

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

Volume 22 Number 55  
Council Chambers, Pablo, MT

Held: May 12, 2022  
Approved: May 17, 2022

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

**MEMBERS ABSENT:** Jennifer Finley (Personal Time Off).

**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 9:05 a.m. Quorum established. **Anita Matt** will join the meeting later this morning.

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

The **Tribal Council Meeting Minutes** for May 3, 2022 were presented for approval.

**MOTION** by Ellie Bundy McLeod to approve the Tribal Council Meeting Minutes for May 3, 2022, with corrections. Seconded by Mike Dolson. Carried, 7 for; 1 abstention (Carole Lankford).

The **agenda** was presented for approval.

**MOTION** by Len TwoTeeth to approve the agenda, with changes. Seconded by Jim Malatare. Carried, unanimous (8 present).

**Roy Anderson**, Lake County Commissioner Candidate, requested approval to post a political campaign sign on tribal land in Polson.

**MOTION** by Carole Lankford to authorize Roy Anderson to post a political campaign sign on tribal land in Polson, with the proper permit from the Tribal Lands Department. Seconded by Mike Dolson. Carried, 7 for; 1 abstention (Martin Charlo).

**Len TwoTeeth** commented that the CSKT files fee to trust applications and the county always appeals them, and he wanted to know Mr. Anderson's position on that. **Roy Anderson** stated he does not know enough about it to say whether he will oppose those applications, but the county needs money. Somebody somewhere needs to make up the tax base for any lands going out of fee. Tribal member children go to the same schools that non-tribal member children do, and schools need funding. **Mike Dolson** advised the county makes more revenue from trust land going into fee status than losing money from fee land going into trust. **Chairman McDonald** commented that some of the local schools are located on lands donated by the Tribes.

**Donald Pierce** discussed dog problems throughout the reservation and especially in St. Ignatius. In 2014, he tried to work things out but nothing became of it. Packs of dogs are dangerous and have killed livestock. Mr. Pierce has lost livestock due to dogs. **Mark Couture**, Tribal Lands Department, provided some background information. Ordinance 70A was approved by the Tribal Council in 1980, but it was not signed off on by the region. The staff did more research and it's actually Ordinance 85A & 85B. Ordinance 85B rescinded Ordinance 85A and it does have discussion about dogs in there. The problem is we have no dog control or facilities to hold the dogs. The Tribes can adopt a leash law. Non-tribal law enforcement agencies does not have the right to go on trust property to enforce their laws. The Tribes do not have a dog catcher, personnel, or a facility. The Tribal Lands Department can go after the homesite lessees for dog problems. Lessees must contain their animals or lose their homesite or lease land. **Carole Lankford** commented the City of Ronan has an ordinance to address dogs. They want to bring all entities together to address the problems. Many people had animals to keep them company during the COVID pandemic and have now released those animals, so we could use COVID money towards addressing these issues. If all the entities contributed funding, we could build a facility and hire staff to deal with it across the reservation. Carole was willing to kick off a meeting and invite other entities to the meeting to figure something out. **Michael Wheeler**, Legal Department, agreed that it is a larger problem than just the Tribes, and getting the entities together is the solution. It will come down to funding. The Tribal Lands Department has a limited scope to manage dogs and can only deal with dogs on tribal leases and homesites. Dogs are considered property, and people have rights to their property. **Carole Lankford** commented on a dog that had been roaming the communities for the last three years. People call the dog Charlie. Someone caught the dog and posted it on Facebook and an individual agreed to claim Charlie. **Chairman McDonald** suggested drafting a memorandum of understanding between all the entities. **Mr. Wheeler** can draft the document. The jurisdiction issues will need to be worked out and an agreement reached on how to handle certain situations. It was the **consensus** of council to have the Legal Department draft a memorandum of understanding for the CSKT, cities and counties. **Martin Charlo** suggested that the Arlee Rehab Center be brought into the process. The

center operations facilities similar to what is being discussed. We could get an idea on the overhead expenses to operate something like that. **Mark Couture** advised livestock depredation does not cover domestic dogs; there is no recouping for the loss of cows, horses, and other livestock due to being killed by dogs. **Chairman McDonald** stated law enforcement has a standing order to shoot any packs of dogs chasing livestock on tribal land.

