

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

Volume 22 Number 77
Council Chambers, Pablo, MT

Held: August 16, 2022
Approved: August 30, 2022

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

MEMBERS ABSENT: Carole Lankford (Billings, Montana); and Anita Matt (Personal Time Off).

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

The meeting was called to **order** at 9:00 a.m. Quorum established.

The meeting was opened with a **prayer** by Len TwoTeeth.

The **Tribal Council Meeting Minutes** for August 9, 2022 was presented for approval.

MOTION by Martin Charlo to approve the Tribal Council Meeting Minutes for August 9, 2022, with corrections. Seconded by Ellie Bundy. Carried, 7 for; 1 abstention (Len TwoTeeth).

The **agenda** was presented for approval.

MOTION by Jennifer Finley to approve the agenda, with additions. Seconded by Mike Dolson. Carried, unanimous (8 present).

Council sang happy birthday to Len TwoTeeth for his birthday last weekend.

Chairman McDonald asked if any of the council members were interested in an Eco Flight on August 30, 2022, for a short aerial flight from Kalispell to the Elk River Mining across the river. It will be on a small airplane and they will need to know the exact weight of each passenger.

Tony Incashola, Jr., Tribal Forestry, gave a fire update. There were 9 new fires. All fires are manned and under control. The Clear Creek fire is currently 12 acres

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in size; Ashley Lake South fire is .10 acres; Mike's Creek fire is 1.25 acres; Jocko 1 fire is 1.0 acres; Jocko 2 fire is .25 acres; Jocko 3 fire is .10 acres; Murphy Peak fire is .10 acres; Kakashe fire is .20 acres; Redhorn fire is 515 acres; and the 2210 Road fire is .20 acres. There was discussion about a closure at McDonald Lake. Conditions are very dry and CSKT moved to extreme fire danger. There will be a meeting to review the stage we are in. There has been one new person-caused fire.

Jody Perez, Salish Kootenai Housing Authority, met with council in **executive session**.

Council reconvened into **regular session**.

Tony Incashola, Jr. and **Shawn Defrance**, Tribal Forestry; **Ron Swaney**, **Art Trahan**, **CT Camel**, and **Darrell Clairmont**, Fire Control; **Casey Ryan**, Natural Resources Department; **TJ Clifford**, **Juliette Jean**, **Michelle Berry**, **Amerra Walkins**, and **Scott Shepard**, National BAER Team; provided an update on the draft Elmo Fire Burned Area Emergency Response Plan, priorities for restoration, and funding allocations we can apply for. The Elmo fire was 22,110 acres in size and the trust land that burned was 19,332 acres. Elmo was a human-caused fire. Treatments will be done within one year due to post-fire risks. The post-wildfire recovery program objectives include Emergency Stabilization to reduce threats to human life, safety, and property; identify threats to critical cultural and natural resources; determine need and prescribe emergency treatments; and promptly stabilize and prevent unacceptable degradation to resources. The Burned Area Rehabilitation is a five-year program and includes repair or improve fire-damaged lands unlikely to recover naturally; identify future opportunities to rehabilitate the burned areas; and facilitate the restoration of the resource. Policy supports amendments to this plan. All values go through a risk assessment; they look at the probability that something will occur and how likely is it that this post-fire situation reduces in something that threatens the values the locals identified. They also looked at consequence or the risk of medium high or extreme. When looking at the soil burn severity, the major factors are loss of forest litter layer, damage to near-surface plant roots, loss of soil structure, enhanced water repellency, and clogged soil pores from ash. The soil burn severity report indicated 1,461 acres were unburned (6.5%), 13,659 acres were low severity (62%), 6,233 acres were moderate severity (28%), and 757 acres were high severity (3.5%). Any proposed actions on tribal lands must comply with the National Environmental Policy Act. All treatments are covered under NEPA. The Bureau of Indian Affairs has already concluded these activities are routine and does not have a significant impact on the environment. There are 10 Emergency Stabilization treatments proposed that should be applied within one year. The total cost for that is \$1,457,567.00. Final approval and funding goes through the Regional Director and BIA Fire Director. The Emergency Stabilization treatments must be carried out within one year and 21 days after the fire start; and the

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Burned Area Rehabilitation treatments must be completed within 3, and up to 5 years and 21 days after the start of the fire. Any amendments for new treatments may be proposed at any time within one year and 21 days of fire containment and must comply with NEPA. Action items include approving the plan, identifying a Project Administrator, enter treatments into NFPORS, establish funding mechanisms with BIA, implement treatments, and report accomplishments. **Len TwoTeeth** asked about using Indian preference contractors for the project. **Tony Incashola, Jr.** stated they look at hiring tribal contractors whenever possible.

Ron Swaney, Division of Fire, gave an update on local fires. There were some new lightning-caused fires and two human-caused fires. A smokejumper jumping into Murphy Peak was injured; he had surgery and is recovering. They will remain in Type 4 status. The aviation has been very effective. There needs to be some discussion about the McDonald Lake closure. If that area is reopened, the department wants it to be designated as day-use only.

Wade Hendrickson and **Francis Cahoon**, Tribal Members; **Tony Incashola, Jr.**, Tribal Forestry; **Ron Swaney** and **CT Camel**, Fire Control; and **Melinda Charlo**, Indian Preference Office; discussed Wade's concerns regarding the Indian Preference policies for the fire seasons and resources. Wade suggested having a mutual aid agreement with the Division of Fire. They are wildland firefighters and have more experience than the fire departments do. The employees hired by Wade and Francis go through a pack test and are qualified. Tribal contractors are put on the bench and the Division of Fire calls in other contractors. **Ron Swaney** explained the type of contracts that are in place and how the dispatching occurs. There is a mutual aid agreement with Lake County. Missoula Dispatch is aware that the Division of Fire has Indian preference but they did not know how to apply it, so Ron sorted through how it works with Logistics. Ron told the Missoula Dispatch to send in all their orders to the Division of Fire staff to be sorted through. **Len TwoTeeth** talked about contracting with Tribal members and entering into mutual aid agreements with them. **Ron Swaney** explained the tribal members are not agencies, and the mutual aid agreements are entered into with cooperating agencies. The tribal member contractors are individual contractors, and they do not have jurisdiction and do not get dispatched to fires. **Chairman McDonald** asked how we can make sure the tribal member individuals are contacted when a fire is first identified and reported. **Ron Swaney** explained the tribal preference to the Missoula dispatch so they know the process now. He can provide them with some protocol to follow. **Tony Incashola, Jr.** stated the department will continue the conversation with Missoula Dispatch and provide them an updated list next year. The department verifies the Indian Preference list and compiles a list of the contractors that are and are not Indian Preference.

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

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Dan Decker, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

Council **recessed** the regular meeting at 1:07 p.m. to conduct an S&K Bancorporation shareholder meeting.

Council **reconvened** into the regular meeting at 1:55 p.m.

Melanie Piedalue, Personnel Department, requested to meet with council in **executive session** to discuss a personnel matter.

Council reconvened into **regular session**.

MOTION by Len TwoTeeth to appoint Sheila Matt to the S&K Electronics Board of Directors for a three-year term. Seconded by Bing Matt. Carried, unanimous (8 present).

Council **adjourned** at 2:03 p.m., and is scheduled to meet again on Thursday, August 18, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary