

MINUTES  
(Subject to approval of the Council)

IDAHO COUNCIL ON INDIAN AFFAIRS

March 19, 2012  
LSO Conference Room, C110  
Capitol Building, Boise, Idaho

Council members present were Chairman Representative Bob Nonini; Vice-chair Chief J. Allan, Coeur d'Alene Tribe; Senator Jim Hammond; Representative Wendy Jaquet; Tom Perry, Office of the Governor; Billy Barquin, Kootenai Tribe of Idaho (representing Jennifer Porter); Brooklyn B. Baptiste, Nez Perce Tribe; Lee Juan Tyler, Shoshone-Bannock Tribes (representing Nathan Small); and Dennis Smith Sr., Shoshone-Paiute Tribes, Duck Valley (representing Terry Gibson). Senator Edgar Malepeai was absent and excused. Ryan Bush and Charmi Arregui were also present from the Legislative Services Office.

Other attendees were: Representative Eric Anderson, District 1; Representative Sue Chew, District 17; Josephine Halfhide; Dave Goins, Idaho News Service; Jayson Prettyboy, Native American Coalition of Boise (NACOB); JamieLou Delavan, Idaho Department of Health and Welfare; Lyn Darrington, Shoshone-Bannock Tribes; Matthew Kaiserman, Gallatin; Becky Schroeder, Idaho Lottery; Helo Hancock and Paulette Jordan, Coeur d'Alene Tribe; Matt Henderson, Pacific Crest Benefits; Steve Rector and Tim S. Olson, Nez Perce Tribe; Devon Boyer, Randy L. Teton and Delbert Farmer, Shoshone-Bannock Tribes; Nancy Egan, Shoshone-Paiute Tribes; Amy Ferriter, Idaho State Department of Agriculture; and Diane Westerberg, Kootenai Tribe.

Chairman Nonini asked Brooklyn Baptiste to open the meeting with a prayer. The meeting was called to order by Chairman Nonini at 3:03 p.m.

Representative Jaquet moved to approve the February 23, 2011, minutes with the following corrections: On page 2, paragraph 7, in lines 2 and 6, delete the word "services" and insert the word "cigarettes" and on line 3, delete the words "they tax different services for their people" and insert "the tax revenues help fund different services for their people." In line 10, add "tax-funded" before the word "services." The motion passed by voice vote with one member abstaining.

Representative Jaquet moved to approve the March 21, 2011, minutes with the following corrections: On page 2, paragraph 1, in lines 2 and 3, delete the words "promoting the resource represented by Indian children" and insert "curriculum resources." Also on page 2, paragraph 1, in line 7, delete the word "trial" and insert the word "tribal." Also on page 2, paragraph 2, in line 3, delete the word "trial" and insert the word "tribal." The motion passed by voice vote with one member abstaining.

Helo Hancock, Legislative Director, Coeur d'Alene Tribe, gave the council an update on law enforcement, stating that for several years the tribe had been pushing for a statewide solution to an issue that is quite pervasive in Indian country. Legislation had been introduced in the House for the last two years to address this issue, which was to allow Idaho POST-certified officers employed by Idaho Indian tribes to arrest persons who are not Indians, take them to a county jail and allow them to be tried before a state court for crimes on Indian reservations. Last year the measure failed by one vote on the House floor, and during the hearing he said the Judiciary and Rules Committee was consulted about an alternative if the state solution was not adopted. Then there was a federal solution available to Indian tribes, made more apparent through the Tribal Law and Order Act of 2010, a federal law which had passed. It allowed for federal cross-deputization of law enforcement officers who worked for Indian tribes. The state solution did fail, and he said that the Coeur d'Alene Tribe had pursued the federal option, and Mr. Hancock provided a letter dated March 19, 2012, addressed to the Idaho Council on Indian Affairs members that summarized some actions taken to date, since last session, which is available in the Legislative Services Office (LSO).

Mr. Dennis Smith thanked Mr. Hancock for taking the initiative on this important issue and he asked if what was shared in this report was workable and if they were going to try to send this to a higher level. Mr. Hancock replied that the federal agenda was being advanced alongside another step, which is a recent development. The Benewah County Sheriff cross deputized many Coeur d'Alene Tribal Officers after last session, and they will continue moving in the same direction with the federal deputization, even though there is not a cross-deputization agreement. The federal solution will continue, as planned, adding that there are unique circumstances with ownership of the lake and laws that would govern recreational activities that would require federal help. Mr. Dennis Smith said it was good that cooperation was occurring, a giant first step in the right direction. Representative Jaquet asked if it would be appropriate to distribute this letter and report to legislative members, and Chairman Nonini said that since that bill was debated on the House floor, he thought that would be a good idea.

This letter and report are available in the LSO, as well as an "Indian Country Community Safety Strategy Map" and "Indian Country Community Safety Strategy Update." *(After this meeting, on March 23, 2012, this letter, report, map and strategy update were sent to all Idaho legislators.)*

Representative Jaquet said that Mr. Hancock had indicated that others were working on this, and he asked if the Nez Perce Tribe was working on this with the federal government. Mr. Baptiste answered that since they had gone as far as they could with the state, that most tribes will try to utilize the federal mechanism. Mr. Baptiste expressed appreciation to Mr. Hancock and the Coeur d'Alene Tribe for everything they had done.

Lee Juan Tyler, Shoshone-Bannock Tribes, said there is a lot that needs to be done with the unique tribal nations in Idaho, as well as the Duck Valley Tribe both in Idaho and Nevada. He said his tribes will assist where they can and said they respect what the Coeur d'Alene Tribe was doing.

Helo Hancock next addressed House Concurrent Resolution 49 honoring Mildred Rinker Bailey that was sponsored by Chairman Nonini and Representative Eric Anderson. Ms. Bailey's accomplishments were brought to the attention of Chairman Nonini and he offered to recognize Ms. Bailey at the state level, and this resolution was the result. Ms. Bailey was a childhood friend of Bing Crosby, and Ms. Bailey was raised with tribal, musical, cultural influence. Ms. Bailey moved to Los Angeles in the 1920s where her career took off and she invited her brother Al Rinker and friend, Bing Crosby, to come to Los Angeles. Bing Crosby credited her with giving him his start in music and helping him find a job in a traveling jazz band. Later Bing Crosby helped Ms. Bailey get a job with the very famous Paul Whiteman Orchestra, the most famous big band in America at that time. Ms. Bailey had her own radio show and was the first female girl singer to sing with a big band in America. Nobody knew that she was Native American; in fact several publications called her the greatest white female singer of her time. HCR 49 pays homage to Ms. Bailey and recognizes her Coeur d'Alene tribal roots and accomplishments. Senator Hammond was to sponsor this resolution in the Senate. *(This resolution was also passed in the Senate on March 23, 2012, after this council meeting.)* A copy of this resolution is available online at: [legislature.idaho.gov/legislation/2012/HCR049.htm](http://legislature.idaho.gov/legislation/2012/HCR049.htm) and in the Legislative Services Office.

Chairman Nonini said that Representative Anderson had sent a link to all House members for information about Ms. Bailey. Chairman Nonini thanked the Coeur d'Alene Tribe for bringing this to the attention of the legislature, so that Ms. Bailey could be recognized. Mr. Hancock added that Ms. Bailey was one of the great singers and that Frank Sinatra was so influenced by her that he helped pay some of her medical and estate bills after she passed away.

Chairman Nonini next addressed an issue about the position in Washington, D. C. with regard to the Bureau of Indian Affairs and the National Education Association, working with Indian education issues. He said that the Idaho Department of Education had not opened up the position of Indian Education Coordinator until recently and announced that they are looking for someone to fill that position. If the tribes know of a Native American who might be interested in that position, it is now open, and that position is listed on their website, with qualifications and responsibilities.