**Anita Matt** joined the meeting.

**Leon Wieder** requested a 25-year lease for an EQUIP project on a CSKT lease. He saw on the Tribes' website that nonmembers are twice as likely to be farm owners and managers and tribal members are more likely to be the farm workers. EQUIP is a longstanding program. Leon applied for a 160-acre project on a portion of his property and a portion of tribal lease land. The Tribal Lands Department told him in March that his lease extension could be for ten years, but then he needs to turn over 100% of his investment in the irrigation system to the Tribes after the lease ends. Leon can have up to a 25-year lease with a significant amount of improvement. EQUIP pays for 80% of it, but there is still a \$140,000 investment for the pivot, mainline, pump, electrical, seed cost, and time/effort. The CFR states the Tribes can approve a 99-lease. Leon wants a lease long enough to make a living. At the end of the term, he can turn over the improvements to the Tribes. **Mark Couture**, Tribal Lands Department, advised the EQUIP program has been part of the Farm Bill since the 1990s. When they redo the Farm Bill, it gets more teeth in it to give a better lending opportunity for tribal members. When a long-term lease is granted, it locks the lessee into a rental amount and nobody can bid against the lessee. If the equipment does not revert to tribal ownership, there is no significant improvement put on that property to make up for the loss of income to the Tribes during the lease term. Under the CFR the Tribes can approve up to a 25-year lease with substantial improvements made to the lease. The Tribal Lands Department does not recommend 25-year leases; they want to recoup some of that rental with the equipment on the lease. **Len Twoteeth** thought one solution that would benefit Leon is to look at granting him a 25-year lease. We have done this in the past. The EQUIP program is funded through the Farm Bill, so it is an investment from the Farm Bill and there is no economic loss to the Tribes. Both parties benefit the longer we are able to keep the EQUIP project running. We continue to lose tribal member producers, and they are all struggling to make a living. **Anita Matt** agreed with Len's comments. We are struggling to keep younger producers and ranchers in the business. Leon still has a cost share to come up with in this investment and he is just asking for a longer period of time. Leon could get outbid in ten years and have to meet the high bid, so he could end up paying more to keep his investment at the end of the lease term. Leon is not asking for a reduction in the rental amount and he is paying over the normal rate. **Jim Malatare** supported the request. Leon is just asking for a period of time to continue what he is doing. **Carole Lankford** wants the ordinance changed. The

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Tribal Lands staff is doing what is asked of them within the parameters of the regulations. We need to do something to allow the Tribal Lands staff to use discretion and have some leeway. People should not have to come to council for issues such as this; they should just have to work with the Tribal Lands Department. **Mark Couture** mentioned this is not the first time this has happened. People have agreed to the terms because it is policy and procedure. Mark is following the regulations that he is required to follow. The CFR states a maximum term can be up to 25 years. Section 162.229(d) of the Code states “An ag lease may not provide tenant an option to renew and such a lease may not be renewed or extended by holdover.” At the end of the 25 years, Leon may not be able to get the lease back. Approving the request would open the door for other tribal members to make the same request. If the council waives the policy, it is unknown how many other tribal members would ask for the same thing. **Mike Dolson** commented that the CFR must be followed. **Chairman McDonald** was sympathetic of the request and wants Leon to be successful, but he wants more information about the issue before he makes a recommendation to a difference in policy for this particular request. **Len TwoTeeth** would like legal review. **Mark Couture** will follow up with the Legal Department. **Bing Matt** supported the request and would like Leon granted a long-term lease. **Jim Malatare** stated it bothers him to see us limiting our tribal members. They want to do something for the rest of their lives and we cut them off. It is their land too and Leon is paying for it, so it does not make sense to limit him. It was the **consensus** of council to seek a legal determination.

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

**Travis Benoist** and **Phyllis Benoist** requested to meet with council in **executive session** to discuss a personal matter. **Sam Sandoval**, Char-Koosta News, was present for discussion.

Council reconvened into **regular session**.

**Chairman McDonald** discussed a recommendation from the Personnel Department to designate July 5 and July 18 as floating holidays.

**MOTION** by Len Twoteeth to designate July 5, 2022 and July 18, 2022 as floating holidays. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

**Ron Swaney**, Fire Control, requested direction on whether the Rural Fire Departments and ambulances can respond to emergencies within areas designated as tribal member use only. **Chairman McDonald** clarified that Ordinance 44-D and subsequent regulations strictly refer to recreation activities only. **Ellie Bundy McLeod** mentioned there was an issue with the St. Ignatius Fire Department doing a training exercise and she would like clarification for

that. **Chairman McDonald** stated training exercises are not an emergency response and need to come to the Tribal Council for approval.

**Greg Spahr**, Financial Management; **Rick Eneas**, Tribal Executive Officer; **Chris Bitakis** and **Alex Mercer**, REDW; presented the Fiscal Year 2022 Audit Report. There were no findings in the audit and the Tribes received an unmodified (clean) opinion.

**MOTION** by Carole Lankford to accept the Fiscal Year 2022 Audit Report. Seconded by Ellie Bundy McLeod. Carried, unanimous (9 present).

**Chairman McDonald** had an inquiry whether any Tribal Council representatives plan on attending a meeting next Tuesday and Wednesday regarding Medicaid.

