

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

Volume 23 Number 3
Council Chambers, Pablo, MT

Held: October 11, 2022
Approved: October 13, 2022

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

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.

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

The **Tribal Council Meeting Minutes** for October 4, 2022 were presented for approval.

MOTION by Ellie Bundy to approve the Tribal Council Meeting Minutes for October 4, 2022, with corrections. Seconded by Bing Matt. Carried, 9 for; 1 abstention (Terry Pitts).

The **Tribal Council Meeting Minutes** for October 7, 2022 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for October 7, 2022, with corrections. Seconded by Jim Malatare. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Ellie Bundy to approve the agenda, with changes. Seconded by Martin Charlo. Carried, unanimous (10 present).

Darla Brovold requested assistance from her descendant son while hunting. She has the doctor forms. The request has been approved in the past. Darla took her grandchildren to the Beartracks Bridge and she enjoyed the event. Terry Pitts inspired her son to become a teacher.

MOTION by Jennifer Finley to authorize hunter assistance for Darla Brovold's descendant son to assist her while hunting. Seconded by Ellie Bundy. Carried, unanimous (10 present).

Mike Dolson requested an update on a fire in the missions. **Ellie Bundy** saw information about the prescribed burns on the Division of Fire webpage.

Council discussed the Beartracks Bridge dedication. It was a great event. Missoula County did a lot to make it a successful event. **Martin Charlo** commented there was discussion about making the celebration an annual event. **Chairman McDonald** thought it may be a popular event each year. The Missoula County Commissioners gave the CSKT an award for their conservation work in the Swan. There was a dedication earlier this summer.

Chairman McDonald informed council they will be provided a copy of the Mission Valley Power contract and annual operating plan today.

Jody Perez, Salish Kootenai Housing Authority, requested approval of a resolution certifying citizen participation required for submission of a fiscal year 2022 Indian Community Development Block Grant application on behalf of the Tribes. Jody will summarize the public comments that were received and email them to the council.

MOTION by Mike Dolson to approve the resolution certifying citizen participation required for submission of a fiscal year 2022 Indian Community Development Block Grant application on behalf of the Tribes. Seconded by Jennifer Finley. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 23-003

RESOLUTION CERTIFYING CITIZEN PARTICIPATION REQUIRED FOR SUBMISSION OF A FISCAL YEAR 2022 INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION ON BEHALF OF THE TRIBES

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

WHEREAS, the Tribal Council of the Confederated Salish and Kootenai Tribes ("Tribes") is the duly recognized governing body of the Flathead Nation with the responsibility to ensure safe, decent, and affordable housing for the tribal members within the exterior boundaries of the Flathead Reservation; and

WHEREAS, pursuant to Resolution No. 22-158, the Tribes approved and authorized the Salish and Kootenai Housing Authority ("SKHA") to apply for a fiscal year 2022 Indian Community Development Block Grant ("ICDBG") for

affordable housing activities to benefit low-income tribal members on behalf of the Tribes; and

WHEREAS, the Tribes, by and through SKHA, have solicited the views and comments of the tribal community about using ICDBG funds for this purpose and has considered the responses prior to the submission of the FY 2022 ICDBG application.

BE IT RESOLVED, by the Tribal Council of the Confederated Salish and Kootenai Tribes that all requirements for Citizen Participation have been met according to 24 CFR part 1003.604 for the proposed fiscal year 2022 ICDBG project.

Carole Lankford received a phone call from an individual wanting to meet with the council and she requested an update on that. Carole asked how many people are on the waiting list and rehab list. **Jody Perez** explained the individual is not listed on the household but has been living there for at least a year. The individual's daughter is the head of household, and she has been living in Washington and is going to treatment. They submitted forged documents and did not follow the process. SKHA went through the eviction process based on her not doing the required recertification. The court ordered a judgment so it is now out of Jody's hands. The resident was notified twice by a door knocker. The process has been drawn out for one year. Last week the individual was told to apply to the Transitional Living Center, but she did not do that. The court made the order, and the order is set for today. The last rehab list had 50 vacant units but only 35 of them were to be rehabbed. There are some in process. There are some vacant units where nobody responded. If people decline or don't respond after a two-week window, the unit is offered to the next person on the waiting list.

