

MINUTES
IDAHO COUNCIL ON INDIAN AFFAIRS
MARCH 12, 2008
CAPITOL ANNEX, ROOM 145
BOISE, IDAHO

(Subject to approval by the Council)

Council members present were Senator Michael Jorgenson, Chairman of the Council; Council Vice-Chairman Chief Allan, Chairman of the Coeur d'Alene Tribal Council, representing the Coeur d'Alene Tribe; Lee Juan Tyler, Vice-Chairman of the Fort Hall Business Council, representing the Shoshone-Bannock Tribes; Samuel Penney, Chairman of the Nez Perce Council Executive Committee, representing the Nez Perce Tribe; Attorney Russell Westerberg, representing the Kootenai Tribe; Acting Senator Dick Sagness, replacing Senator Edgar Malepeai in his absence; Representative George Saylor; Representative Bob Nonini; Bob Wells, representing Governor "Butch" Otter; and Paige Alan Parker of the Legislative Services Office. Absent and excused was Kyle Prior, Chairman of the Shoshone-Paiute Tribal Council.

Also in attendance were Delbert Farmer and Gary H. Gould, representing the Shoshone-Bannock Tribes; Rosanna Sailto, Quanah Spencer and Bill Roden, representing the Coeur d'Alene Tribe; David Kerrick and Darren Williams, representing the Nez Perce Tribe; Jason Walker, representing the Northwest Band of the Shoshone Nation; Josephine Halfhide; Don Shaff, representing the Idaho Department of Water Resources; Christelle Edmo, representing the Idaho Department of Health and Welfare; Harold Ott, representing the Idaho Rural Schools Association; and Representative Liz Chavez, Idaho Legislative District 7.

Chairman Jorgenson called the meeting to order at 4:40 p.m. **Chairman Jorgenson** noted the accomplishments of the Council over the past year, including the "milestone" success of the Fuel Tax Compacts between the state of Idaho and four of the tribes. **Chairman Jorgenson** stated that the Council is building stronger relationships and is dedicated to obtaining more accomplishments in the future. **Chairman Jorgenson** then turned the meeting over to **Vice-Chairman Allan**.

Mr. Westerberg conveyed the regrets and apology of **Jennifer Porter**, the chairwoman of the Kootenai Tribe in her inability to attend today's meeting. **Vice-Chairman Allan** welcomed **Acting Senator Dick Sagness** to the Council as the temporary replacement for **Senator Malepeai**.

Vice-Chairman Allan asked **Delbert Farmer** to lead the Council in prayer. Following the prayer, **Vice-Chairman Allan** noted that the tribes and the state have come a long ways in bridging the gap between them and gave his appreciation for the hard work by the legislative members of the Council and the Governor's office in getting the Fuel Tax Compacts approved.

Representative Saylor moved that the minutes of the Council's October 22, 2007, meeting be approved. Mr. Wells seconded the motion. The motion passed unanimously.

Mr. Wells was recognized by **Vice-Chairman Allan** to give the report of the Summit Meeting Task Force. **Mr. Wells** stated that **Governor Otter** had intended to attend today's meeting but had been delayed by meetings. **Mr. Wells** recommended that a summit meeting between the tribes and the state of Idaho be held in early summer, perhaps somewhere other than in Boise, and include all issues that have been addressed by the Council. **Vice-Chairman Allan** suggested that the summit meeting be held on one of the reservations, perhaps the Shoshone-Paiute Reservation. **Mr. Wells** concurred in that suggestion and recommended that summit meetings be held quarterly.

Vice-Chairman Allan recognized **Representative Saylor** to give the report of the Indian Geographical Names Task Force. **Representative Saylor** reported that the Task Force met on November 30, 2007, in Boise. Attending the meeting were **Willie Preacher**, Program Director of the Shoshone-Bannock Tribes, **Joetta Buckhorse**, State Archivist **Steve Walker** and **Susan Pengilly**, Chair of the Geographical Place Names Advisory Board. The Task Force reviewed HCR 52 (2002) which described the basic process for place name changes. **Ms. Pengilly** noted that it may take years to change names and related the success the Coeur d'Alene Tribe has had in changing names. **Ms. Pengilly** also stated that the Idaho Historical Society Board has recommended that all "squaw" name changes be approved, pending an agreement on an alternative name. **Ms. Pengilly** also distributed copies of the U.S. Board of Geographical Names guide, "Principles, Policies and Procedures; Domestic Geographical Names," which provides comprehensive guidelines. **Representative Saylor** also reported that the Task Force agreed that no further meetings would be necessary.

Mr. Tyler stated that he had been unable to attend the Task Force meeting due to a conflict. **Mr. Tyler** commented that name changes need to start on the Fort Hall Reservation. **Mr. Tyler** opined that changing derogatory names brings a time for healing and can be done quickly if there is support. **Mr. Tyler** also noted his appreciation for the support given in obtaining approval of the Fuel Tax Compacts. **Mr. Tyler** also requested that the Council become involved in obtaining recognition of the Bear River Massacre Site in Franklin County, where over 400 members of the Northwest Band of the Shoshone Nation were killed. The massacre site is under divided ownership and is spread over a number of locations. Cattle are currently grazing on some parts of this sacred site, which has not been recognized in the history books.

Chairman Jorgenson asked **Mr. Tyler** to develop a plan to bring to the Council to achieve recognition of the Bear River Massacre Site. **Mr. Tyler** stated that he would enlist the assistance of **Jason Walker** in his effort to do so. **Vice-Chairman Allan** stated that he had spoken with **First Lady Lori Otter** about including the Bear River Massacre Site in an Idaho history pamphlet. **Vice-Chairman Allan** suggested that the Shoshone-Bannock Tribes might provide financial assistance for printing and distributing the pamphlet.

Vice-Chairman Allan gave the report of the Tribal Development Task Force by stating that, in part due to the illness within **Senator Malepeai's** family, the Task Force has yet to meet. He recommended that the Council send a letter to **Senator Malepeai**, expressing the Council's support and encouragement. The Council's consensus was to have its secretary prepare the letter. **Vice-Chairman Allan** stated that he has been developing ideas, beyond gaming, for tribal development that he would like to see pursued and that the Task Force will present its report at a future Council meeting.

Vice-Chairman Allan announced that Coeur d'Alene Tribal Attorney **Quanah Spencer** has accepted a position with the Bureau of Indian Affairs in Albuquerque, New Mexico. **Mr. Spencer** stated that he will be working under the direction of the Secretary of the Interior, overseeing resource issues. **Mr. Spencer** expressed his appreciation for being permitted to work with the Coeur d'Alene Tribe and with the Council. The members of the Council expressed their appreciation for **Mr. Spencer's** efforts and told him that he will be missed.

Mr. Spencer was asked by **Vice-Chairman Allan** to report on tribal efforts to combat the meth problem. **Mr. Spencer** stated that the Governor's Office of Drug Policy was rolling out its anti-meth campaign. The Coeur d'Alene Tribe has contributed to the funding of that effort. Additional anti-meth efforts should be part of the summit meeting with the **Governor** and should include environmental concerns, training, police cooperation and intergovernmental agreements between the tribes and with the state of Idaho on sharing of information and treatment options. **Mr. Wells** stated that he would communicate these issues to the **Governor**.

Mr. Tyler stated that Shoshone-Bannock Tribal members in the custody of the state need the spiritual guidance obtained through sweat lodges to assist them in recovering from substance abuse issues. **Mr. Wells** stated that he believed that there was a process already in place for Indians to access sweat lodges and, if there is a problem, please let him know.

Vice-Chairman Allan recognized **Christelle Edmo** to address the Council on her role as Tribal Relations Program Manager with the Department of Health and Welfare. **Ms. Edmo** distributed a handout (available in the Legislative Services Office) to the Council members describing her role. She began by noting that she is a member of the Shoshone-Bannock Tribes. She has held her position as Tribal Relations Program Manager since December 31, 2007. Her role is to strengthen the relationships between the six tribes in Idaho and the Department by helping foster collaboration and cooperation and to assure that appropriate and effective community-based services are available to American Indian people across the state, including child welfare protection, cash benefits, TANF, mental health, substance abuse, Head Start, early childhood development, developmental disabilities, foster care and adoption. Among her objectives are to hear concerns, identify challenges and improve service delivery. Her background is in health care and community development. **Ms. Edmo** asked the tribes and the Council for input to identify areas of priority concern.

In response to **Chairman Jorgenson**, **Ms. Edmo** described her role in securing tribal trust and Departmental understanding as "challenging," although she has the ability to balance

interests. She hopes to attend future Council meetings to listen to the Council concerns and to discuss those concerns. **Mr. Tyler** commented that **Ms. Edmo** did a great job while working for the Shoshone-Bannock Tribes.

Vice-chairman Allan noted that the Indian Health Bill has recently passed the United States Senate, with the help of **Senators Craig and Crapo**, and is currently pending before the House of Representatives. **Vice-chairman Allen** moved that the Council's secretary draft a letter for signature by the Chairman and the Vice-Chairman thanking Senators Craig and Crapo for their efforts and another letter to Representatives Simpson and Sali, encouraging them to support the bill. **Chairman Jorgenson** seconded the motion which passed unanimously.

Vice-Chairman Allan recognized **Don Shaff** of the Department of Water Resources to present the current status of the North Idaho water adjudication. **Mr. Shaff** distributed a handout to the Council members providing background information on the adjudication and describing the process. The Department is still in the process of drafting a petition to the court to begin the adjudication process. The public meeting process that had led up to drafting the petition has resulted in a pause to the process to accommodate fee issues and dropping those basins that drain north into Canada from the adjudication. The petition may be filed as early as this spring or may be delayed until fall.

Vice-Chairman Allan asked the Council members to address any legislative issues that they are aware of. **Mr. Wells** informed that the **Governor** is in the process of working out a compact with the Nez Perce Tribe on making the lottery available in reservation outlets. **Darren Williams**, a staff attorney with the Nez Perce Tribe stated that the Nez Perce Tribal Executive Committee is reviewing the compact. He opined that legislation would not be required to adopt and implement the compact.

Mr. Wells stated that the Governor's Office is moving to address a flaw in the emergency communications process that was discovered last year with the wild fires in Owyhee County. **Col. Shaver** of The Bureau of Homeland Security is in the process of meeting with the individual Tribes to develop tribal contacts in order to coordinate emergency responses.

Representative Sayler stated that a bill affecting fishing rights is being held by the House Resources and Conservation Committee. **Vice-Chairman Allan** commented that the Coeur d'Alene Tribe is keeping an eye on the North Idaho Adjudication. **Mr. Williams** commended the Legislature for the passage of SB 1342 which clarified the authority of certain tribal officials to solemnize marriages.

Mr. Penney informed the Council that the Ninth Circuit Judicial Council is meeting in Sun Valley, Idaho, on July 28, 2008, and has asked the Idaho Tribes to provide a short program. **Mr. Penney** also stated that the Clearwater Valley School District, with assistance from the Nez Perce Tribe, has begun to offer full-time kindergarten. The impact has been clear with reading scores on the state test moving from below average to above average.

Mr. Penney also discussed HB 2476, which recently passed the Legislature in the state of Washington, that addresses cross deputization issues. A copy of HB 2476 is available in the offices of Legislative Services. **Mr. Penney** suggested that a similar legislative effort might be undertaken in Idaho. **Chairman Jorgenson** noted that this issue has been discussed previously by the Council and that it should be raised again. **Mr. Penney** suggested that the issue be placed on the agenda for the next Council meeting.

Mr. Tyler stated that the Shoshone-Bannock Tribes are having problems housing troubled juveniles. The tribes do not currently have an adequate facility. The nearby counties will accept the juveniles but give priority to their own juveniles. Also, the fee charged by the nearby counties for housing juveniles from the reservation is high. **Mr. Tyler** expressed the belief that this practice is in conflict with the state of Idaho's jurisdiction over juveniles under the Idaho Code. **Mr. Tyler** also stated that there are issues between the tribes and the surrounding counties regarding paramedics. The paramedics from the surrounding counties will not respond to emergencies on the reservation. The paramedics on the Reservation need better training. **Mr. Wells** stated that the tribes should work these matters out with the counties through memorandums of understanding.

Vice-Chairman Allan suggested that the next Council meeting be held sometime during the first two weeks of June and perhaps the Nez Perce Tribe would agree to host the meeting. The secretary was directed to consult with the Nez Perce Tribe concerning meeting details.

The meeting adjourned at 6:10 p.m.