**Dan Decker**, **Stu Levit**, **Melissa Schlichting**, **Katie Jones**, and **Mary Price**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

**MOTION** by Len TwoTeeth to approve the resolution authorizing draw down of water compact funds to initiate activities related to compact implementation, specifically for funding of the Flathead Reservation Water Management Board, and approval of the interim funding agreement for the initial funding for the Water Management Board in the amount of \$50,000 for the first quarter expenses. Seconded by Bing Matt. Carried, 9 for; 0 opposed; 0 not voting.

#### **RESOLUTION 22-097**

#### **RESOLUTION AUTHORIZING DRAW DOWN OF WATER COMPACT FUNDS TO INITIATE ACTIVITIES RELATED TO COMPACT IMPLEMENTATION, SPECIFICALLY FOR FUNDING OF THE FLATHEAD RESERVATION WATER MANAGEMENT BOARD**

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

**WHEREAS**, the Tribes authorized the creation of the segregated account with Glacier Bank to manage the funds associated with the implementation of the Flathead Indian Irrigation Project according to the provisions set forth in the Water Compact agreement, and the Tribe is initiating activities associated with Water Compact Implementation initiating activities outlined in Section 8 (h)(2);

**WHEREAS**, Section 8(e)(2)(B) of the Montana Water Rights Protection Act provides that any amounts deposited into the Salish and Kootenai Compact Account, “shall be available to the Tribes on the date on which the amounts are deposited for the uses described in [Section 8(h)(2)]”, which is for the administration, implementation, and management of the Tribal Water Right and the regulation and administration of water rights within the Reservation under this Act, the Compact, and the Law of Administration, and such infrastructure as is necessary to meet related programmatic needs; and

**WHEREAS**, the Compact and the Law of Administration establishes the Flathead Reservation Water Management Board (the “Board”), as the exclusive regulatory body for the regulation and administration of water rights within the Reservation [Compact, Article IV.I.1.]; and, the Compact and the Law of Administration provide that the expenses of the Board be shared equally between the State and the Tribes. [Compact, Article IV.I.2.h; Law of Administration, Section 1-2-105; § 85-20-1902, MCA.]; and

**WHEREAS**, Article VI, Section 1 (a), (c)-(f), and (n), and (u) of the Tribes’ Constitution and Bylaws, said Constitution adopted and approved under Section 16 of the Act of June 18, 1934 (48 Stat. 984), as amended, authorizes the Tribal Council of the Confederated Salish and Kootenai Tribes to carry out activities related to the Flathead Indian irrigation project, the Compact, including the Law of Administration, and the Tribal Water Right; **NOW, THEREFORE**,

**BE IT RESOLVED**, the Tribal Council of the Confederated Salish and Kootenai Tribes hereby approves the transfer of the amount of \$50,000.00 to be drawn from the Tribes’ segregated Water Compact account with Glacier Bank to be delivered by wire, ACH, or a more efficient manner, to the Flathead Reservation Water Management Board Glacier Bank account in accordance with the attached Funding Agreement between the Montana Department of Natural Resources and Conservation, and the Board.

**Dan Decker, Brian Upton, John Harrison, Stu Levit, Chelsea Colwyn, Christina Courville, Lynsey Gaudio, Katie Jones, and Mary Price**, Legal Department, requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

**Patrick Skibicki, Paul Nichols, Katie Morris, Terri Mavencamp, and Jason Seyler**, Montana Department of Environmental Quality; **Amy Hensley, Julie Kinsey, and Jeff Fitzgibbons**, Environmental Protection Agency; **Willie Keenan and MaryRose Morigeau**, Natural Resources Department; **Chelsea Colwyn**,

Legal Department; **Willy Welzenbach**, NewFields; **Dan Miller**, City of Ronan Manager; **Steve Clairmont**, Ronan Revitalization Committee; met with council to discuss agency roles, review site history and current site status, identify goals and options for achieving goals, potential challenges, and the path forward regarding the George's Conoco site in Ronan. In April 1994, a petroleum release was confirmed when a leaking 16,000-gallon underground storage tank was removed from George's Conoco and 6,000 gallons of unleaded gasoline was released. The Montana Department of Environmental Quality managed the site until 2016. Monitoring and cleanup of the site was transferred to the Environmental Protection Agency. The staff requested input on the sale of the site and potential cleanup grant monies available. There is a significant amount of Brownsfield grant funding available. The County can waive the interest and penalties, but not the taxes. The County could take over ownership of the property due to the tax liability. This is the largest gas spill in state history. There will most likely be some residual contamination on the site and it would be a multi-year process. The use of the property can determine the cleanup levels.