Council met in **executive session**.

Council reconvened into **regular session**.

Melinda Charlo, Indian Preference Office, requested approval of a project specific agreement with the Montana Department of Transportation for a roadway safety improvement project at Eagle Pass Trail (SF 179). The project will be let in June 2024, and construction will take place in late 2024 or early 2025. The left turn lane is going through the design process right now.

MOTION by Martin Charlo to approve the project specific agreement with the Montana Department of Transportation for a roadway safety improvement project at Eagle Pass Trail (SF 179). Seconded by Bing Matt. Carried, unanimous (10 present).

Dan Decker, Michael Wheeler and **Katie Jones**, Legal Department; and **Shane Morigeau**, Tribal Executive Office; requested to meet with council in **executive session** to discuss legal matters.

Council reconvened into **regular session**.

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

Dan Decker and **Michael Wheeler**, Legal Department; and **Melanie Piedalue**, Personnel Department; requested to meet with council in **executive session** to discuss a personnel matter.

Chuck Reese, Information Technologies; **Rick Eneas**, Tribal Executive Officer; and **Shane Morigeau**, Tribal Executive Office; requested to meet with council in **executive session** to provide an update. **Lisa Shourds**, Administrative Services; and **Gwen Lankford**, Sapphire Strategies; were present for discussion.

Council reconvened into **regular session**.

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

Representatives from the Department of Commerce's National Telecommunications and Information Administration and the White House Office of Science and Technology met with the leaders from CSKT and the Blackfeet Tribe for an Internet For All announcement/press release. **Margaret Gutierrez**, National Telecommunications and Information Administration, Department of Commerce, stated the Infrastructure Investment and Jobs Act is a historic investment in the expansion of high-speed internet in communities across the country. The National Telecommunications and Information Administration (NTIA) recently launched a series of new high-speed internet grant programs funded by the law that will build high-speed internet infrastructure, create more low-cost high-speed internet service options, and address the digital equity and inclusion needs in our communities. **Chairman McDonald** commented on what great news the broadband grant is for our native people on our reservation. He appreciated the advancement of communication and health care and services to underserved communities. It puts us at equal footing in the future and provides increased services to the communities. **Lauren Monroe, Jr.**, Vice-Chairman of the Blackfeet Tribal Business Council, thanked the CSKT for hosting them today. The Blackfeet Tribe was pleased to be awarded this grant to help with their infrastructure needs to provide high-speed internet services to the people on the Blackfeet Reservation and it will help close the digital divide. **Peter Matt**, Senator Tester's Office Native American Liaison, read a message from Senator Tester. He thanked the CSKT and NTIA for hosting the press conference and for all their work to bring high-speed internet to the rural communities. Students, business owners and healthcare providers rely on

internet. Folks need access to the services they need. Senator Tester secured more than \$41 million for CSKT and more than \$33 million for the Blackfeet Nation through the broadband connectivity program. \$2 billion was secured to help Indian country. **Misty Kuhl**, Montana Director of Indian Affairs, thought this was a historic moment for CSKT and Blackfeet. It is a gamechanger. They are putting in a lot of effort to make sure Indian country and rural communities have the same access to internet as our neighbors do, and it is a gamechanger in schools and healthcare. This is a key to unlocking more freedom for our people. Both tribes will steward these funds to make sure that information gets to the fingertips to every tribal member. This is also a gamechanger for surrounding rural communities. **Dan Jessop**, U.S. Representative Matt Rosendale's Office, read a message from Representative Rosendale. Last year President Biden signed the Infrastructure Investment and Jobs Act into law. It brings affordable internet for all and it expands telehealth communications. The internet is a requirement in today's digital age. He congratulated the Tribes for receiving this funding. **Chuck Reese**, Information Technologies, answered questions from the audience. This will be a 24-month project and it will bring the last mile of connectivity. We have a hybrid network. Announcements will be made to the public as the project progresses. The **Yamcut Drum Group** sang an honor song.