Dennis Smith said he wished to address the council about the issue between the state of Idaho and Nevada and the children on the Duck Valley Reservation and the possibility of school children who live in Idaho being bused to Grand View. He said that a tribal Chairman is requesting that the county where the school is located meet with tribal members and the Superintendent of the Elko County School District since that has caused much concern. He said this was a money issue regarding transportation, since the public school is on the Nevada side of the border. The bus has to go to the Idaho side of the border to pick up children on the reservation to transport them to school in Nevada and then bus the students back. He said that supposedly the cost is \$700,000, and the tribe is very concerned about this.

Chairman Nonini referred to House Bill 588 and said, as background information, that this deals with border communities when there is a school closer to another state than a school within Idaho for young children who are being bused. He said that it is much shorter to bus children into Nevada to attend school, than to bus them to Grand View. The issue that arose was the cost to educate

students that is more than twice that to educate a child in Idaho, which is around \$6,000 annually in Idaho, instead of in excess of \$12,000 per student in Nevada. This is what brought up this issue. Chairman Nonini said that House Bill 588, sponsored by Representative Hartgen, had passed the House and was currently on the 3<sup>rd</sup> reading calendar in the Senate. If there is a meeting about this issue, Chairman Nonini suggested that Representative Hartgen be invited to attend, since young students could be forced to ride a bus for about 75 miles one way if this legislation passes. Currently, Vice-chairman Allan said that the children are being bused only 30 miles one way.

Lee Juan Tyler asked if House Bill 588 could be stopped until a meeting could be held on this important issue. He said that when the tribes are forced into reacting, after the fact, when bills get passed, this makes it almost impossible to get something changed. He asked if there was any way to stop House Bill 588 from being passed in the Senate, until something can be worked out. **Vice-chair Chief Allan made a motion for the council to support a letter written immediately to the Senate in opposition to House Bill 588. His motion was seconded by Representative Jaquet.** She informed the council that when a meeting takes place, or if a letter is written, it needs to be mentioned that this bill was viewed as a negotiating tool with the state of Nevada to try to bring down that \$12,000 cost per student. She thought that the Senate Education Committee could ask for an update regarding negotiations between Idaho and Nevada. It was also pointed out that the tribe(s) affected should always be present at the table for discussions. The Shoshone-Paiute Tribes were not represented in any discussions on House Bill 588, according to Mr. Dennis Smith. He said that, once again, the tribes are put in the position of reacting, and he expressed hope that they can, in the future, be proactive, if things are done in the proper order. Chairman Nonini reiterated that according to the motion on the table, a letter needs to be written to the Senate stating that this council opposes House Bill 588 and requests that the Senate hold the bill until further discussions can take place, to include the Shoshone-Paiute Tribes, in negotiations going forward. Mr. Smith asked who, in the tribe, would be the contact person, wondering what could be expected. Chairman Nonini said he would view the letter in the motion as coming from this council, which could affect potentially all tribes in Idaho. At present House Bill 588 affects students of the Shoshone-Paiute Tribes, but this issue could possibly be opposed by other tribes in the future. Billy Barquin agreed, representing the Kootenai Tribe, and Brooklyn Baptiste, Nez Perce Tribe, said that anything affecting a tribe should be discussed with those affected up front before bills are deep into the process, and that this should be included in the letter. Lee Juan Tyler said that the Shoshone-Bannock Tribes are also in support of this. He said that lack of proper tribal consultation has often gone too far, and it is time to bring education about this to Idaho since there are many issues and laws that do affect Idaho tribes. Chairman Nonini emphasized the need for this letter to go to the Senate immediately. Chairman Nonini assured the tribal members that they would act promptly to get House Bill 588 held in the Senate before a vote occurred. Mr. Smith commented that probably any person at this meeting, whether or not in a tribe, would vehemently oppose having a young child bused 150 miles daily. He thanked the council for addressing this issue.

Mr. Tom Perry, Office of the Governor, said this meeting was the first time he had seen House Bill 588, and he said that the Governor is not going to tell the Legislature what they can and cannot do until a bill gets to the Governor for signature. He thought that certainly the Governor would be supportive of expanding the table and getting the tribal members involved. He pointed out that the Governor had always been an advocate for informing anyone affected by decisions and legislation.

Mr. Perry, representing the Office of the Governor, asked if he had a council vote, which was affirmed; he added that he was supportive of the letter, insofar as it requires consultation, but said that he would not go so far as to say they would firmly oppose House Bill 588.

**Vice-chair Chief Allan made a motion that a letter be written on behalf of the council stating opposition to House Bill 588, asking that this bill be held until the Shoshone-Paiute Tribes can be part of the discussion whether to change the border contracts regarding the busing of students. The motion was seconded by Representative Jaquet, and the motion passed by voice vote. Mr. Perry abstained.**

Senator Hammond excused himself to return to the Senate floor for important votes, and expressed his respect for the tribes, and apologized for having to leave the meeting at this point. Chairman Nonini thanked Senators Hammond and Malepeai and Representative Jaquet for their service, all of whom had not sought reelection. Chairman Nonini said that he had announced his intentions to run for the Senate, pointing out that the makeup of this council will be different in 2013, with regard to legislators.

The next presenter was Matt Henderson, Pacific Crest, from the Tri-Cities Washington area, who addressed understanding Medicare-like rates (MLR) and negotiated pricing on pharmaceuticals (340B repricing plans) for tribes to considerably save on health care costs. His PowerPoint presentation is online at:

[www.legislature.idaho.gov/sessioninfo/2012/interim/indian0319\\_henderson.pdf](http://www.legislature.idaho.gov/sessioninfo/2012/interim/indian0319_henderson.pdf)

Mr. Henderson said that he was an insurance and benefits consultant by day, but a jazz drummer by night, acknowledging the musical talents of Ms. Bailey. He said his educational presentation was an overview only, adding that follow-up meetings could be scheduled to give more detailed information to the tribes.

Tribes put health insurance plans into place for employees, tribal governments and enterprises so that tribal members have another pool of resources to pay for health care as opposed to dollars allocated by the government to take care of the tribe, which is 40-50% of total need, at best. The more the costs can be brought down, those dollars preserved can be used for other tribal members who cannot be covered under a health insurance plan, other than through Indian health service facilities.

Another area of dramatic savings tribes can take advantage of is the 340B prescription drug repricing program, which limits the cost of covered outpatient drugs to certain federal grantees. All prescriptions purchased outside of a hospital facility can now be purchased under 340B, so it is basically the government going into the pharmaceutical manufacturers and negotiating prices that are the lowest of the low in the marketplace, so prescriptions are being sold almost at cost, and this is the law. This ties in to preserving dollars. The 340B plan provides an average savings of 40-45% on outpatient drug purchases and can be integrated into a tribal plan, which requires close coordination between the plan and the tribal health facility. Even non-tribal members who are covered under the tribe's health insurance plan can take advantage of discount prices. Most current programs can incorporate 340B repricing plans, even off-cycle without long waits.

Representative Eric Anderson introduced Amy Ferriter, Department of Agriculture (DOA), both of whom were invited to address the council on invasive species. Chairman Nonini said there are perhaps no two people in the U.S. who have done what these two people have about this topic and educating about the possible effects on the economy in this state, since Idaho depends on tourism, recreation, and fishing in waterways. Representative Anderson said that there is a quagga mussel environmental issue in Idaho as never before which will impact waterways. Idaho has taken the lead in the nation, perhaps in the world, as far as aggressive laws to prevent the introduction into Idaho. He expressed appreciation and pride at actions taken by the Legislature and the Governor's Office, but he said we will not win unless more is done. He said that perhaps there had been negligence to not bring the tribes up to date sooner, but said that Idaho needs their help since tribes have water resources, fish hatcheries and irrigation canals, and all are at great risk if there is any introduction of this invasive species into waterways. He handed out a letter from the Columbia River Intertribal Fish Commission dated February 13, 2012, to the Department of the Interior, dealing primarily with fish recovery in the Columbia River Basin, stating that they were dealing with this subject matter directly. Representative Anderson said that this letter was sent to Idaho's elected delegation, Secretary of Interior Salazar, National Parks Service, Forest Service, and a continuum of letters are being sent and that the tribal commission actually has followed Idaho's lead. Everyone is trying to follow this moving target very closely. Representative Anderson and Amy Ferriter went to Washington, D.C. recently and lobbied most of the Senate and House Committees on Appropriations to help them understand the tremendous need for national help.

Ms. Ferriter, Invasive Species Coordinator, Department of Agriculture, explained the sense of urgency and why there is a prevention program and ways to start working more closely together on prevention issues. She brought visuals to this meeting, a pipe completely clogged and encrusted to show the invasive organism itself, generally the size of a thumbnail. They were discovered in the U.S. in the late 1980s in the Great Lakes. Buoys get encrusted, pipes fill up completely and are surrounded with the mussels and sink. In 2006 she showed a map of the U.S. and how the spread has occurred rapidly. She showed pictures of steel plates which had been in water infected with mussels only six weeks and had become completely encrusted. Trash rack gates become completely restricted only a year after discovery. The Bureau of Reclamation is having major headaches due to this invasive species. Boats coming into Idaho could become easily encrusted in mussels and contaminate Idaho's waterways. She said that Lake Mead had been infected, and two waterways in Nevada tested positive. Idaho is the last frontier, as well as Washington, Oregon, Montana and Wyoming, the only states without this invasive organism so far in the western U.S. Thanks to the Idaho Legislature, Idaho has a law with great authority and also a funding source for the program. The sticker program allows the setup of watercraft inspections at state lines, and there are fifteen mandatory stations. The first year of this program, 3 fouled boats were intercepted in Idaho and last year 25, and this year already 5 boats were caught, having thousands of encrusted mussels. Decontamination needs to take place when boats leave a contaminated waterway and seasonal boats really need to be targeted.

Mr. Dennis Smith said he would like to see states come together through legislatures to fight this invasive species as boats leave waterways and thinks that boats should be inspected when taken out of the water. If this organism gets out of control, fishing and the economy could be affected in a big way. He wanted to do something now and not later. Ms. Ferriter said that Idaho is playing defense

currently. Mr. Smith said that the northwest is unified in sending the message to Congress and that 13 western states are now speaking with one voice on this issue. There seems to be an effort, he said, to make this a divisive issue on political grounds and nobody can afford that. If the western states and tribes don't get together on this issue, this organism will be in Idaho waterways and cost untold billions of dollars. Decontamination needs to take place at the source, and this is where the tribes can be effective. Representative Anderson and Ms. Ferriter offered to go anywhere, anytime, to discuss this important issue to find solutions or this fight will not be won.

Vice-chair Allan asked if a resolution could be put together to support this issue. Chairman Nonini said that the Coeur d'Alene Tribe had been very active with regard to invasive species. Billy Barquin said that the Kootenai Tribe had been active, since his tribe owns the lower one-third of Lake Coeur d'Alene. He said if it would help the council, his tribe would write a letter of support. Chairman Nonini lives on the Spokane River, an outflow of Lake Coeur d'Alene. Beaches can get so covered with these mussels and harden so that beaches cannot be walked on due to the hard, sharp encrustation covering the sand. These mussels each live about four years and each female mussel produces about a million eggs per birthing cycle and in Lake Mead there are 3-4 birthing cycles. When these mussels die, they float to the beaches, the birds eat them and thousands of dead loons are then killed from botulism. Idaho will suffer the same experience if not vigilant, and once they invade a waterway, these mussels remain in the waterway.

Billy Barquin asked if British Columbia had been contacted regarding this issue and Representative Anderson confirmed that Canada was involved. Mr. Barquin asked about customs and border protection to ensure that inspections are occurring at borders. Ms. Ferriter replied that so far customs and border protection were not too keen on this, being unsure of their authorities. She said there was authority under the Lacey Act.

Ms. Ferriter's PowerPoint presentation is online at:

[www.legislature.idaho.gov/sessioninfo/2012/interim/indian0319\\_ferriter.pdf](http://www.legislature.idaho.gov/sessioninfo/2012/interim/indian0319_ferriter.pdf)

Lee Juan Tyler said that their tribe was aware of this problem and he moved to find a way through a task force perhaps to monitor this issue, above and beyond inspection stations. Chairman Nonini asked if this suggestion was in the form of a motion for the council to support the work of the Legislature and what is currently being done and encourage the continued good work to make sure that Idaho keeps this invasive species out of Idaho's waterways to the best of our ability. Dennis Smith said that the states and federal government should get involved in funding this issue, adding that he seconded the motion. Chairman Nonini wondered if Idaho should continue to work with Canadian provinces and other states. Representative Anderson assured the council that Idaho is very much engaged and leading the charge, and he thought a resolution in this format would be wonderful to support Idaho's efforts. He said that Governor Otter had sent a quite terse letter to Secretary Salazar, since this is a violation of the Lacey Act. A resolution from the tribes showing support in Idaho carries a lot more weight than anyone realizes, and the power of the First Nations in Canada also could be an additional push. He believes that Secretary Salazar does not want to admit to contaminants in systems and this is what the resolution needs to say. Everything leaving waterways needs to be inspected and cleaned properly. Mr. Anderson and Ms. Ferriter offered to help draft the resolution for the tribes to look at. Chairman Nonini asked them to work with LSO

on a draft resolution to be sent to all the tribes, inviting comments and suggestions, to make sure everyone is satisfied with the resolution.

Vice-chairman Allan said he thought this was a great idea, and then he expressed hope to get this resolution passed and have someone carry this resolution to NCI and that it be addressed to the Department of Interior, Bureau of Indian Affairs, where Secretary Salazar works. Lee Juan Tyler expressed his desire that the Environmental Protection Agency get involved.

**The motion to draft a resolution on invasive species was passed by voice vote. This will be sent to the tribes for approval before it is sent out.**

Representative Anderson said that A DVD entitled “Don’t Move a Mussel” can be found at:  
<http://100thmeridian.org/video.asp>

Mr. Dennis Smith next addressed the Indian Child Welfare Act (ICWA) and he introduced Nancy Egan, a recent employee of IDHW who resigned from her position due to her concern about non-consultation of the tribes, and Josephine Halfhide, who used to be in this same position. Mr. Smith said that he read the Indian Country News and, in that publication, it showed data about states being involved with Indian children that are going to court. He said that Idaho is one of the highest and Nevada is one of the lowest. Mr. Smith said that a meeting had been requested recently between the Department of Health and Welfare and tribal leaders and that the tribal leaders did not show up for the meeting. Because of that, the state moved forward and now this has become an issue, and he believes this is a very important issue.

Ms. Josephine Halfhide updated the council and shared that she had worked with the Indian Child Welfare Act (ICWA) exclusively for 38 years. ICWA was passed in 1978 due to wholesale removal and adoption of Indian children into Caucasian families. In 1993, the state of Idaho was sued by 3 tribes for noncompliance of ICWA and court proceedings went on for several years, and there was a settlement. In 1996, Ms. Halfhide was hired as part of the settlement, and when she started working for the Idaho Department of Health and Welfare (IDHW), one of the key issues was that Indian tribes needed to be given the opportunity to input information prior to decisions being made, not after the fact. Ms. Halfhide worked at IDHW for eight years. There is an institutional systematic development that’s been built on for many years and there is no explainable reason why educated people at IDHW cannot at least meet tribes halfway, but IDHW, in her opinion, does not do this. Ms. Halfhide got a call in February 2012 and was told that a rule change was happening. She sent a letter to all the tribal councils regarding rule changes. There was an ICWA Committee within IDHW made up of representatives from each of the tribes, held on February 9 and 23, June 13, August 11 and September, 2010. IDHW sent out invitations to the tribal councils who were all busy at that time, and due to the short notice, none of the tribal representatives had quality time at the meeting. IDHW had developed a list of questions that were going to be asked of the National ICWA Association, and IDHW was going to consider that as “consultation.” She pointed out that national contact is not the same as state tribal consultation. Ms. Halfhide has never seen “quality consultation” in the years she was at IDHW or since. IDHW developed a five-year plan and IDHW gets money for supposed consultation with the tribes when there is little or no inclusion of the Idaho tribes. She believes that IDHW spends time avoiding issues about ICWA and consulting with tribal

governments or representatives. IDHW had eight questions presented nationally from IDHW's institutional mindset and not one tribal member was consulted. Three times in this meeting alone the issue of "no consultation with tribes" has come up. Ms. Halfhide asked the question: "Will it take another lawsuit?" She believes there are grounds for a lawsuit. In the last fifteen years, IDHW does not take time to develop tribal culturally appropriate services for Indian children going into Caucasian homes, which tribes believe is very unfortunate.

Ms. Nancy Egan, Shoshone-Paiute Tribes, said that a letter had been addressed to Senator Patti Anne Lodge of the Senate Health and Welfare Committee regarding Docket 16-0601-1101 that was presented according to ICWA 1978 and in the minutes of the committee meeting Vice-chair Senator Broadsword asked if the tribes in Idaho had been contacted with regard to this rule. The minutes said that Ms. Kathy Morris indicated that the tribes had been contacted through advisory committees. Ms. Egan said that tribal consultation is a very serious matter and it needs to be addressed by the state of Idaho on a government-to-government relationship in establishing issues that involve working with Indian children according to federal law (ICWA 1978) and specifics within that law which require the state of Idaho to abide. Each tribe represented at this council meeting are sovereign nations and that is the most critical component that the state needs to acknowledge, adding that the tribes are trying to protect their rights. This docket action needs to be halted where it is, as has been addressed by Mr. Gibson of the Shoshone-Paiute Tribes. A government consultation needs to take place before this docket moves forward.

Chairman Nonini said he had a copy of the letter dated January 12, 2012, from Mr. Gibson to Senator Lodge, and he asked what were "advisory committees" referred to in this letter, wondering if this was something different from tribal council.

Ms. Halfhide said that the ICWA Committee is the one IDHW is referring to as the advisory committee, and each tribal social service has a coordinator who attends the ICWA Committee meetings. There has been discussion about changing the rules, but that is all. IDHW never produced minutes from meetings, even though minutes had been requested by many tribal members. Nobody has seen that a discussion took place about those questions, and Ms. Morris said that consultation had taken place. Ms. Halfhide said that this was not acceptable. Ms. Halfhide has been working on ICWA issues for 38 years, and she said she was appalled at IDHW's Child Protection Services.

Representative Jaquet asked when this ICWA Committee meeting took place and the date was September, 2010. On February 8 and 9, Ron Beecher went to the ICWA Committee meeting and gave a presentation on IDHW and the different components but mentioned nothing about consideration of changing the rules. He again came back to this Council on Indian Affairs on February 23, 2011, and he mentioned sitting in on the ICWA Committee and also went to that committee twice telling them about his involvement on June 13, and August 11, 2011, and his involvement with this council, but yet nothing about the important issues of Indian children. This council is the only place for tribes to come, below the Governor, to get change in Idaho.

Representative Jaquet said that in a meeting in September, 2010, tribal members were not able to attend, and that there are no minutes from that meeting. She asked if Docket 16-0601-1101 got

approved by the committee. Ms. Halfhide said that this rule had passed and Representative Jaquet asked if this council should send a letter stating that the proper process has not been followed and that this issue needs to be revisited. Chairman Nonini said that the docket may not be revisited, but that IDHW certainly can be contacted and asked to come before this council to talk about ICWA and see where the big disconnect has occurred. The minutes from the February 23<sup>rd</sup> Council on Indian Affairs reflected that Ron Beecher from IDHW was there, and an update was provided on the various involvements that IDHW has with the tribes in Idaho. Representative Jaquet said that Mr. Beecher was to do some kind of presentation in northern Idaho. Mr. Beecher reports to Director Armstrong at IDHW. She suggested that both Mr. Beecher and Director Armstrong come to the next meeting. Chairman Nonini referred to the minutes from March 21, 2011, stating that Mr. Beecher addressed the council on Medicaid consultation agreements and that there would be a meeting at the tribal center in Plummer, Idaho on this topic on May 19, 2011, but nothing was mentioned about ICWA. Chairman Nonini said that at the next council meeting Director Armstrong and Mr. Beecher need to be in attendance regarding what has happened, since it appears that Ms. Morris may not have stated the whole truth, so to speak, and the tribal members agreed. It was agreed that these three people from IDHW need to be at the next council meeting.

Mr. Smith said he thought, in the future, that this council should be a two-day meeting and he said that previous Governor Batt had asked the tribes to send in items of concern to make sure that there is staff present to address those concerns in a large meeting room. This is the way the council used to meet, and he would like to see this council meet more often. He suggested that a joint resolution be drafted about concerns regarding legislative procedures and that tribes need to be consulted prior to decisions, and not finding out about so many issues, after the fact. Concerns need to be addressed and answers provided, which he believed is the way to approach this and to move forward. Chairman Nonini said that a letter could be drafted to IDHW demanding answers. Chairman Nonini asked LSO to draft that letter to IDHW and should address grave concerns brought up at this council meeting regarding ICWA and questions that never got answered, as well as some misrepresentation by IDHW. He suggested wording the letter harshly in order to solicit attention by IDHW and to follow up with this and to then have another council meeting sooner than next fall to address these issues.

Ms. Halfhide brought up that there is a broader problem since the content of the rule says that IDHW will now be sending registered notices to the tribe, which is what is required by ICWA. IDHW made all these decisions about sending notices by certified mail to 556 Indian tribes plus a few more and IDHW let this go through without any consideration of the other tribal sovereigns. She said maybe they don't want their tribe to get a certified notice, for whatever reason, so in her opinion a big chunk has been taken out of the national efforts of Indian people who spent thirty years to get ICWA passed. Chairman Nonini reiterated that it sounded like decisions had been made unilaterally at IDHW, and tribal members agreed.

Mr. Tyler commented about zoning issues, hunting and road closures, issues with the Bureau of Reclamation and the Bureau of Land Management.

Vice-chair Allan moved that a letter be written on behalf of the council addressed to IDHW Director Armstrong about grave concerns brought up at this council meeting about the way one of his

employees presented Docket 16-0601-1101 to the Senate Health and Welfare Committee and that answers need to be heard regarding this docket. Prior to the next meeting, hopefully, there will be answers about this issue.

Ms. Halfhide said she thought it important to ask IDHW to present at that time what things IDHW did that they considered to be consultation with tribes.

Mr. Tyler said that other tribes are doing this, and that Idaho is way behind everybody else. He believes that tribal representatives need to be more present in the Capitol working with tribal issues, believing that lack of communication has caused issues going unaddressed for months at a time. Brainstorming needs to occur to come up with a better plan.

Vice-chair Allan suggested that there be an Idaho commissioner seat in the Governor's Office and that commissioner could work with the Governor to represent all Idaho tribes with a goal of better communication. He pointed out that this suggestion had been brought up at prior meetings.

Chairman Nonini said that LSO does try to reach out to tribal members for agenda suggestions prior to meetings and asked for email contacts for tribal leaders to ensure better communication.

Vice-chair Allan suggested that this council meet monthly during legislative sessions in the future in order to keep tribal members informed and communication open. He also informed the council that Paulette Jordan was seeking House seat A, District 5, in Moscow.

Regarding border contracts and the children being bused, Chairman Nonini said that HB 588 had been held and suggested that tribal members visit with Senator Brackett, sponsor of HB 588, after this meeting, to see if this bill could be prevented from going to a vote in the Senate. In light of this bill and how it affects tribal children, Chairman Nonini suggested that the meeting come to a close.

The meeting was adjourned at 5:17 p.m.