

MINUTES

IDAHO COUNCIL ON INDIAN AFFAIRS SEPTEMBER 20, 2007

CAPITOL ANNEX, ROOM 148
514 WEST JEFFERSON STREET
BOISE, IDAHO

Council members present were Chairman Senator Michael Jorgenson; Lee Juan Tyler, Vice Chairman of the Fort Hall Business Council, representing the Shoshone-Bannock Tribes; Quanah Spencer, representing the Coeur d'Alene Tribe; Rebecca Miles, Vice Chairwoman of the Nez Perce Council Executive Committee, representing the Nez Perce Tribe; and Robert Bear, Vice Chairman of the Shoshone-Paiute Tribal Council, representing the Shoshone-Paiute Tribes. Absent and excused were Bob Wells of Governor Otter's Office, Senator Edgar Malepeai, Representative George Saylor, Representative Bob Nonini, and Kootenai Tribal Chairwoman Jennifer Porter. Paige Alan Parker of the Legislative Services Office was present as staff.

Also in attendance were Darren Williams, Julie Kane and David Kerrick representing the Nez Perce Tribe; Gary Gould and Adam B. Hill representing the Shoshone-Bannock Tribes; Russ Westerberg and Joie Hood representing the Kootenai Tribe; Bill Roden representing the Coeur d'Alene Tribe; Lisa G. Jim representing the Shoshone-Paiute Tribes; Dale J. Kanen and Brad Gilbert representing the United States Forest Service; Mary Jane Oatman-Wak Wak, representing the State Board of Education; Tom Perry and David Hensley of Governor Otter's Office; and Debbie Fields representing First Lady Lori Otter and the March Against Meth Program.

Chairman Jorgenson called the meeting to order at 10:15 a.m. The Council was led in prayer by Council member Tyler. Chairman Jorgenson welcomed the guests to the Council meeting.

The minutes of the Council's March 20, 2007, meeting were moved for approval by Mr. Spencer and Ms. Miles seconded the motion. Chairman Jorgenson noted that absent a quorum the approval of the minutes would be subject to ratification by the Council at its next meeting. The Council members present voted unanimously to approve the minutes.

Chairman Jorgenson welcomed Debbie Fields, the director of First Lady Lori Otter's March Against Meth Program. Ms. Fields began her presentation by thanking the Coeur d'Alene Tribe for its recent generous donation to the March Against Meth Program. Chairman Jorgenson noted that each of the Idaho Tribes was joining in making a commitment to the program in either cash or in-kind, to its ability to do so. Checks in blank were being submitted by the Kootenai, Nez Perce, and Shoshone-Bannock Tribes and a similar effort was expected from the Shoshone-Paiute Tribes.

Ms. Fields stated that the Idaho March Against Meth Program was being modeled after the program started in Montana by Tom Siebel who invested \$20 million dollars in Montana to fight meth. Ms. Fields met with Mr. Siebel last January and signed an affiliate agreement enabling Idaho to obtain the media materials developed for the Montana program at reduced cost. Montana went from 5th to 38th in the nation in meth usage as a result of the program. Idaho currently ranks 5th.

The Idaho program is expected to cost \$2.7 million. Idaho is halfway to reaching the \$2.7 million goal. The anticipated launch date for the Anti-Meth Media Campaign is January 2008.

Ms. Fields emphasized that we are fighting a war against meth. According to Ms. Fields, Idaho is both an importing and exporting state for meth. Ms. Field has made six visits to Coeur d'Alene and is working with the director of the Coeur d'Alene Tribe's health services. The program's efforts in Glens Ferry have included working with grade school children to obtain signed anti-meth use pledges and obtaining a dollar donation. In response to Chairman Jorgenson, Ms. Fields said that she would make the anti-meth wrist bands available to Council members in exchange for a one dollar contribution. One aspect of the program is to have school children make posters in support of the program and to enlarge and publish the best ones. The program is currently surveying 50 Idaho schools. In addition to school child, the program also seeks to target parents and young adults.

Mr. Tyler commented that the Shoshone-Bannock Tribes need a treatment center to assist in the fight against meth and noted that an Oklahoma tribe has such a treatment center. Mr. Tyler stated that the jails are overpopulated. Mr. Tyler also informed the Council that the Shoshone-Bannock Tribes are moving forward with a memorandum of understanding with the surrounding counties on law enforcement actions to combat meth.

Ms. Miles said that she would take the message back to her tribal council. She commented that meth has found a loophole on the reservations and that we must end the battle of jurisdictions. Ms. Miles stated that meth has taken a toll on the tribal budget, impacting the schools and the health services. She noted that the Coeur d'Alene Tribe has set a high bar with its recent donation to the program and not all Indian organizations have meth programs underway.