Janet Camel, Economic Development Office, requested renewal of the five-year cooperative land use planning and regulation memorandum of agreement between the CSKT and Missoula County. The current agreement expires in November 2022. The purpose and intent of the memorandum of agreement is to continue and enhance cooperative procedures employed in land use planning activities on lands common to Missoula County and the Flathead Indian Reservation for a five-year period commencing with the execution of the agreement.

MOTION by Martin Charlo to approve the renewal of the five-year cooperative land use planning and regulation memorandum of agreement between the CSKT and Missoula County. Seconded by Ellie Bundy. Carried, unanimous (10 present).

Velda Shelby and **Janet Camel**, Economic Development Office; **Josh Slotnick**, **Dave Strohmaier** and **Juanita Vero**, Missoula County Commissioners; **Karen Hughes**, Missoula County Community and Planning Services; and **Tim Worley**, Missoula County Senior Planner; met with council for the annual meeting. Missoula County will be kicking off updates on planning of the county and finding better ways to work with CSKT from the beginning on planning projects. They asked who they should work with. **Janet Camel** advised they would be notified who the new liaison will be. Missoula County wants to have a true partnership. Janet commented on the protection of native plants and trying to protect land parcels. **Kaley Becker**, Missoula County Lands Project Manager,

appreciates the opportunity to hear the CSKT priorities/ideas how better to support the goals and how we can use our tools, such as holding fee title of land or other interests in land. Missoula County has \$7.5 million available for conservation purposes. They would like to know who to work with at CSKT. **Chairman McDonald** commented on the Treaty rights for fishing and gathering. Any increased access to property that is in our historic use areas would be fulfilling the treaty, and it is critically important to honor the native people and landscape. When you look at the bigger picture it gives that level of intimate knowledge of what occurred on that land for thousands of years. If we don't know where this land has been from time, how can you manage that land. Anything that would put our native people back on the landscape or protect those components is a good thing.

Mike Durglo, Preservation Office, commented that the Preservation Office works closely with Missoula County, but they can do a better job. He spoke about the future land use planning project. The Preservation Office has a large database within our department that tells us lots of historical use in that area. His father and Tony Incashola, Sr. shared that knowledge of those places. Even protection enhancement of medicinal and food plants are not in the same place. Having that access is significant. We talked to the plants and ask permission. That's how we've live forever and take only what you need and use what you take. He thinks we can do a better job of working together. The office conducts preconstruction surveys when excavation is occurring so they can be onsite to see what's being removed from the ground. **Thompson Smith**, Salish Pend d'Oreille Culture Committee, commented it is good for the folks in Missoula County to consult with the Culture Committee. They work closely with the Preservation staff but they each have information that may add to what the other provides, such as the ethnogeography project.

Dave Strohmaier gave an update on the Big Sky Passenger Rail Authority. It's a regional rail authority for the main purpose of restoring passenger rail services through Montana. They started with 12 counties and now there are 19. The only voting entities can be the counties. Early on in the process as they established the rules of procedure, even though only counties can vote, it is important to have tribal voices at the table so each tribal nation was invited to participate. This is the largest transportation in the state of Montana. They worked with Senator Tester along with Roger Wicker from Mississippi to put language in the infrastructure law to conduct a nationwide study on discontinued amtrack routes. Dave went to Kansas City which kicked off the process. The Federal Railroad Administration must deliver a report to congress with recommendations of which routes to restore. The goal is to make sure that the recommended list includes the north coast, which covers 2,200 miles. Dixon to Polson has a route that could be renewed for freight and eventually passenger services. Dave attended a summit in Billings.

Karen Hughes discussed the Missoula Wildfire Program. The commissioners invested in developing a program to help landowners who live in areas of wildfire and how they can do more to protect their homes and create safe places for people dealing with fire suppression. They have had a wildfire preparedness coordinator on staff for years and ramping up effort by bringing on a manager. They applied for wildfire defense grants. Missoula County will develop a risk map and priority areas for mitigation work. They would like to work with CSKT on that. **Dave Strohmaier** stated the commissioners hope to change the narrative about how they talk about fire and helping folks understand we live in a landscape that is adapted to fire. Messaging is a big part of the narrative and we need to learn to co-exist. Fuel treatments are needed at times for various reasons, but that will not necessarily protect homes from wild fires. They are working with experts to think through their next steps. They want to partner with the Tribes as they move forward. **Tony Incashola, Jr.**, Tribal Forestry, talked about funding through the infrastructure and other programs where they could team up and look at community-based projects. The NCRS pays for both sides of the fence. Having defensive space around homes one and half tree lengths is what they recommend. Tribal Forestry can assist with home assessments and help with finding coordination through NCRS or RTL funds to apply to those areas and team up with projects, which could be cost efficient. Tony will exchange contacts and share the plan with Missoula County. **Karen Hughes** commented on mitigation priorities for people with existing homes that want to protect their homes by doing defense work, but the codes where they would apply since it would not necessarily be the entire landscape. They need to determine where that work should be done. **Whitney Malatare** stated in 2015 they started on the fuels side. It is treating land within the aboriginal territory, not just on the reservation. Lake County hired a coordinator that works with homeowners in the county.

Caroline Bean, Missoula County Climate Program Manager, talked about the climate plan. She would like to collaborate with the CSKT to solve these problems together. **Mike Durglo** is rewriting the plan. We are seeing catastrophic events occurring. There is information on the website. The Climate Change Advisory Committee has 100 people. Mike participates in Climate Smart Montana and Climate Smart Missoula as much as he can. **Randy Ashley**, Natural Resources Department, reported the CSKT applied for the American Rescue Plan funding and will purchase 2.5 monitors. They will be used in real time and on the fire map. The information will help them advise and warn the public. This past summer the Bitterroot had hazardous conditions. CSKT is trying to modernize their network. **Mike Durglo** commented CSKT is the only tribe in the nation that is rewriting their plan based on the model he spoke about. The ordinance is currently being reviewed by the Legal Department. Climate change will be included in the workplans. **Chairman McDonald** talked about the Climate Change Summit that took place on Earth Day. The Tribal Council had taken action to reduce our carbon footprint and integrate it into the services provided.

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CSKT strives to protect our native fisheries, wildlife, and plant communities. We need to make sure these animals are here forever. We need to build capacity; not reduce it. We need to be able to withstand unpredictable events in the future. The Tribal Council members attended the Electrify Montana event.

Ellie Bundy left the meeting for the remainder of the day.

Janet Camel commented that the Tribes went to a four-day work week and allows employees to work remotely. Cattle producers want to see a better return on their investment so the Economic Development Office is doing a feasibility study for a meat processing plant. **Dana Hewankorn**, Food Sovereignty Program, was recently hired as the program manager. The program hopes to have a full staff by the end of this month. There is a food sovereignty program at the former KHJCC. The Missoula County Commissioners would like Dana to attend one of their meetings. **Terry Pitts** talked about the railroad tracks in Dixon. He gets nervous every time he sees trains loaded with petroleum. A few years ago, the railroad got permission to go into the water to check the pilings under a bridge that had not been checked since the establishment of the railroad. A dozen trains go through Dixon each day. If they add the passenger trains, he hopes they have a plan for maintenance and upkeep of those tracks. It will be devastating if a train loaded with petroleum goes into the water. Terry hopes there is plan to keep the water systems safe. **Mr. Strohmaier** stated those issues will be looked at when they are looking at restoring discontinued Amtrack routes. Dave talked about the Smurfit site. Missoula County has been underwhelmed by the thoroughness that the EPA has taken. He would like to work together to get the cleanup done in an efficient way. Mary Price and Stu Levit used to be involved in this matter.

Chuck Rouser, Missoula County Chief Lands Officer, stated there is a county team working on this matter. The environmental staff has been working on the water quality issues. **John Harrison**, Legal Department, stated the staff working on Smurfit Stone issues was John, Chelsea Colwyn, Stu Levit, and Mary Price. John Harrison spoke to the trustees and EPA and met with the county. There should be a trustee meeting soon and a meeting with EPA. They have been waiting for some reports to come out. The department will be figuring out how to replace Mary's slot. Chuck mentioned Mary Price was also involved in the advisory group; it would be good to have some continuity there. **David Strohmaier** stated as we have seen over the years, the Plum Creek and Weyerhaeuser lands go to a federal agency and often times with an intermediary involved. Dave asked if anyone ever contemplated the Tribes being the recipient of those lands instead of defaulting to BLM or the U.S. Forest Service. Lots of lands have changed hands throughout the years. He suggested looking at the landscape to see what lands the Tribes would have any interest in. They would be in a conveyance process. There may be an opportunity for these discussions to move forward. **Tony Incashola, Jr.** responded we have been working with The

Nature Conservancy and Blackfoot Coalition on a chunk of land that TNC purchased from Plum Creek to figure out a management scheme for the land moving forward. The investors need to be reimbursed. We have done some burns and fencing projects. CSKT would like to purchase the Plum Creek and Weyerhaeuser lands and restore those lands. **Chairman McDonald** stated we need support from local officials; it goes hand in hand in partnering more than we are right now. **Dave Strohmaier** stated there is a pot of money that could be available for a project, regardless of it being BLM or a tribal nation. **Josh Slotnick** asked the CSKT to think about having a pow wow at Caras Park an annual event.

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

Velda Shelby and **Janet Camel**, Economic Development Office; and **Charmel Gillin**, Consultant; presented a preliminary tribal lending and secured transaction report. The report provides a comprehensive review of all tribal policies, practices, and standards related to financial lending transactions within the jurisdiction of the CSKT; and it examines the need to consolidate and reconcile statutory and regulatory authorities for tribal lending transactions in both the tribal and private sector. The assessment informs the need to formally establish a CSKT secured transaction system with Uniform Commercial Code. They are reluctant to approve a Uniform Commercial Code until they understand the needs of the tribal corporations. They requested direction on how to proceed. Charmel's recommendations were Tribal Council Directive #1: direct the Legal staff to review civil and commercial code pertaining to collections and foreclosures related to UCC and seek a legal opinion on the potential amendment to CSKT laws. Tribal Council Directive #2: direct the Tribal Court to review law library accessibility options and present requirements to filing CSKT cases to primary law research library databases. Tribal Council Directive #3: direct the Executive Officer to assemble a roundtable of its lenders to draft and present a uniform lien filing procedure to be presented to CSKT unchartered lenders for implementation into operation plans and procedures. Velda asked if the group should assemble a roundtable about lending to the tribal corporations. **Greg Spahr**, Financial Management, commented we could find a balance to do our own code or modify one that has already been provided. Next steps in securely holding title or passing title would make Eagle Bank, Tribal Credit or other reservation-based lenders more excited about taking collateral. **Velda Shelby** stated the group will work with the Executive staff and bring back more information. **Chairman McDonald** recommended allowing time for the council members to read the report and discuss further at the chairman's meeting. **Charmel Gillin** suggested that the council direct Rick Eneas to draft resolutions for council's consideration.

Council met in **executive session**.

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Council reconvened into **regular session**.

Council **adjourned** at 5:00 p.m., and is scheduled to meet again on Thursday, October 13, 2022, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary