

**CORRECTED MINUTES \***  
*(Approved by the Council)*

**IDAHO COUNCIL ON INDIAN AFFAIRS**

June 1, 2009  
Tribal Business Center, Conference Room  
Fort Hall, Idaho

Council members present at the meeting were Senator Michael Jorgenson, Chairman; Senator Edgar Malepeai; Representative George Saylor; Lee Juan Tyler, member 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; Robert Bear, chairman of the Shoshone-Paiute Tribal Council, representing the Shoshone-Paiute Tribes; Eric Van Orten, representing the Coeur d'Alene Tribe; and Russell Westerberg, representing the Kootenai Tribe of Idaho. Absent and excused were Representative Bob Nonini and Governor's representative David Hensley. Paige Alan Parker of Legislative Services Office was present.

In attendance from the Shoshone-Bannock Tribes were: Angelo Gonzales, Executive Director; Leo T. Ariwite, Chief Judge; Lori Edmo Suppah, Sho-Ban News Editor; April Stephenson, legal intern; Emma George, Shoshone-Bannock Tribal Planning; Darrel Shay, Economic Development Specialist and Law and Order Commission; Vai Navo, Fort Hall Fire and EMS District; Delbert Farmer, Tax Department; Willie Preach, Tribal DOE Director; Nancy E. Murillo, tribal member; Yvette Tuell, Environmental Program Manager; Claude M Broncho, Policy Representative, Fish and Wildlife, Columbia River Fish District; Laverne Beech, Public Affairs Manager; Ann Lindroth, member of the Fort Hall Business Council and Diabetes Grant Coordinator; Sherwin Racehorse, Planning; Carolyn Boyer Smith, Cultural Resources Coordinator; Donner Ellsworth, 477 Program Director; and Emile Holm, tribal member.

Also present were Josephine Halfhide; Christopher Kensler, representing Kota, Inc., Jason Walker, representing the Northwest Band of the Shoshone Nation; Mary Jane Oatman-Wak Wak, Indian Affairs Coordinator, Idaho Department of Education; Emily Hone, reporter, The Morning News; Douglas Okundewicz, the Greene Group, Inc.; Chris Guthrie and Randy L Teton, Partners for Prosperity; Cleve Davis, Bannock Ecological; Larry Murillo, Department of Health and Nutrition Science, Idaho State University; Doyle Anderson, Native American Business Administration, Idaho State University; and Richard D. Homan, Manager, Energy Workforce Initiatives, Idaho National Laboratory.

**Chairman Senator Michael Jorgenson** called the meeting to order at 9:14 a.m. After the invocation was given by Fort Hall Business Council member **Lee Juan Tyler**, the Council members and members of the audience introduced themselves. **Chairman Jorgenson** thanked the Shoshone-Bannock Tribes for hosting the meeting.

**Representative George Saylor** moved that the minutes of the Council's March 11, 2009, meeting be approved. **Nez Perce Council Executive Committee Chairman Samuel Penney** seconded. The motion passed unanimously.

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\* Correction: Page 2, paragraph 4, at very end of first sentence, "the counties" was deleted and "Bannock County" was added.

In the absence of **David Hensley, Governor “Butch” Otter’s** representative to the Council, **Paige Parker** read **Mr. Hensley’s** May 29, 2009, e-mail regarding the proposed summit meeting with the Governor: “I hope to be out of the office on Monday for vacation. Please report we are working on a series of dates and will contact the tribes to coordinate schedules. Our hope is late summer or early fall. Thanks.”

**Senator Edgar Malepeai** was asked to report on the Council’s Commerce Development Task Force. **Senator Malepeai** deferred to Coeur d’Alene Tribe representative Eric Van Orten who reported that Task Force member and Council Vice-Chairman **Chief Allan** is in Seattle, WA and could not attend the meeting. **Mr. Allan** will be working on this matter with **Senator Malepeai**.

**Senator Malepeai** asked if the agenda could be modified to permit a discussion of economic development on the Fort Hall Reservation. **Angelo Gonzales**, the Executive Director for the Shoshone-Bannock Tribes reported that he has been in his position since January of 2009. The Tribes have built Sage Hill, a money gaming facility, which also includes a convenience store. The Tribes are also looking to build a new casino and are considering revamping the Bannock Casino. The Justice Center is under construction and being built with Tribal funds. The Justice Center will cost \$19.7 million, should be completed in December of this year and, in addition to a jail, will provide space for the courts and for juvenile detention. The previous jail facility had been condemned since 1978. **Mr. Gonzales** reported that the Tribal Health Center is going strong and that the Arbor is set to be completed in August. The Tribes are also completing Agency Road and applications are being made for stimulus monies to improve Agency Bench Road and several bridges. **Mr. Gonzales** also informed that the recent election had resulted in two new members to the Fort Hall Business Council: **Tino Batt** and **Ann Lindroth**. The Tribes are also working with Idaho State University to secure stimulus moneys for math and science education and tribal health

**Mr. Tyler** stated that a new records center is being constructed and that the Tribes would like to build a hotel, although they are receiving opposition from Bannock County. **Mr. Tyler** also noted that the new Justice Center is an example of the problems PL 280 has caused since the federal government would not assist in funding the center since Idaho is a PL 280 state. Shoshone-Bannock Tribal member **Nancy Murillo** commented that the Tribes had received some water settlement moneys and some federal grant moneys to help construct the Justice Center.

**Mr. Tyler** also stated that although the Tribes’ basketball team won the district tournament, the coaches had gone against tradition in not choosing the Tribes’ facility to host next year’s tournament. **Senator Malepeai** agreed to look into the matter.

**Ms. Murillo** commented that although the stimulus moneys have helped somewhat, the Legislature’s decision to reduce funding for Idaho State University has resulted in the Native American Program being cut and requested that the Council support programs that benefit Indians. **Chairman Jorgenson** stated that the state of Idaho did not cause the national economic problems and although Idaho is in better shape than some of the neighboring states, everyone is sacrificing.

**Tanya McElfresh**, the newly appointed Tribal Relations Manager for the Idaho Department of Health and Welfare, reported to the Council via telephone. She apologized for not being able to attend

the meeting in person. **Ms. McElfresh** grew up in Oklahoma on the Choctaw Nation Reservation. She was recruited to work in Idaho in 2003 to work in the Medicaid program. Prior to her recruitment, she worked in Texas as an elder abuse investigator and then as a regional director. **Ms. McElfresh's** responsibilities as the Health and Welfare Tribal Relations Manager will be the same as her predecessor, **Christelle Edmo**. She plans to provide awareness of Native American issues within the Department and to facilitate communications. The Department has shown commitment for her role by hiring a person to do some of her federal program administrative tasks. As her priorities, **Ms. McElfresh** plans to set up meetings with tribal representatives in the near future, listen to their concerns and continue meeting with those representatives on a regular basis. She will work out of Lewiston, Idaho, but will be in Boise frequently.

**Mary Jane Oatman-Wak Wak**, the Indian Affairs Coordinator for the Idaho Department of Education, requested an opportunity to work with **Ms. McElfresh** at her earliest convenience on Snyder Act cooperation issues. In response to a question from **Laverne Beech**, **Ms. McElfresh** stated that she would be attending the Idaho Child Welfare Act (ICWA) meeting on June 12<sup>th</sup>. **Mr. Penney** commented that ICWA has been an issue regarding its application to the Indian tribes.

**Ms. Oatman-Wak Wak** reported to the Council regarding recent developments in the Idaho Department of Education. Idaho Superintendent of Public Instruction **Tom Luna** has worked hard to keep **Ms. Oatman-Wak Wak's** position this year in the face of budget cuts. In response to Mr. Penney, **Ms. Oatman-Wak Wak** stated that her position is not classified.

**Ms. Oatman-Wak Wak** stated that she had been looking at the Indian Education Act. She expressed concern that the tribal schools on the Fort Hall Reservation and the Coeur d'Alene Reservation did not receive state funding, even though they have open enrollment policies, and teach non-Indian children for which they do not receive Bureau of Indian Education reimbursement. **Chairman Jorgenson** asked **Mr. Parker** to report on his investigation into state school funding versus tribal school funding. **Mr. Parker** stated that, based on his research and at least on paper, the tribal schools receive approximately twice the per student funding from the Bureau of Indian Education than the Idaho public schools receive per student from all federal, state and local sources.