Ms. Fields remarked that we have to figure out how to effectively address the meth problem. She stated that gang members are forced to sell meth, although they do not use the drug themselves since they know the problems. Meth is the most addictive of drugs. Brain damage has been documented from the first use. She would like to have help in approaching the schools, obtaining anti-meth pledges and presenting the realities.

Mr. Spencer stated that the Coeur d'Alene Tribe understands the problem and was happy to contribute to the March Against Meth Program. The war against meth includes prevention, education and enforcement. With regard to the latter, Mr. Spencer stated that there must be

cooperation between jurisdictions, including the sharing of intelligence between law enforcement officers and the court systems, the coordination of resources and intervention.

Mr. Spencer recommended that the Idaho Council on Indian Affairs, with the assistance of the March Against Meth Program, draft a formal declaration of war against meth. Chairman Jorgenson commented that the Council could work best with the March Against Meth Program as partners. Mr. Spencer suggested that a point person be appointed on each reservation to act as the drug czar in coordinating with state and federal officials since local people may be subject to intimidation by the meth traffickers.

Dale Kanen a tribal relations specialist with the U.S. Forest Service, addressed the Council regarding the Roadless Area Conservation Program. Mr. Kanen informed the Council that a petition is being put together regarding the management of roadless areas in Idaho. The Idaho Tribes have been contacted for comments and three have responded, including the Nez Perce Tribe whose comments have been incorporated into the petition. A draft Environmental Impact Statement is due in October. Consultation meetings are being set up.

David Hensley, the legal counsel for Governor Otter, provided a background of the roadless rule. The roadless rule involves a dialogue between the Forest Service and the Tribes. There are 281 roadless areas in Idaho, totaling 9.3 million acres. Idaho is second only to Alaska in roadless areas. The petition process started under Governor Kempthorne's administration and moved forward during Governor Risch's administration with the submission of the petition. In 2005, Judge LaPorte ruled that the 2005 roadless rule was invalid, which reinstated the 2001 roadless rule.

Mr. Hensley informed the Council that the proposed roadless rule has five themes: wild land recreation; special areas of historical and tribal significance; primitive areas; backcountry/restoration; and general forest, rangeland or grassland. Of these the wild land recreation (over 1.3 million acres), special areas of historical and tribal significance (68,000 acres) and the primitive areas (over 1.6 million acres) are more restrictive than the 2005 roadless rule, while backcountry restoration (5.2 million acres) is similar to the 2005 rule and general forest, rangeland or grassland (609,500 acres) is less restrictive.

Mr. Hensley stated that Governor Otter is committed to understanding the interest of the Idaho Tribes. Mr. Tyler asked if a hard copy of the numbers with explanations could be made available. Brad Gilbert of the Forest Service said he would provide more information.

Mr. Spencer commented that the Coeur d'Alene Tribe has problems with the process. He noted that the land was tribal before it was Forest Service land and opined that the Forest Service has a trust responsibility irrespective of any rule and that co-management is the way to go. Mr. Spencer asked Mr. Hensley to evaluate what will happen to the current proposed rule when the new administration comes into power. Mr. Spencer also asked how the north Idaho water adjudication affects the roadless rule and the Coeur d'Alene Tribe's water rights.

Mr. Hensley replied by noting that both Governors Kempthorne and Otter have made overtures to the tribes since June of 2006. Mr. Hensley opined that he thought that the rule could be completed before the next administration comes into office and has confidence in the current rule since the Administrative Procedure Act is being complied with. Regarding the north Idaho adjudication, Mr. Hensley stated that Governor Otter is concerned but believes that we need to move ahead with the roadless rule pending resolution of the water adjudication since they are not seen as connected.

Ms. Miles stated that she met with Governor Otter and his staff a few weeks ago. Governor Risch had extended the comment period for the Nez Perce Tribe. There is uncertainty about the process regarding the presently proposed rule since President Bush's 2005 rule was rejected. However, the Nez Perce Tribe has proceeded with its comments.

Mr. Tyler invited the Forest Service and Governor staff representatives to the Shoshone-Bannock reservation so that they may hear the Shoshone-Bannock views. Mr. Tyler also commented that the 1872 mining law needs to be addressed. Mr. Hensley stated that everyone's expectations need to be addressed regarding the management of the roadless areas but the mining law is not under consideration at this time.

