

MINUTES

(Approved by the Council)

Idaho Council on Indian Affairs

June 19, 2013

Shoshone-Bannock Hotel and Event Center, Fort Hall, Idaho

Chief Taghee Room

In attendance were Senator Dan Johnson; Senator Cherie Buckner-Webb; Representative Marc Gibbs; Representative Donna Pence; Nathan Small, Shoshone-Bannock Tribes; Chief J. Allan, Coeur d'Alene Tribe; Silas Whitman, Nez Perce Tribe; and Dennis Smith, Shoshone-Paiute Tribes. Absent and excused were Jennifer Porter, Kootenai Tribe; and Tom Perry, Office of the Governor. Legislative Services Office (LSO) staff member Ryan Bush was present.

Others present at the meeting included Tim Olson, Nez Perce Tribe; Bill Roden, Coeur d'Alene Tribe; Amber French, Idaho Lottery; Carrie Glover, U.S. Department of Health and Human Services; Devon Boyer and Tino Batt, Fort Hall Business Council; Helo Hancock, Coeur d'Alene Tribe; Randy'L Teton, Shoshone-Bannock Tribes, Public Affairs; Bill Bacon, Shoshone-Bannock Tribes; Joyce Broadsword, Idaho Department of Health and Welfare; Lee Juan Tyler, Shoshone-Bannock Tribes; and Lyn Darrington, Shoshone-Bannock Tribes.

The meeting was called to order at 10:35 a.m. by **Representative Marc Gibbs**. He welcomed everyone and thanked **Nathan Small** for welcoming the Council to the Shoshone-Bannock Hotel and Event Center. **Lee Juan Tyler** than gave a prayer.

Nathan Small welcomed everyone to his tribes' hotel, especially the new legislators and gave a brief history of the hotel.

Representative Gibbs discussed his background and his experiences living in eastern Idaho and expressed that he is looking forward to getting to know the tribes better.

Senator Buckner-Webb discussed her history in the Legislature and living in Idaho. She then discussed her work outside of the Legislature and stated that she is happy and honored to be a member of the Council.

Representative Pence discussed her personal and professional background and her home in Gooding and stated that she lived in Pocatello for 5 years. **Representative Pence** stated that she was excited to be a part of the Council.

Senator Johnson discussed his work in the Legislature and stated that he is excited to learn about the issues that the tribes are facing and to find common ground. He discussed his work in the private sector and his current work on solid waste issues for the city of Lewiston and how this work has taught him to look for efficiency.

Nathan Small described his role as chairman of the Fort Hall Business Council and gave his background. He then discussed the tribes' plans for future expansion and the tribes' role with attorneys and lobbyists to keep the tribe informed and moving forward. **Mr. Small** stated that he is excited to work with the Council and come to a common interest.

Dennis Smith stated that it was an honor to be part of the Council and mentioned the passing of Terry Gibson of the Shoshone-Paiute Tribes. He stated that he wanted the Council to discuss issues involving healthcare and the federal sequester. **Mr. Smith** stated that he would like for the next meeting to be at the Duck Valley Reservation to show how isolated it is and how they are struggling. **Mr. Smith** also stated his desire that the Council discuss the Indian Child Welfare Act (ICWA) and his belief that Idaho is not in compliance with ICWA.

Chief J. Allan thanked Mr. Small for hosting the council. **Chief Allan** discussed his education and background and stated that he loves the work that he does. He is proud that tribal members have gotten a good education and that education is important to him. **Chief Allan** then discussed how their reservation is checkerboarded and that they bought over 9,000 acres back for the reservation. They have built 30 homes and tribal members have qualified for loans. These are some issues that he is most proud of. People are noticing that tribes are good neighbors and good business partners. He continues to stress education.

Silas Whitman spoke next and gave his background in his tribe's government and his own childhood in eastern Oregon. He thanked **Mr. Small** for hosting the Council at his fine hotel. **Mr. Whitman** stated that his tribe is trying to capitalize on what they know about themselves and increase their ability to survive. They are thankful to the Coeur d'Alene Tribe for their mentorship and stated that they employ non-tribal people and help fund education with their new hotel. **Mr. Whitman** discussed how lobbyists in Boise have helped them and that they can go to various tribes and ask for their experiences and how to deal with common problems such as taxes.

Chief Allan made a motion that the minutes from the meeting on March 19, 2012, be approved by unanimous consent. The motion was seconded by Representative Pence, and the motion passed by voice vote.

