

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

Volume 24 Number 39
Council Chambers, Pablo, MT

Held: March 21, 2024
Approved: March 28, 2024

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

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

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

The meeting was opened with a **prayer** by Martin Charlo.

The **Tribal Council Meeting Minutes** for March 19, 2024 were presented for approval.

MOTION by James Steele, Jr. to approve the Tribal Council Meeting Minutes for March 19, 2024, with corrections. Seconded by Tom McDonald. Carried, unanimous (10 present).

The **agenda** was presented for approval.

MOTION by Tom McDonald to approve the agenda, with changes. Seconded by James Steele, Jr. Carried, unanimous (10 present).

Buck Morigeau and **Rose Morigeau** requested to meet with council in **executive session** to discuss a personal matter. **Patricia Courchane** and **Tracie Couture**, Department of Human Resources Development, were present for discussion.

Council met in **executive session**. **Patricia Courchane**, **Natalie Kenmille** and **Tracie Couture**, Department of Human Resources Development, were present for discussion.

Council met in **executive session**.

Thomas “Sonny” Lozeau requested to meet with council in **executive session** to discuss a personal matter. **Laurence Kenmille** and **Arlen Tellier**, Enrollment Office, were present for discussion.

Council reconvened into **regular session**.

Steve McDonald and **Pat Amborn**, Tribal Forestry, presented a request from Courville Logging to modify the NBZ Salvage Logging Unit contract number F203C24045 to extend the cut and pay date to January 1, 2025 without penalty. The discussion continued in **executive session**.

Council reconvened into **regular session**.

MOTION by Tom McDonald to approve by resolution the modification to the NBZ Salvage Logging Unit contract number F203C24045 to extend the cut and pay date and expiration date to January 1, 2025 without penalty, pending approval by Wildlife and the County on the roads. Seconded by Marttin Charlo. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 24-059

RESOLUTION APPROVING MODIFICATION NBZ SALVAGE LOGGING UNIT CONTRACT NO. F203C24045

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

WHEREAS, The Superintendent, Flathead Agency, Pablo, Montana approved Timber Contract No. F203C24045, NBZ Salvage Logging Unit, between the Confederated Salish and Kootenai Tribes, the Seller, and Courville Logging, the Purchaser; and

WHEREAS, Courville Logging, the Purchaser, has requested an extension of the cut and pay date and expiration date from April 1, 2024 to January 1, 2025. As stated in his request, due to weather conditions and weight restrictions on Terrace Lake road, he is requesting an extension; and

WHEREAS, the Superintendent and Seller agree with this request which will change Contract Section A5, Contract Cut & Pay Date and Expiration Date to January 1, 2025 without penalty; and

NOW, THEREFORE, IT IS HEREBY AGREED THAT: Section A5 of the NBZ Salvage Timber Sale Contract be modified to change Section A5, Contract Cut and Pay Date and Expiration Date to January 1, 2025 without penalty.

FURTHER, it is mutually understood and agreed that except as herein expressly specified, the Timber Contract shall remain in full effect and force, binding upon the parties thereto, and this Modification of Contract shall become effective upon approval by the Approving Officer.

Steve McDonald informed council that the program needs to hire 30 tree planters. The program advertised the positions and received 35 tribal applications and 7 nonmember applications, and more were coming in this morning.

Mark Couture and **Tara Irvine**, Tribal Lands Department, gave an update on the Flathead Water Rights Compact at Buffalo Bridge. They have been trying to come up with the quantitative value of the water. They looked at California and Blackfoot, and both of them pay irrigators to not irrigate. A decision needs to be made on the dollar amount to be charged so the contract can get done. O&M is in the \$40 range per acre, and Mark thinks it would be an adequate price for the water system for the first year, and then it can be adjusted the next year if necessary, based on the amount of water being used. The lessee wants a substantial amount of water and might reserve water for the future.

Mark Couture and **Tara Irvine**, Tribal Lands Department, gave an update on the pow wow grounds. The department is accepting applications for use of the grounds and has received an application from the Tribal Health Department for a free-use permit to utilize the Arlee Pow Wow grounds for a midnight hoops event on June 19, and use of power and water. **Bing Matt** informed Lands that his granddaughter wants to use the Arlee Pow Wow grounds the Saturday before Easter for an Easter egg hunt. Mark talked about expanding the grounds for year-round use. He requested direction on what to charge for that. Mark suggested using the same rates as the national parks. He wanted approval of what to charge for that site. **Chairman Dolson** would like the staff to bring in different values. **Tom McDonald** stated Blue Bay and the Bison Range have fee schedules. **Bing Matt** did not think it was right to charge tribal members for using the pow wow grounds for events. Tara advised there is upkeep/maintenance of the grounds and the fees would offset the costs. Tara presented a request from Vance Home Gun and Generation Church for a free-use permit to use the Arlee Pow Wow grounds to hold a Youth Camp July 15-19, and use of power and water. **Council** had no objection.