Brad Gilbert of the Forest Service addressed the process issue. The state of Idaho has filed a petition with the federal government. The Secretary of Agriculture has accepted that petition and directed the Forest Service to proceed with a draft rule and Environmental Impact Statement. Some of the issues that are being addressed include whether temporary or permanent roads are going to be allowed in roadless areas for mineral extraction and timber harvest. Under the proposed rule there will be no roads in the wild lands restoration lands. Only helicopter access and access from existing roads will be allowed in primitive areas and in special areas of historical and tribal significance. The proposed rule does not override existing forest plan areas such as those with wild and scenic river designations.

Mr. Gilbert clarified that two processes are currently underway. The Forest Service is working with the state of Idaho on a proposed rule that will be published in the Federal Register. Three alternatives are available: (1) work within the existing forest plans which the tribes have had a part in developing (five of the national forests in Idaho have new plans and five of the national forests are currently revising their plans); (2) keep with the 2001 rule; or (3) develop a new roadless rule for Idaho. Also, an Environmental Impact Statement is being developed. The Forest Service is extending the comment period regarding the EIS and would like to meet with the Tribes to facilitate cooperation between the federal, state and tribal governments. The EIS covers 9.3 million acres. Timber harvests are limited to 300,000 acres for treating fuels in urban interface and watershed areas. The EIS draft is due out by the end of October.

In response to a question from Ms. Miles, Mr. Gilbert stated that the proposed timber harvest is light, at 5,000 board feet per acre. A map is available on the Forest Service website.

Chairman Jorgenson asked whether the proposed roadless plan impacted the Tribes

differently. Mr. Gilbert replied that there is not much variation since the goal is to maintain roadless areas while providing flexibility. The government is seeking to establish a commission to oversee implementation. Mr. Hensley stated that Governor Otter would like to hear from the Tribes regarding impacts. Mr. Kenan provided the Council members with a handout that lists tribal liaisons.

Ms. Miles asked whether the implementation commission would have the power to approve or deny requests. She noted that the Nez Perce Tribe works with six national forest managers on a manager-to-manager level to address projects prior to their implementation. Tom Perry of Governor Otter's Office invited all the Tribes to participate in the implementation commission, but noted that it will not provide direct management but will make recommendations to the Forest Service. Mr. Gilbert stated that normal practice is to consult for project level work.

Mr. Tyler inquired as to the impact on treaty rights, noting that the Shoshone-Bannock Tribe has rights to unoccupied lands. He stated that the land is suffering due to mining and that this should be done right so that the heritage and the natural state of the lands can be preserved.

The Summit Meeting Task Force report from Bob Wells was distributed to the Council members. Chairman Jorgenson commented that Governor Otter has gone beyond the annual meeting recommendation in favor of quarterly Council meetings during which there could be meetings with the tribal leaders in executive sessions. Ms. Miles stated that to have the Governor hold quarterly summits with tribal leaders is a good recommendation. She commented that the Council has moved in a good direction with more detailed presentations. She noted that having an Indian coordinator in the State Board of Education Office is an accomplishment. Mr. Bear apologized for the inability of Kyle Prior to attend the Council's meeting and stated that he was comfortable with the proposal made by Mr. Wells.

Mr. Spencer presented the report of Indian Geographical Names Task Force. He commented that the Coeur d'Alene Tribe has been successful in obtaining name changes in north Idaho and eastern Washington through the Board of Geographical Names. He will be providing Mr. Tyler and Representative Sayler with contacts regarding that process. The goal has been to change the names to be as close as possible to English so that the names can be pronounced. Also, the effort has been to promote public education by using geographical names with historic significance. Adam Hill of the Shoshone-Bannock Tribe commented that some maps don't show the Fort Hall Reservation and show a creek with the Squaw Creek designation.

A letter from the Idaho Historical Society was distributed to the Council members seeking input from the Tribes regarding the development of an interpretive statement on the old Ada County Courthouse murals. Ms. Miles stated that she has been delegated by the Nez Perce Tribe to be the action person on this matter.

No report was presented by the Tribal Commerce Development Task Force.

Mary Jane Oatman-Wak Wak, the Indian Education Coordinator with the State Board of Education, addressed the Council. Ms. Wak Wak is a member of the Nez Perce Tribe, but represents all the Idaho Tribes on the State Board of Education. As an educational specialist at the University of Idaho, she visited all the Tribes. She was appointed to her current position as Indian Education Coordinator in June of this year. She noted that her position was not the first time an Indian had been appointed to a position with the State Board of Education. A Bureau of Indian Education was created in the Board in 1948 in response to the closure of tribal schools by the federal government and the reluctance of local school districts to educate Indian children when their parents did not pay taxes. A description of her job was distributed to the Council members.