Dennis Smith stated that he would like to follow up on old business from the March 19, 2012, meeting, specifically issues regarding ICWA. He also stated his hope that the Council would hold more meetings.

Silas Whitman stated a concern about a lack of structure on the Council and also wants to review issues regarding ICWA. **Mr. Whitman** also would like more meetings of the Council and is concerned about issues such as mineral extraction and water quality standards. **Chief Allan** stated his belief that election of officers come before strategy and his hope that the Council would function as a normal committee.

Chief Allan nominated Silas Whitman as Vice-Chairman of the Council and stated that he can give it the attention that it needs and a pair of fresh eyes. The motion was seconded by Dennis Smith. Mr. Whitman was elected by a unanimous voice vote.

Representative Pence nominated Representative Gibbs as Chairman of the Council. The motion was seconded by Senator Johnson. The Council voted unanimously for Representative Gibbs by voice vote.

Helo Hancock of the Coeur d'Alene Tribe then gave a presentation on the jurisdictional background of the Council and of tribes, states and local government. **Mr. Hancock** discussed the power of Congress to deal with tribes and the role of the Idaho Constitution and federal law. **Mr. Hancock** then described the different time periods in Indian Law and the checkerboard problem on reservations and the issues that can arise in law enforcement if there is not cross-deputization. **Mr. Hancock** then discussed civil issues and environmental authority of tribes and how many solutions are found because of collaboration in the gray areas. **Mr. Hancock** then discussed Public Law 280 and how it allows states to unilaterally force jurisdiction on reservation activities. **Mr. Hancock** described the seven areas of law that Idaho has jurisdiction over because of Public Law 280. **Lee Juan Tyler** expressed his concerns over Public Law 280.

The Council recessed for lunch at 12:15 p.m. and reconvened at 1p.m.

Ryan Bush of the Legislative Services Office gave the Council an overview of the statutory authority of the Council in Chapter 40, Title 67, Idaho Code, and the Council's bylaws. **Mr. Bush** discussed how Idaho Code provides for the appointment of members, organization of the Council and powers and duties of the Council. **Mr. Bush** read from Section 67-4005, Idaho Code, that stated that the Council shall meet twice a year.

Senator Buckner-Webb asked how the Council could best carry out its duty to advise the governor, legislature, and state departments and agencies. **Bill Roden** answered that it depends on how much teeth the Council wants to give to its advice and that motions may be best. **Chief J. Allan** stated that discussion amongst the tribal leaders and legislators works well and that relations have come a long way. **Dennis Smith** stated that he wants to adhere to the statute and meet more than once a year and preferably more than twice a year as required by in Idaho Code. **Mr. Smith** also stated that that he would like to have staff from the Governor's Office present at meetings of the Council.

Chairman Gibbs addressed a question that he received during lunch regarding takeover of federal lands by the state of Idaho and stated that an interim legislative committee will be meeting later this year to discuss this issue. **Chairman Gibbs** then discussed how Idaho Fish and Game would appreciate harvest data from tribes on species like big horn sheep, specifically tribal harvest and sport harvest, and how this would benefit the species. **Vice-Chairman Whitman** stated that tribes only take what they need and that it is within the purview of the tribe. They are not killing entire herds. It is incumbent on the tribes to protect this right within these areas. **Chairman Gibbs** stated that tribes certainly have the right and that there is no evidence of over-harvest. Idaho Fish and Game only wants to help manage the resource.

Nathan Small stated that he would like for the Council to meet four times per year and that this meeting should not count as a meeting, only as a "meet and greet". The next meeting of the Council should be

counted as its first official meeting. Issues regarding ICWA still need to be resolved, and the Council needs to work with local governments on economic development. Local governments do not want to work on these issues. **Mr. Small** also stated that there are also jurisdictional issues with ICWA and Public Law 280. He proposed another meeting in early fall on ICWA. **Dennis Smith** agreed with this statement.

Chief J. Allan stated that at a future meeting he would like to address tax issues and proposed statutes regarding taxing of tribal members that live on and off the reservation.

Senator Buckner-Webb suggested that the next meeting should coincide with the Department of Health and Welfare's meeting on ICWA on August 21 in Lewiston. **Chairman Gibbs** proposed August 20. **Joyce Broadsword** suggested August 13 or 14 in Boise to coincide with a tribal meeting. **Chairman Gibbs** stated that the Council would decide on one of these dates in the coming days.

Chairman Gibbs adjourned the meeting at 1:45 p.m.