Ruth Swaney, Financial Management, presented a request for Tribal Health to purchase capital equipment consisting of 2 vial-filling robots from a noncompetitive source for an estimated cost of \$332,000.

MOTION by Tom McDonald to authorize the purchase of capital equipment consisting of 2 vial-filling robots from a noncompetitive source for an

estimated cost of \$332,000. Seconded by Martin Charlo. Carried, unanimous (10 present).

Ruth Swaney, Financial Management, requested approval of modification 6 to the fiscal year 2024 Total Allocations.

MOTION by Martin Charlo to approve by resolution modification 6 to the fiscal year 2024 Total Allocations. Seconded by Tom McDonald. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 24-060

RESOLUTION APPROVING MODIFICATION 6 TO THE FISCAL YEAR 2024 TOTAL ALLOCATIONS

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

WHEREAS, increases in General Fund Tribal Earmarks and adjustments in Self-Governance Compacts and Contracts and Grants require modification to the FY 2024 Total Allocations; and

WHEREAS, the adjustments by Function and by Fund are reflected below for a net decrease of \$430,729:

Function	Total Functions Revised Mod 5 2/20/2024	General Fund Increase/ (Decrease)	IA Compact Increase/ (Decrease)	Contracts and Grants Increase/ (Decrease)	Total Increase/ (Decrease)	Total Functions Revised Mod 6 3/19/2024
Government Services	\$22,595,351		(\$8,125)	\$2,700	(\$5,425)	\$22,589,926
Health and Human Services	\$102,502,546			\$832,151	\$832,151	\$103,334,696
Natural Resources	\$82,956,842		\$25,000	(\$1,634,507)	(\$1,609,507)	\$81,347,335
Government Operating	\$3,678,000				\$0	\$3,678,000
Education	\$2,032,474				\$0	\$2,032,474
Administration	\$23,590,866		(\$52,000)		(\$52,000)	\$23,538,866
Court/Probation	\$1,827,000				\$0	\$1,827,000
Law Enforcement	\$3,075,159				\$0	\$3,075,159
Legal	\$3,931,906				\$0	\$3,931,906
Forestry	\$8,775,477		\$382,188	\$0	\$382,188	\$9,157,665
Capital	\$3,625,000				\$0	\$3,625,000
Per Capita	\$12,150,000				\$0	\$12,150,000
Indirect Costs	\$4,400,000				\$0	\$4,400,000
Tribal Earmark	\$1,338,745	\$21,864			\$21,864	\$1,360,609
Total	\$276,479,366	\$21,864	\$347,063	(\$799,656)	(\$430,729)	\$276,048,636

Tribal Council Meeting Minutes
 March 21, 2024

Fund	Total Funds Revised Mod 5 2/20/2024	Total Increase/ (Decrease)	Total Funds Revised Mod 6 3/19/2024
General Fund	\$75,200,367	\$21,864	\$75,222,231
IHS Compact	\$57,611,490		\$57,611,490
IA Compact	\$48,325,487	\$347,063	\$48,672,550
Contracts and Grants	\$22,895,686	(\$799,656)	\$22,096,030
Third Party	\$18,296,000		\$18,296,000
Settlement Funds	\$4,150,335		\$4,150,335
Water Compact	\$50,000,000		\$50,000,000
Total	\$276,479,366	(\$430,729)	\$276,048,636

BE IT RESOLVED by the Tribal Council of the Confederated Salish and Kootenai Tribes to approve Modification 6 to the FY 2024 Total Allocations for a net decrease of \$430,729; and

BE IT FURTHER RESOLVED that Modification 6 decreases the FY 2024 Total Allocations from \$276,479,366 to \$276,048,636; and

BE IT FURTHER RESOLVED that the Office of Financial Management is delegated authority to revise, reallocate, and correct the amounts for programs, services, functions, and activities within the Total Allocations approved in the aforementioned Funds.

Ruth Swaney, Financial Management, requested approval of a resolution to authorize funding of the Biologist position and operating costs with the U.S. Department of the Interior and U.S. Fish & Wildlife Services from the Montana Water Rights Protection Act through fiscal year 2031 in the amount of \$1,534,480.00.

MOTION by Tom McDonald to approve the resolution to authorize funding of the Biologist position and operating costs with the U.S. Department of the Interior and U.S. Fish & Wildlife Services from the Montana Water Rights Protection Act through fiscal year 2031 in the amount of \$1,534,480.00. Seconded by Martin Charlo. Carried, 10 for; 0 opposed; 0 not voting.