Ms. Wak Wak noted that Title VII (No Child Left Behind) funds are currently being distributed to school districts with only limited oversight. She stated that she is still working to determine her authority with regards to Title VII. She noted that the Plummer-Worley school district is 80% Indian with a high drop-out rate, but Title VII funds are not being used to counter that problem. She believes there is a resistance at the local level to use federal funds specifically for Indian child education.

Ms. Wak Wak recommended that an Office of Indian Affairs be created in the Governor's Office so that tribal/state relationships could be coordinated across the board. Such relationships need to exist beyond quarterly meetings. As an example, Ms. Wak Wak identified a recent Lewiston Morning Tribune article about an Indian girl who was beaten for replying to a white pride taunt with an Indian pride statement. She observed that states with an Indian Affairs Officer have improved adequate yearly progress test scores for Indians. She believes that funding beyond the 5% share of the gaming compact moneys is required. She also believes that an Indian should serve on the State Board of Education.

In response to a question from Chairman Jorgenson, Ms. Wak Wak commented that she has not received the support she had been promised and that she has not been included in budget discussions dealing with Indian issues. She has had to fight for Indian Education Committee funding.

Ms. Miles commented that she is pleased that Ms. Wak Wak has been appointed to her position and knows about the lack of funding. Ms. Miles wondered if the Council could track the Indian drop-out rate at the Plummer School District. Ms. Wak Wak stated that the data has not been deaggregated for the Indian subgroup until recently and that she is working on a report.

Mr. Tyler stated that he enjoyed Ms. Wak Wak's presentation and understands the difficulties of trying to resolve the power and control issues that infect the school system. He opined that Indian teachers, supervisors and administrators are needed.

Chairman Jorgenson asked what the Council could do to assist Ms. Wak Wak to make her position more meaningful. Ms. Wak Wak replied that the Bureau of Indian Education that existed at the State Board of Education in 1948 needs to be reestablished. Mr. Jorgenson

commented that he believes in working from success and that some issues are unique to the Tribes. In Chairman Jorgenson's opinion Ms. Wak Wak's position needs to be strengthened so that it will have increased influence.

Chairman Jorgenson asked Ms. Wak Wak to prepare a report for the Council addressing: (1) why Title VII funds for Indian Education have not been accessed; (2) what are the kinds of reception and support Ms. Wak Wak has been receiving from the State Board and the Department of Education; and (3) who is diverting Ms. Wak Wak from the issues of Indian Education? Chairman Jorgenson suggested that the Council appoint a member to work with Ms. Wak Wak. Mr. Spencer suggested that the matter be referred to the Idaho Indian Education Committee so that the matter may be addressed in a more complete, comprehensive fashion, although he is not opposed to having a Council liaison.

Chairman Jorgenson summed up the progress of the Council meeting as (1) a proposal that the Council declare a war against meth; (2) the appointment of a Council member as a liaison to the March Against Meth Program; and (3) the Indian Coordinator position remaining a Council issue.

Chairman Jorgenson asked the Council members to submit dates for the next Council meeting to the Legislative Services Office and solicited agenda topics for that next meeting. Ms. Miles suggested that sufficient time be set aside for Council meetings so that discussion may be facilitated. Mr. Tyler concurred. Mr. Hill stated that his concerns are (1) securing better relationships between all groups; (2) generating more support for the war against meth, including support in Indian country where the children are being targeted; (3) obtaining additional direction and funding in education including transportation and libraries; (4) addressing the issue of geographical names; and (5) addressing the aboriginal land issues.

Chairman Jorgenson summarized the status of the fuel tax negotiations with the Governor. Chairman Jorgenson understands that each of the Tribes is currently in negotiation with the Governor; progress is being made and there is optimism. He asked the various Tribal representatives to comment.

Darren Williams, on behalf of the Nez Perce Tribe, stated that the Tribe's chairman and vice chairwoman met with the Governor two weeks ago and have scheduled a meeting for October 8th. Bill Roden, on behalf of the Coeur d'Alene Tribe, stated that the Tribe is engaged with Mr. Hensley, the Governor's legal counsel, and is close to coming to an agreement. Mr. Roden noted that the Coeur d'Alene Tribal Council needs to review and sign off on any agreement reached with the Governor. Mr. Tyler, on behalf of the Shoshone-Bannock Tribe, stated that the Tribe is in the process of getting an agreement with the Governor finalized. Gary Gould, on behalf of the Shoshone-Bannock Tribe stated that there were just one or two points left to work out, but these did not appear to be big issues.

Ms. Miles moved that the meeting be adjourned and Mr. Spencer seconded. The meeting was adjourned at 2:30 p.m.