**Lori Edmo Suppah** commented that the Pocatello school district chooses to classify Indian children as special education students in order to increase funding. **Ms. Oatman-Wak Wak** stated that the Department of Education had been looking at school districts with disproportionality in their special education programs on a statewide basis and is addressing the problem, although the results may not be seen for two or three years. **Chairman Jorgenson** asked if the Council needs to get further involved, adding that Council member **Representative Sayler** sits on the House Education Committee and Council member **Senator Malepeai** is a former teacher. **Ms. Oatman-Wak Wak** stated that she would defer to the Special Education Division in the Department of Education at this time.

**Emile Holm**, **Ms. Murillo**, **Donner Ellsworth** and **Emma George** expressed concern with the education that Indian children are receiving in the local school districts. **Ms. Holm** felt that teachers expect all children to learn as if they are middle class white. **Ms. Murillo** stated that fetal alcohol syndrome is a dual problem in that some children are being misdiagnosed and mislabeled while other children who have the syndrome are not receiving the appropriate attention. **Mr. Ellsworth** commented that some students are told that they are not college material. **Ms. George** stated that the teachers need to be more considerate of Indian culture and that the media can be insulting. **Ms. Oatman-Wak Wak** replied that the Department of Education is aware that some of the assessors in the

disproportionate school districts are not properly trained and that there has been some reckless journalism.

**Ms. Oatman-Wak Wak** noted that the 2006 Revised Social Studies Standards include a tribal history component, but that the teachers lack adequate resources to teach tribal history. The Department of Education is working with the tribes on historically accurate resource materials that should be released in 2011. She stated that teachers need to be trained on these content standards but that there are currently no funds for this training.

**Mr. Penney** observed that most teacher training is done at the school district level and that teachers should be encouraged to attend the Indian Education Conference. **Ms. Oatman-Wak Wak** informed that the state Indian Education Conference will be held in Lewiston, Idaho, on the first Thursday and Friday in October and is being assisted by the University of Idaho and Lewis & Clark State College. Usually that conference has approximately 150 participants. Regional conferences are being considered to assist those school districts that are short on funds.

**Ms. Oatman-Wak Wak** reported that the Indian Language Education Program is progressing with criminal history background checks being conducted and certifications being issued. In response to an inquiry by **Ms. Murillo**, **Ms. Oatman-Wak Wak** stated that the State Indian Education Committee was the contact group for this program. Currently the Department of Education is archiving existing resources, but will be developing new resources in the future.

**Ms. Oatman-Wak Wak** stated that the incarcerated Native American youth are a priority. Efforts are being made to determine who and where these youths are and to make sure they are receiving an education.

**Mr. Tyler** asked the Council to find a way to increase the funding for undergraduates to pursue Indian education teaching degrees. **Representative Saylor** stated that currently there are Opportunity Scholarships that are awarded not only on achievement but also need. He was unaware if there were any Opportunity Scholarships specifically available for Indian students. **Chairman Jorgensen** stated that the Opportunity Scholarships are open to any Idahoan and many go unfilled. **Senator Malepeai** stated that students need to start thinking about college funding and efforts should be made to provide information to these students. In response, **Ms. Oatman-Wak Wak** stated that there is a link on the Department of Education's webpage on scholarships available to Native American students.

**Mr. Penney** commented that the Nez Perce Tribe funds all day/everyday kindergarten for local school districts and, since it started doing so, test scores for the attending children have increased dramatically.

**Darrel Shay** expressed concern over Public Law 280's impact on juvenile issues. Efforts are being made to include more Indian students in the Education Department. Most of these students get weeded out. More resources need to be devoted to such students. He thought that the initiatives to make people aware of Idaho Indian history represented a positive change and felt that the Council could be proactive in changing the general public's perception of Indian people. **Chairman Jorgenson** agreed that much can be accomplished by working together and that while the past cannot be undone, we can acknowledge our common bonds and associations.

**Mr. Parker** reported to the Council on Legislative and Executive state governmental structures that seek Indian input into state policymaking. Four general types of structures were identified: summit meetings with the Governor, single topic compacts with individual tribes, legislative committees and Indian commissions. Examples of states with Indian commissions were Louisiana, Nevada and Arizona. With regard to Indian Commission, **Mr. Parker** summarized that the key factors are funding of the position, the receptiveness of the Governor and the quality of the individuals who staff the Commission. A copy of **Mr. Parker's** report is available through the Legislative Services Office.

**Chairman Jorgenson** stated that the issue of an Indian commission for Idaho is a serious topic. He urged the members of the Council to draft their thoughts on this matter and provide them to **Mr. Parker**. **Chairman Jorgenson** related that he has discussed this matter with **Governor Otter** who expressed interest. Chairman Jorgenson noted that matters affecting the Idaho Indian Tribes need to be addressed on an ongoing basis or they get pushed aside. The Public Law 280 concerns are an example.

**Larry Murillo**, Assistant Professor of Public Health in the Department of Health and Nutrition Sciences at Idaho State University, addressed the Council. He described the interactive dynamic relationship between the Indian communities and Indian students and the University. His PowerPoint presentation is available through the Legislative Services Office. In response to **Ms. George**, **Dr. Murillo** stated that Idaho State University is seeking funding for a distance learning program. Chairman Jorgenson thanked **Dr. Murillo** for his presentation.

**Richard Holman**, Manager of the Energy Workforce Initiatives for the Idaho National Laboratory (INL), addressed the Council. **Mr. Holman** described the partnership between the INL, Idaho State University and Partners for Prosperity to train Native Americans in technical skills that are needed by industry. **Randy L Teton** stated that the role of Partners for Prosperity is to provide the interface between the program and people on the reservation by improving the skills needed to qualify for the program. **Mr. Holman** stated that the group has received grants totaling approximately \$3.7 million and is able to fund scholarships. **Chris Guthrie** of Partners for Prosperity added that the scholarships are full tuition and that one such scholarship is currently available. Additional information may be obtained from [www.isu.edu/estec](http://www.isu.edu/estec). A copy of **Mr. Holman's** PowerPoint presentation is available through the Legislative Services Office.

**Willie Preacher** stated that he worked for the INL for 30 years. He suggested that an effort be made to contact potential program participants directly and individually rather than relying on publications. **Sherwin Racehorse** stated that he has applied to work at the INL through an online application, but despite the fact that he is qualified, he has received no response.

**Chairman Jorgenson** asked whether the program is focused on a new workforce or seeks to retain and improve the skills of current workers. **Ms. Teton** said that the answer is "yes" to both. With regard to the future workforce, **Ms. Guthrie** described the "Young Einsteins Program" that takes an energy curriculum to selected schools and seeks parental involvement. However, Partners for Prosperity does not provide job counseling. **Mr. Holman** added that the state provides the job counseling. **Ms. Murillo** asked about older workers. **Mr. Holman** noted that older workers are staying in the workforce due to the economy and retraining has become an issue. The Shoshone-Bannock Tribes have a representative, **Mr. Ellsworth**, who serves on the program's board. **Ms. George** commented that she would like the program to develop a telecommunications component to provide access to the tribes. **Robert Bear**, chairman of the Shoshone-Paiute Tribes, suggested that the program's services should be made available to all the tribes.

**Cleve Davis** is a small businessman doing work on energy related issues. His business is Bannock Ecological. He commented that there appears to be a lack of opportunities for graduate students and that there needs to be more assistance to small business owners. The Snake River Basin Business Association provides some help. **Mr. Holman** suggested that **Mr. Davis** contact the small business office at the INL.

**Leo Ariwite**, chief Judge for the Shoshone-Bannock Tribes, requested support from the Council in getting the national government to establish a series of Sacajawea National Monuments in Montana and South Dakota. The purpose of the National Monument sites would be to tell the story of Sacajawea and the Shoshone peoples. **Mr. Ariwite** commented that no one recognizes the role Old Toby played in assisting the Lewis & Clark expedition through Lolo Pass into Nez Perce country or Chief Tenday who helped keep the peace. He stated that the city of Salmon, Idaho, has created a small Sacajawea center. The National Monument would replace that center and provide a center for education.