**Whisper Camel-Means** and **Michaelanne Stasso**, Natural Resources Department, requested approval to submit the fiscal year 2023 SKQ budget submittal to the consultation group for their approval. It will be presented for final approval after the consultation group approves it. It was the **consensus** of council to approve the submittal of the fiscal year 2023 SKQ budget submittal to the consultation group for their approval.

**Whisper Camel-Means** and **Michaelanne Stasso**, Natural Resources Department, requested approval of a revised fee schedule for the Bison Range and Blue Bay. The rate were adjusted to reflect the current market for camping and marinas. The fee for daily use stayed the same. Camping for the general public was increased to \$30. RV spots with water and electricity was increased to \$70 per night. Tribal members will be charged a fee of \$5 for RV electrical and water services. Some remediation needs to occur before the lakefront lodge (Lake Front Building) will be usable. The department is only renting the lakefront building right now and the rates stayed the same. A nontribal member individual use rate was incorporated for use of the lakefront building at a rate of \$500 per event, such as for graduations. The marina General Public rates were increased to \$1,000 for boat slips from May to September. The fee for tribal members was also increased. Commercial vendors (food trucks, businesses) will be charged a fee.

**MOTION** by Anita Matt to approve the fee schedule for Blue Bay, with the change of a \$500 fee for the lakefront building rental by nontribal members. Seconded by Mike Dolson. Carried, 8 for; 1 opposed (Bing Matt).

**Bing Matt**, for the record, “I’m thinking about all the prices going up with the permits that people will have to pay this summer is why I opposed these rates going up. Boat slips are already \$700 and that’s quite a bit of money.”

**Whisper Camel-Means**, Natural Resources Department, discussed a request from a tribal member for a fee waiver of the \$100 rate for use of the lakefront building for a graduation celebration. It was the **consensus** of council to deny the fee waiver request. **Carole Lankford** hopes we take the fee increases into consideration when we review the regulations next year. A lot of these people are our neighbors and family members. She encouraged them to provide comment during the public comment period.

**Whisper Camel-Means**, Natural Resources Department, requested approval of the revised fee schedule for the Bison Range. Commercial photography permits would be \$50 per month or \$200 for an annual fee; tribal members would be charged \$75 per day or \$25 for partial day up to 4 hours during the week. The fee for the general public commercial photography permits would be \$105 for a full day and \$35 for partial day for up to 4 hours during the week. On weekends it would be \$105 per day for tribal members and \$135 per day for the general public. For groups with over 50 individuals there would be an additional \$15 fee. There would be no charge for reservation schools and off-reservation schools would be charged \$25 per day. The Bison Range commercial vendor permit cost would be \$50 for tribal members per day or \$1,000 per month. The general public would be charged \$75 per day or \$1,750 per month. Tribal members would be given preference over the general public vendors. **Mike Dolson** wants the fee doubled for the commercial photography permits and Carole Lankford would like more information.

**MOTION** by Anita Matt to approve the recommended fee schedule, as presented, with the commercial photography permits to be revisited. Seconded by Mike Dolson. Carried, 8 for; 1 opposed (Jim Malatare).

**Carole Lankford** left the meeting for the remainder of the day.

**Chauncey Means**, Natural Resources Department; and **Joe Vanderwall**, Flathead Biological Station; discussed a request from the Flathead Biological Station for a collection permit to research and collect snow algae samples for analysis within the Mission Mountains and Reservation Divide Mountains.

**MOTION** by Len TwoTeeth to grant the Flathead Biological Station a collection permit to research and collect snow algae samples for analysis within the Mission Mountains and Reservation Divide Mountains. Seconded by Ellie Bundy McLeod. Carried, unanimous (8 present).



**Greg Spahr** and **Ruth Swaney**, Financial Management, discussed the fiscal year 2023 budget targets for the General Fund and Self-Governance Compact programs.

**Jim Malatare** left the meeting for the remainder of the day.

**MOTION** by Mike Dolson to use the big three term and definition. Seconded by Anita Matt. Carried, unanimous (7 present).

**Ellie Bundy McLeod** talked about funding the Fish & Game program to add some additional Game Warden positions. **Ruth Swaney** stated they can look at making some adjustments to make that happen. **Greg Spahr** can pull the work plans that have a Game Warden function in them. The programs were instructed to provide a budget and a wish list for the future with measurable and obtainable goals.

**Shane Morigeau, Gwen Lankford, Brian Upton, Jami Pluff, and Stephanie Gillin**, Planning Committee, requested to meet with council in **executive session**.

Council reconvened into **regular session**.

Council **adjourned** at 4:23 p.m., and is scheduled to meet again on Tuesday, May 17, 2022, at 9:00 a.m.

### **CONFEDERATED SALISH AND KOOTENAI TRIBES**

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Martin A. Charlo  
Tribal Council Secretary