RESOLUTION 24-061

RESOLUTION AUTHORIZING FUNDING OF THE POSITION WITH U.S. DEPARTMENT OF INTERIOR (DOI) AND U.S. FISH & WILDLIFE SERVICES (FWS) FROM THE MONTANA WATER RIGHTS PROTECTION ACT (MWRPA)

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

WHEREAS, the Confederated Salish and Kootenai Tribes ("CSKT" or "Tribes") are a federally recognized, sovereign tribe residing on the Flathead Indian Reservation in western Montana, with a vast aboriginal territory stretching from Canada to Wyoming, and from Washington to Montana; and

WHEREAS, the 116th U.S. Congress passed the Montana Water Rights Protection Act, Public Law 116-260, 134 Stat. 3008, title V, Division DD, on December 21, 2020, which the President signed into law on December 27, 2020; and

WHEREAS, the Tribes have entered into an agreement dated January 16, 2024 between the DOI and FWS to provide “financial resources from the CSKT to FWS for Biologist position to fulfill the responsibilities of the FWS in furtherance of the MWPR and Compact implementation”; and

WHEREAS, The Tribes agreed to fund that position with FWS and in attached agreement Appendix I outlines the total cost of that agreement until FY2031. Those costs total \$1,534,480.00;

NOW, THEREFORE, BE IT RESOLVED, that the Tribal Council of the Salish and Kootenai Tribes authorize the distribution of funds totaling \$1,534,480.00 from the Compact Account so designated with the BTFA. The BTFA is authorized to move that money from the Compact account in accordance with the approved practices for transferring to the appropriate governmental division to fund the intended position.

Chairman Dolson would like to find out if the funding can be paid monthly or annually instead of one lump sum. **Ruth Swaney** will follow up.

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

Stephen Smallsalmon, Chaney Bell, Staff and Nkwusm Students gave a presentation. The drum group sang a song and performed its grand entry. The school was established 22 years ago. There are 54 students and 12 staff members. Nkwusm received a grant to support language efforts and will have a summer program and canoe journey this year. The work to the kitchen is near completion. The school will be getting some playground equipment. The staff is looking for a location in Ronan to have a pilot school. Nkwusm started an endowment.

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

Dan Decker, Brian Upton, John Harrison, Chelsea Colwyn, Shane Morigeau, Christina Courville, and Zach Zipfel, Legal Department; **Gwen Lankford**, Tribal Executive Office; and **Whisper Camel-Means**, Natural Resources

Department; requested to meet with council in **executive session** to discuss legal matters.

Dan Decker, Brian Upton, John Harrison, Chelsea Colwyn, Shane Morigeau, Christina Courville, and Zach Zipfel, Legal Department, continued to meet with council in **executive session** to discuss legal matters. **Frank Acevedo**, Natural Resources Department, joined the discussion.

Carole Lankford left the meeting to go to Drug Court.

Council reconvened into **regular session**.

MOTION by James Steele, Jr. to approve the resolution to affirm and appoint a temporary hearings officer for the Shoreline Protection Board. Seconded by Tom McDonald. Carried, 9 for; 0 opposed; 0 not voting.

RESOLUTION 24-062

RESOLUTION TO AFFIRM AND APPOINT A TEMPORARY HEARINGS OFFICER FOR THE SHORELINE PROTECTION BOARD.

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

WHEREAS, the Tribal Council is the duly recognized governing body of the Flathead Nation with the authority to preserve and protect the natural environment; and

WHEREAS, the Tribal Council has enacted the Shoreline Protection Ordinance 64A (as amended) and the Aquatic Lands Conservation Ordinance 87A (as amended) to preserve and protect the waters and aquatic environments of the Flathead Indian Reservation; and

WHEREAS, the Tribal Council has authorized the Shoreline Protection Board to administer and enforce the Shoreline Protection Ordinance 64(A) as amended and the Aquatic Lands Conservation Ordinance 87A (as amended), and to issue notices of violations to those parties in violation of either ordinance; and

WHEREAS, the Tribal Council has enacted the Tribal Administrative Procedures Ordinance 86B (as amended) to provide procedures for promulgation of regulations and to establish the process for conducting contested case proceedings under the Shoreline Protection Ordinance 64A (as amended) and the Aquatic Lands Conservation Ordinance 87A (as amended) and for the appointment of a Temporary Hearings Officer to conduct said contested case proceedings; and

WHEREAS, the Tribal Council has determined that there is insufficient case load to justify appointment of a full-time Senior Hearings Officer;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Part V, Section 17 of the Tribal Administrative Procedures Ordinance 86B (as amended) the Tribal Council hereby appoints Michael Troser of Helena, Montana, as Temporary Hearings Officer for future contested cases under the Shoreline Protection Ordinance 64A (as amended) and the Aquatic Lands Conservation Ordinance 87A (as amended);

BE IT FURTHER RESOLVED, such appointment is effective until Tribal Council, at its discretion, ends the appointment.