**Senator Malepeai** suggested that the Council draft a letter supporting the effort to create the National Monument. Following discussion, **Senator Jorgenson** suggested that the topic be put out for discussion to the five tribes represented on the Council and that the matter be revisited at the Council's next meeting.

**Mr. Ariwite** also addressed the eagle feather issue. He said that the National Park Service had been conducting raids on reservations and seizing eagle feathers. Many of these eagle feathers had been passed down through generations. He is trying to create a tribal eagle feather repository. A resolution will be taken to the Wyoming/Montana Leaders Council for approval. **Chairman Jorgenson** noted that the states do not have authority on this matter and suggested that the tribes represented on the Council contact **Mr. Ariwite** directly regarding their views and support.

The meeting was opened to new business.

**Ms. Teton** stated that her image was used as the face of Sacajawea on the gold dollar.

**Mr. Tyler** requested support from the Idaho Tribes for the Idaho Inmate Pow Wow. The assistance may be in any form, including dancers, singers, food or monetary. The Pow Wow is scheduled for the third week of September and is to be held at the state prison farm and at medium security facilities. **Chairman Jorgenson** suggested that the interested tribes contact the requesting group. The Council representatives from the Nez Perce, Shoshone-Paiute, Coeur d'Alene and Kootenai Tribes requested that a letter be sent to the respective tribes requesting support. **Jason Walker**, on behalf of the Northwest Band of the Shoshone Nation, requested that it be put on the mailing list.

**Mr. Walker** provided an update on the acquisition of land near Preston, Idaho, where the Bear River Massacre occurred in 1863. The Northwest Band of the Shoshone Nation initially acquired 22 acres which includes the village area where the massacre occurred. An additional seven to nine acres have been subsequently acquired. Cattle are grazing on part of the massacre site. The Band would like to turn the site into a protected historical area.

**Mr. Tyler** expressed interest in working more with **Representative Saylor** on the renaming of physical sites that currently have names that are derogatory to Native Americans.

**Eric Van Orten** stated that the Adam-Walsh Act of 2007 permitted tribes to create their own sex offender registries. Several of the Idaho Tribes have opted in to this registry in 2008 and have been working with local governments on this matter. An extension needs to be filed with the federal government by mid July to permit this process to continue.

**Representative Saylor** moved that the Council request that the Governor's office take the steps necessary to have the deadline extended. **Russ Westerberg**, representing the Kootenai Tribe, seconded. The motion passed unanimously.

**Ms. Oatman-Wak Wak** noted that a vacancy currently exists on the State Board of Education. She requested that the Council support the appointment of a Native American from Eastern Idaho to the Board.

**Mr. Penney** moved that the Council support the appointment of a Native American from Eastern Idaho to the State Board of Education. **Representative Saylor** seconded the motion. The motion passed unanimously.

**Vai Navo**, Fort Hall Fire and EMS District, stated that the District had recently acquired a specialty ambulance for extremely overweight patients. The Fort Hall District is the only tribal district in the state that has been certified as a transport agency. The District needs equipment. It recently acquired a heart monitor and, with the proper certification, will be able to go to the paramedic level. However, the District has had difficulty retaining paramedics. The District is a member of the Idaho EMS organization. **Ms. George** commended the Tribes on the services it provides, including the fire and EMS services.

**Mr. Bear**, on behalf of the Shoshone-Paiute Tribes, offered to host the Council's next meeting in late August or in early September. Chairman Jorgenson instructed **Mr. Parker** to coordinate on the date of the next meeting. The Shoshone-Paiute contact person is Lisa Jim.

**Chairman Jorgenson** thanked **Mr. Tyler** and the entire Shoshone-Bannock Tribes for hosting the Council. **Mr. Tyler** noted that much of the credit should go to **Laverne Beech** and **Delbert Farmer**. **Mr. Tyler** stated that he looks forward to the Council returning to the Fort Hall Reservation.

The meeting adjourned at 2:19 p.m.