

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

Volume 23 Number 62
Council Chambers, Pablo, MT

Held: July 18, 2023
Approved: July 25, 2023

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

MEMBERS ABSENT: Mike Dolson (PROGRESS Act Work Group Session – Washington, DC); Carole Lankford (Rocky Mountain Tribal Leaders Health Summit – Wind River, Wyoming); and Jim Malatare (Participating in Field Trip with Nkwusm).

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 9:06 a.m. Quorum established.

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

The **Tribal Council Meeting Minutes** for July 13, 2023 were presented for approval.

MOTION by Len TwoTeeth to approve the Tribal Council Meeting Minutes for July 13, 2023, with corrections. Seconded by Bing Matt. Carried, 6 for; 1 abstention (Ellie Bundy).

The **agenda** was presented for approval.

MOTION by Len TwoTeeth to approve the agenda, with changes. Seconded by Jennifer Finley. Carried, unanimous (7 present).

Chairman McDonald reminded council that the Election Committee Schedule needs to be approved this week.

Council met in **executive session**.

Tony Incashola, Jr., Tribal Resources Management Director, met with council in **executive session**.

Council reconvened into **regular session**.

Martin Charlo thanked everyone for attending yesterday and Salish Kootenai College for providing the space. Nicole Ducheneaux unexpectedly passed away and he wants CSKT to send condolences to the family and law firm and send some flowers. She was an enrolled member of the Cheyenne River Sioux Tribe and a proud descendant of CSKT. Nicole spent her legal career fighting for the rights of tribes, tribal organizations, and individuals, including representing the Cheyenne River Sioux Tribe in its fight against the Dakota Access pipeline. Nicole argued cases before state, tribal, and federal courts, as well as appellate courts of all varieties, including the U.S. Supreme Court. She became a litigation partner at Fredericks Peebles and Morgan in 2015, and in 2019 became one of the founding equity partners of Big Fire Law and Policy Group, serving as the head of litigation. In addition to her litigation work, she championed young Native lawyers by providing mentorship and guidance to them. It was the **consensus** of council to have Jennifer Trahan follow up.

Chairman McDonald thanked everyone for attending the celebration of life for Vern Clairmont yesterday.

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

Chairman McDonald discussed support letters for Montana Fish, Wildlife & Parks for various grants. The Heart of the Rockies are putting in for a grant for grizzly bear management. It was the **consensus** of council to approve a letter of support.

Chairman McDonald discussed the new foundation to put zoos and aquariums in the forefront of landscapes on Indian reservations. Tom serves on that board. There was no money to work with tribes and zoos to restore animals so they started this foundation as the funding mechanism. There is a fieldtrip with potential donors in August and he wants to use the council budget to use a bus to tour the Bison Range that Saturday and drive up to McDonald Lake and other locations on the reservation. There will be 12-18 people in attendance. It was the **consensus** of council to approve the use of the council budget. **Jennifer Finley** suggested having swag to give to visitors and that the tribal webpage have the tribal council members' bios.

Tabitha Espinoza, Natural Resources Department, requested approval of a resolution for financial assurances to the Army Corps of Engineers as it relates to the permittee-responsible mitigation plan for the Lower Jocko J Diversion project. This resolution provides a commitment to fund the Lower Jocko J restoration project components as described in the 12-component mitigation plan, and commits financial resources to maintain the restoration projects in the

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long term. The resolution ensures that sufficient resources will be available for use to complete or replace a mitigation provider's obligations to implement a required mitigation project and meet specified ecological performance standards in the event that the mitigation provider proves unable or unwilling to meet those obligations. **No action taken. Council** requested that a resolution be presented for approval and advised the funding source needs to be included in the language of the resolution.

Ruth Swaney, Financial Management, presented a request from the Tribal Health Department to purchase capital equipment after the July 1 deadline consisting of a Panoramic x-ray unit for the Dental program in the amount of \$24,878.08.

MOTION by Martin Charlo to approve the request from the Tribal Health Department to purchase capital equipment after the July 1 deadline consisting of a Panoramic x-ray unit for the Dental program in the amount of \$24,878.08. Seconded by Bing Matt. Carried, unanimous (7 present).

Whisper Camel-Means, Emily Henry, Todd Espinoza, and Stephanie Gillin, Natural Resources Department, requested approval to serve as a host and participate in the annual cleanup event with the regional group of nonprofits, state water commissioners, and conservation districts, and authorization to use the tribal logo for promotional purposes. The cleanup event is scheduled for August 12 to clean along the Flathead River and other waterbodies in the watershed. **Chairman McDonald** suggested the department include the annual cleanup in their workplan. Tom asked the program to provide some of their swag to the Tribes to be given to dignitaries and special guests.

MOTION by Martin Charlo to authorize the department to serve as a host and participate in the annual cleanup event on August 12 with the regional group of nonprofits, state water commissioners, and conservation districts, and authorization to use the tribal logo for promotional purposes. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

Craig Barfoot, Natural Resources Department, presented a request from the Montana Fish, Wildlife & Parks for a collection permit to finish collecting data on the potential suitability of Gray Wolf Lake (off-reservation) to support a translocated population of bull trout and a waiver of the conservation permit fee. No data would be collected on reservation, but they would need to cross tribal land to access the property. The council approved a one-year permit last year, but the work was not completed within that time.

MOTION by Jennifer Finley to grant a collection permit to the Montana Fish, Wildlife & Parks to cross tribal land to finish collecting data off reservation on the potential suitability of Gray Wolf Lake to support a

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translocated population of bull trout. Seconded by Len TwoTeeth. Carried, unanimous (7 present).

Greg Spahr, Financial Management, joined the meeting. **Len TwoTeeth** requested approval of the Tribal Council Election Schedule. The Legal Department confirmed the dates comply with the dates in the constitution. The council needs to approve the schedule of events rather than the Election Committee.

MOTION by Tom McDonald to approve the Tribal Council Election Schedule of Events and adopt it as the official schedule. Seconded by Bing Matt. Carried, unanimous (7 present).

Martin Charlo requested a \$100 donation for the 2023 Montana Memorial Cup disc golf tournament in Missoula this weekend. It was the **consensus** of council to approve the donation.

Patricia Hibbeler, Tribal Member Services Director; **Marcy McCrea-Matt** and **Myra Harris**, Tribal Social Services; and **Yolanda Page**, Legal Department; requested to meet with council in **executive session** to discuss a departmental matter.

Council met in **executive session**.

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

Greg Spahr, Financial Management, requested to meet with council in **executive session** to discuss a departmental matter.

Dan Decker, **Melissa Schlichting**, **John Harrison**, **Grace Judge**, **Zach Zipfel**, **Lynsey Gaudio**, and **Chelsea Colwyn**, Legal Department; **Ryan Rusche**, Sonosky Law Firm; and **Casey Ryan** and **Seth Makepeace**, Natural Resources Department; requested to meet with council in **executive session** to discuss legal matters.

Dan Decker, **Melissa Schlichting**, **John Harrison**, **Grace Judge**, **Zach Zipfel**, **Lynsey Gaudio**, and **Chelsea Colwyn**, Legal Department; and **Ryan Rusche**, Sonosky Law Firm; requested to meet with council in **executive session** to discuss legal matters.

Council met in **executive session**.

Council reconvened into **regular session**.

Council **adjourned** at 1:01 p.m., and is scheduled to meet again on Thursday,

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July 20, 2023, at 9:00 a.m.

CONFEDERATED SALISH AND KOOTENAI TRIBES

/sgnd/

Martin A. Charlo
Tribal Council Secretary