in Polson and lunch at Bunker's Grill next Tuesday from 11:30 a.m. to 1:00 p.m., and he needs the RSVPs today if anyone is interested in attending. Tom McDonald, Carole Lankford, Martin Charlo, and Jennifer Finley showed interest in attending.

Tom McDonald revisited the action taken to have an enrollment study done. **Len TwoTeeth** would like an advertisement in the Char-Koosta News seeking letters of interest. **James Steele, Jr.** recommended having the communication PR team put this out clearly, because there will be many questions. The council needs to communicate what they are thinking to the public. The PR team needs to be involved so the word gets out to the membership. **Carole Lankford** wanted to know what the impacts would be to healthcare, the interest on the water compact, and per capitas.

MOTION by Tom McDonald to modify his motion to have the entire council meet separately as an enrollment criteria study committee to review the criteria and full range of modifications to the enrollment criteria and establish a tribal member advisory group from the council districts to assist with the study and recommendations, and have the recommendations concluded by December 31, 2024. Seconded by Martin Charlo. Carried, unanimous (9 present).

***Carole Lankford**, for the record, "I believe in the end the membership makes the final decision of how we go."*

***James Steele, Jr.**, for the record, "I believe we need to include all tribal citizens interested in the process, and the tribal citizens should vote on it. Also, we need to present the history of blood quantum and that it isn't our tradition; it was created by the US government to ensure the tribes' extinction."*

Greg Spahr, Financial Management, requested approval of a resolution to reallocate the remaining ARPA funds for calendar year 2024 and funding for the skatepark proposal.

MOTION by Martin Charlo to approve the resolution to reallocate the remaining ARPA funds for calendar year 2024 and funding for the skatepark proposal. Seconded by Tom McDonald. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 24-054

RESOLUTION OBLIGATING AMERICAN RESCUE PLAN ACT FUNDING

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

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WHEREAS, the Confederated Salish and Kootenai Tribes received funding under the American Rescue Plan Act (ARP-A) Coronavirus State and Local Fiscal Recovery Funds; and

WHEREAS, the Tribal Council had evaluated the needs of the Tribes to use the ARPA funds in a manner consistent with US Treasury’s final rule to help membership and Reservation-wide improvements to the Health, Safety, Mental Health and General Welfare of the Tribes who continue to experience challenges and its members as a result of the COVID-19 pandemic; Council understands the requirement to obligate the ARP funds by the end of calendar year 2024 to projects that can be completed and exhausted through calendar year 2026;

BE IT RESOLVED that Council has agreed to reallocate ARPA funding consistent with the guidance in the final rule to be allocated as follows across the many endeavors the Tribes are intending to accomplish with their ARPA funds as follows:

Category	New Total 3/5/2024	Total Was	Change
HVAC	\$ 4,000,000	\$ 4,000,000	\$ -
Supportive Housing	\$ 4,000,000	\$ 6,000,000	\$ (2,000,000)
Skatepark Project	\$ 500,000	\$ -	\$ 500,000
Wells/Water/Sewer/Septic	\$ 4,000,000	\$ 6,000,000	\$ (2,000,000)
Home Repair non-Construction	\$ 8,000,000	\$ 3,000,000	\$ 5,000,000
ARP-A Retention	\$ 2,973,906	\$ 3,000,000	\$ (26,094)
EE Relief	\$ 431,067		\$ 431,067
Community Improvement	\$ 1,500,000		\$ 1,500,000
Seasonal Member Support	\$ 500,000	\$ 1,200,000	\$ (700,000)
Assisted Living	\$ 4,500,000	\$ 4,500,000	\$ -
Administrating/Planning	\$ 500,000	\$ 800,000	\$ (300,000)
Technology/Telework	\$ 766,238	\$ 766,238	\$ -
Obligated	\$ 31,671,211		

BE IT FURTHER RESOLVED that Council will receive updates on spending and accomplishments from the constituent groups implementing the funding to reach programmatic goals within the scope of delivering services to membership, and may make new decisions so that the entire portion of the ARP-A funding is spent on qualifying activities as described in the Act;

BE IT FURTHER RESOLVED that the Director of Financial Management is the designated official to implement the ARP Act as approved by the Tribal Council and he/she is authorized to establish processes and procedures for disbursement and accounting of funds.

Greg Spahr commented that it would be important for the Tribes' PR group to work with Jeff's group. They have a video that they show. Jeff's team needs to be influenced by the tribal voice for whatever marketing blurb that is created has the right flavor that supports the Tribes' intent in creating this so it is part of the record going forward. **Chairman Dolson** agreed.

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

Virgil Dupuis, Salish Kootenai College – Montana State Extension Program, gave an update on flowering rush. Negative impacts include displacement of native plant communities that favor invasive fish (northern pike, bass, perch, lake trout), formation of monotypic vegetation, loss of open water recreation, associated with swimmer's itch, and irrigation impediment. There are higher level impacts that have not been totally assessed, such as increases in water temperatures, nutrient releases, sediment transport and deposition, and food chain alterations. There are now infestations in the Walla Walla area. About one-third of the landowners have signed up for treatment. Flowering rush competes with native plants and is affecting cattail. SKC Extension initiated mapping for flowering rush since 2004; conducted herbicide trials during Flathead Lake drawdown period; herbicides are approved aquatic herbicides for direct application to water or near water; partner with WSU, UM, WA, ID, OR, MT, Alberta, BC USFW, BLM, BIA, Colville and Spokane Tribes on biological control agent investigations; and the same herbicide application proposed for Flathead Lake are being implemented in Washington, Idaho, Colville, and Spokane Tribes that are participating. Virgil gave an overview of planning and environmental compliance to date. A Columbia Basin Flowering Rush Management Plan was developed; local planning and scoping meetings were held with the public, CSKT NRD and Preservation, and neighboring state and county agencies; a Flathead Lake Controls Plan was developed to initiative treatments on infestation leading edges, individual docks and boat lifts; high boat traffic areas; marinas; Lower Flathead River above SKQ Dam. The large patches in East, Elmo, and Dayton Bays were lower priority and most suitable for bio control. It would be a substantial cost to do large areas. A Flathead Lake Flowering Rush Controls Environmental Assessment with BIA signed a FONSI in 2021; US Army Corps of Engineers produced an environmental assessment letter from the FWS and Army Corps of Engineers; a Regional Programmatic Environmental Assessment was completed in 2021; a Biological Assessment was completed in 2021 for Idaho and Washington, and received a letter from USACE on Fish and Wildlife consultation; and funding from ACE and MT DNRC for treatments. The plan calls for use of imazapyr to treat approximately 75 individual sites of small patches from 25 square feet up to 2-3 acre marinas; approximately 20 gallons of product will be applied over 65 miles of Flathead Lake shore areas; imazapyr is an aquatic herbicide rated as practically nontoxic to animals, including fish; and applied with a combination of backpack or handgun fed by ATV, truck, or air

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boat during early April. Past actions were Tribal Council approved prior research in herbicide use on flowering rush; the ID Team reviewed the proposed actions and provided letters of support in the Environmental Assessment; and Tribal Council was presented with the Environmental Assessment results and concurred with implementation. Virgil requested that the council take action to concur with past council action to proceed, identify areas of concern, or take another direction. Virgil agreed with working with the Headwaters. **Council** held off on taking any action until Virgil can follow up on the biological assessment with NRD staff.

MaryRose Morigeau, Natural Resources Department, informed council that the Post and Pole Yard has some big piles of lumber and wood chips and she requested permission for Virgil Dupuis, Salish Kootenai College – Montana State Extension Program, to remove a few loads to determine whether it is usable for composting before a decision is made on what to do with the woodpile. **Council** supported the request and requested that the Tribal Lands Department be notified.

MaryRose Morigeau, Natural Resources Department, gave an update on the former Mission Valley Power carpenter shop in Polson. It is a project with John Neiss and SKMM, and they want an abatement assessment completed. She wants it on the record that is the route they are going to go and it is okay to remove the building. MaryRose received the approvals to remove the asbestos and she received grant approval to do the removal of the entire building. A total asbestos assessment has not been done yet. Once the building is assessed and abated the project will belong to someone else. **Council** wanted the abatement done, if feasible, and find a use for the building.

MaryRose Morigeau, Natural Resources Department, discussed the bathhouse in Hot Springs. She had previously been directed to totally abate the building. She received all the approvals for the building and she thought it was just going to be abated. MaryRose understood from SKMM that the structure was to come down but was told by a council member that the building was not to be taken down. MaryRose requested clarification on how to proceed. **Carole Lankford** thought the direction was to remove the structure. **Chairman Dolson** stated there was a survey done and SKMM provided a report to the council. **Tom McDonald** thought the building was supposed to be demolished.

MOTION by Carole Lankford to proceed with tearing down the building and do abatement and total cleanup. Seconded by Jim Malatare. Carried, unanimous (9 present).

Chairman Dolson left the meeting to participate in a self-governance negotiated rulemaking meeting.

Michelle Mitchell, Tribal Education Department; **Gerald Chouinard** and **Byron Woods**, Hot Springs School District; gave a report. The school has a \$300,000 shortfall projected for next year. There have been several cuts, and Byron will be leaving employment. The school district tried to run a \$150,000 levy last year but it did not pass, and they will run a \$183,000 levy this year. There will be a levy strategy meeting on March 20th at 5:00 p.m. at the Hot Springs School Library. There was a decrease of 40 students in total enrollment, which is about an \$8,000 loss in funding for each student. Housing is limited in Hot Springs. There are 0 American Indian teachers and 3 staff members. The total school population is 169 and 18 identify as American Indian (10.7%). 12 students took the ACT and 1 student was American Indian. There was a 35% proficiency on SBAC in Math and a 35.82% in Reading and Language Arts. 1 American Indian student dropped out of school and 1 graduated. The grade point average for the district was 3.205% and it was 3.025% for American Indian students. Participation in activities was 56.0% for the district average and 64.3% for American Indian students. There was a death of a student and the school appreciated the services provided by the Tribal Health Department. Actions and needs moving forwarded included the reboot of JOM/IEC this year; continued communication between the School District and CSKT; more cultural storytelling and activities; and materials and funding targeting American Indian students' needs in Reading, Language Arts, enrichment, and advanced opportunities and scholarships. **James Steele, Jr.** appreciated the school district's attention in addressing the flag issue. The Tribal Health Department has an Opioid Response Program and Kathy Ross provides presentations to schools regarding fentanyl. **Mr. Chouinard** would like a presentation at the school. **Michelle Morigeau** reminded council of the upcoming education consultation on April 10 at Kwataqnuq. She will send the information to the council again via email.

MOTION by Len TwoTeeth to accept the 2022-2023 Indian Education Report for the Hot Springs School District. Seconded by Danielle Matt. Carried, unanimous (9 present).

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

Council reconvened into **regular session**.

Council **adjourned** at 12:06 p.m., and is scheduled to meet again on Thursday, March 14, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary