

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

Volume 22 Number 45  
Council Chambers, Pablo, MT

Held: March 31, 2022  
Approved: April 5, 2022

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

**OTHERS PRESENT:** Jennifer Trahan, Council Office Manager; James Steele, Sr., Sergeant at Arms; 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 Jim Malatare.

The **Tribal Council Meeting Minutes** for March 29, 2022 were presented for approval.

**MOTION** by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for March 29, 2022, with corrections. Seconded by Bing Matt. Carried, 9 for; 1 abstention (Jim Malatare).

The **agenda** was presented for approval.

**MOTION** by Mike Dolson to approve the agenda, with changes. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

**Len TwoTeeth** followed up on his previous request to approve a resolution to start a process for creating a treatment center to be administered by all the tribes. The resolution was reviewed by the Legal Department.

**MOTION** by Len TwoTeeth to approve the resolution to support the Montana Healthcare Foundation to have a treatment facility in the state of Montana. Seconded by Jim Malatare. Carried, 10 for; 0 opposed; 0 not voting.

**RESOLUTION 22-087**

**RESOLUTION SUPPORTING THE MONTANA HEALTHCARE FOUNDATION'S EFFORT TO CREATE TRIBALLY-LED SUBSTANCE ABUSE TREATMENT PROGRAMS AND A FACILITY IN THE STATE OF MONTANA**

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

**WHEREAS**, the Tribal Council, as primary governing body of the Flathead Nation, 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; and

**WHEREAS**, protection and preservation of property, wildlife, natural resources, health, security, and general welfare of the Tribes is among the highest priorities of the Tribes; and

**WHEREAS**, the Montana Healthcare Foundation facilitates regular meetings of the Montana tribal health directors (a group informally known as the American Indian Health Leaders); and

**WHEREAS**, in these meetings, health directors, chemical dependency program directors, and tribal leaders have emphasized the need for more in-state, tribally-led treatment options for their members; and

**WHEREAS**, the Montana Healthcare Foundation, in an effort to support these conversations and efforts, commissioned a concept paper focused on options available to tribes for designing a regional treatment center for tribal members with substance use issues, and for building a stronger continuum of tribally-led, culturally-driven substance use prevention and treatment services.

**NOW THEREFORE BE IT RESOLVED**, that the Confederated Salish and Kootenai Tribes support the continued planning activities of tribal health director and requests the continued support of this effort by the Montana Healthcare Foundation. Be it further resolved, that supported planning activities may include the hiring of consultants to carry out a feasibility study, facility design, business plan, and financing plan. Be it further resolved, that the Confederated Salish and Kootenai Tribes request that tribal leaders be provided periodic updates and have the ability to share input at each of the planning stages so that tribal leaders have the opportunity to share their perspective on the project.

**James Lozeau**, Forest Development, requested approval to purchase capital equipment consisting of an excavator with a mulching head for piling and thinning. Three bids were obtained and Torgersons was the lowest bid.

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**MOTION** by Carole Lankford to go with the low bid and the recommendation of the Forest Development staff. Seconded by Ellie Bundy McLeod. Carried, unanimous (10 present).

\*\*\*\*\* **Break** \*\*\*\*\*

**Bryon Miller**, S&K Gaming Chief Executive Officer; **Carole Holyan**, **Francine Dupuis** and **Troy Felsman**, S&K Gaming Board of Directors; requested to meet with council in **executive session** to provide an update. **Sheila Matt**, Kwataqnuq Resort & Casino General Manager; and **Jami Pluff**, Policy Analyst; were present for discussion.

Council reconvened into **regular session**.

**Jim Taylor**, Prosecutors Office, gave an update on changes made to tribal court criminal jurisdiction over nontribal members in the reauthorization of the Violence Against Women's Act which President Biden signed into law last week. The CSKT applied for and received a grant from the federal government to study the possibility of expanding criminal jurisdiction over non-Indians under Special Domestic Violence Criminal Jurisdiction. This Act of Congress recognizes the inherent jurisdiction of tribes to exercise this jurisdiction for a limited number of crimes involving stalking, obstruction, sexual, or domestic violence. Congress significantly expanded the areas of tribal criminal jurisdiction over nontribal members. The funding for this grant continues through September 2022, but there could be a no-cost extension if the grant funds are not expended by that date. Elder abuse was not included in the changes. There is an intertribal working group that meets throughout the year to discuss these issues. There is new programming. The implementation funds to tribes is limited to \$5 million per year nationally and the grant program was increased to \$25 million. No further details are available about that until the regulations come out. There will be funding for the transition phase if tribes choose to exercise that jurisdiction. A law-trained judge would need to preside over those cases. The cost would depend on how many cases the Tribes decide to exercise jurisdiction over. It is discretionary which cases we take. There have been no successful challenges to the expanded jurisdiction. The CSKT already has concurrent felony jurisdiction over tribal members. Mr. Taylor informed council that his managing attorney contract expires in September 2022, and he does not intend to renew it. Jim gave a recommendation for who should replace him. If council agrees with his replacement choice, then Jim would have six months to work with that individual.

**Billie Lee**, Lake County ARPA Program Manager, requested approval of a letter of support for Lake County's grant application to the U.S. Department of Transportation RAISE Program to do some reconstruction work on the Lower Moiese Valley Road, Dublin Gulch, and North Reservoir Road. **Chairman**

**McDonald** wanted to make sure this would not be competing against the Tribes' applications for funding. **Billie Lee** was not aware of any conflicts. The county would support any applications for the Tribes. April 12 is the deadline to apply for this funding.

**MOTION** by Len TwoTeeth to approve the letter of support for Lake County's grant application to the U.S. Department of Transportation RAISE Program to do some reconstruction work on the Lower Moiese Valley Road, Dublin Gulch, and North Reservoir Road. Seconded by Anita Matt. Carried, unanimous (10 present).

**Vicki Crnich, Bob Bosen** and **Jacqueline Smith**, Montana Department of Transportation; **Sarah Nicolai**, Robert Pechan Associates; discussed the feasibility study for the Highway 93 Ninepipe corridor project. MDT is applying for a grant to fund the project. The EIS was prepared in 1996. That decision document did not contain many details of the design so the parties did a supplemental EIS in 2008. The SEIS looked at the portion from Post Creek Hill to Ronan. Since then, a number of projects advanced. There have been many challenges for this segment. They identified the risks and constraints. The SEIS preferred alternative is a two-lane undivided roadway with widened shoulders; wildlife cross structures; separated pathway; four-lane divided roadway north of Brooke Lane; and a northbound passing lane south of Gunlock Road. They need to verify the 2008 baseline conditions. They want to make sure that preferred alternative is viable. Minor modifications may be considered if impacts and costs can be minimal. They will support future project development decisions. MDT reviewed the key findings from relevant work. Traffic volumes are part of the key reasons why improvements are needed in this corridor. Growth scenario projections were used to evaluate the traffic operations. The data from 2008 was compared to recent data. Animal crashes were at 33% over that time period. There are more crashes occurring per mile per year, but they are less severe than in the past. Fatalities have been 1% of crashes. Head-on crashes were at 6% and more recently it has been at 3.6%. Sarah gave an overview of the relative conditions report on soils/geotechnical conditions, floodplains, wetlands, and wildlife data. The relative conditions report is available online. There will be a meeting on April 13 and the group will take a field tour to look at specific locations. The cultural field tours will take place sometime in April and the public outreach will be done later this year.

**MOTION** by Jennifer Finley to adjourn the meeting.

Council **adjourned** at 11:25 a.m., and is scheduled to meet again on Friday, April 1, 2022, at 9:00 a.m., for the quarterly council meeting.

**CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Martin A. Charlo  
Tribal Council Secretary