Council reviewed a resolution to support establishment of the Montana-Wyoming Tribal Health Board. **Len TwoTeeth** had questions about the board being funded by the Rocky Mountain Tribal Leaders and the difference between the subcommittee and the board to be created. Len did not understand the purpose of having two committees to serve the same purpose with the same objectives. **Patricia Hibbeler**, Director of Tribal Member Services, joined the discussion. There was a meeting and Carole Lankford had made the motion at the last Tribal Leaders meeting to create this new organization. It will be a higher level advocacy/lobbying group that will come together. There will be some startup funds from the Montana Foundation and then it will be its own organization and do fundraising.

MOTION by James Steele, Jr. to approve the resolution to support establishment of the Montana-Wyoming Tribal Health Board. Seconded by Tom McDonald. Carried, 5 for; 1 opposed (Martin Charlo); 4 abstentions (Len TwoTeeth, Jennifer Finley, Carole Lankford, and Bing Matt).

RESOLUTION 24-063

RESOLUTION TO SUPPORT ESTABLISHMENT OF THE MONTANA-WYOMING TRIBAL HEALTH BOARD

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

WHEREAS, The Confederated Salish and Kootenai Tribe is a federally recognized Tribe, recognized by the United States Government and all of its governing bodies and agencies for the Tribal Council to act pursuant to its inherent and retained sovereignty, empowered in all matters that concerns the health, safety, and wellbeing of the Tribe and its tribal members; and is entrusted with the duty and

responsibility to make governing decisions, including those that impact the health, welfare and safety of tribal members across the State of Montana; and

WHEREAS, by passing of priority resolutions demonstrate that protection and promotion of the general welfare and health of tribal members, including substance use disorder and mental health is among the top priorities of the Confederated Salish and Kootenai Tribes; and

WHEREAS, the access to, quality and diversity of, and reimbursement rates for health care services are determined through legislative, regulatory, and policy decisions made by federal and state legislatures and agencies; and

WHEREAS, the health care industry and related rules are highly technical requiring expertise and employees with a wide variety of operational initiatives; and

WHEREAS, Confederated Salish and Kootenai Tribes would benefit from specialized and technical expertise to identify health policy priorities, to develop policy positions, and to develop recommendations in support of tribal sovereignty and self-determination; and

WHEREAS, there are successful health board models across the Indian Health Service (“IHS”) Areas that provide strategic policy analysis support and advocacy, fully preparing leadership for these difficult health advocacy and educational discussions; and

WHEREAS, the Confederated Salish and Kootenai Tribes believes that Montana and Wyoming Tribes would benefit from the adoption of tribal health board model similar to those in the Great Plains and Northwest Portland IHS Areas; and

WHEREAS, the scope of the newly formed health board will include, but will not be limited to, tracking, analyzing, and providing policy briefings to Montana and Wyoming Tribes, identifying consensus positions and recommend resolutions for Rocky Mountain Tribal Leaders Council, supporting Montana and Wyoming tribal representatives in state and federal policy forums, when appropriate, coordinating with partnership organizations across the Billings IHS Area, and competing for public and private funding to support its organizational goals.

NOW THEREFORE BE IT RESOLVED that the Confederated Salish and Kootenai Tribes supports the establishment of an independent tribal health board for Montana and Wyoming Tribes in the Billings Area IHS.

BE IT FURTHER RESOLVED that the entity shall be incorporated as non-profit and known as the Montana-Wyoming Tribal Health Board.

FINALLY, BE IT RESOLVED, that this resolution takes effect immediately upon Tribal Council signatures.

Len TwoTeeth discussed a proposal from Homeland Security to require a visa to cross the border, and he would like to send a response that is similar to the Kootenai Tribe of Idaho's. Len would like Lynsey and Chelsea to draft a response for the council. **James Steele, Jr.** agreed we should send comments. There is a difference between border crossing policies in Canada and the United States. **Chairman Dolson** advised comments are due by July 9, 2024.

Len TwoTeeth asked about the advertisement for the enrollment committee. **Chairman Dolson** told him it would be discussed on Monday.

MOTION by James Steele, Jr. to adjourn the meeting.

Council **adjourned** at 2:39 p.m., and is scheduled to meet again on Thursday, March 28, 2024, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary