

MINUTES
Approved by Council
Idaho Council on Indian Affairs
Friday, March 16, 2018
1:30 P.M.
Room WW17
Boise, Idaho

Chairman Senator Jim Guthrie called the meeting to order at 1:33 p.m.; a silent roll call was taken. Council members in attendance: Chairman Senator Jim Guthrie; Senator Cherie Buckner-Webb; Representatives Neil Anderson and Margaret Gannon; Pete Katsilometes, Office of the Governor; Chief Allan, Coeur d'Alene Tribe; Mary Jane Miles, Nez Perce Tribe; and Nathan Small, Shoshone-Bannock Tribes. Absent and excused: Vice-chair Gary Aitken, Jr., Kootenai Tribe and Ted Howard, Shoshone-Paiute Tribes. Legislative Services Office staff present were: Mike Nugent and Ana Lara.

Other attendees: Yvette Tuell, Anthony Bromfon, Blake Youde and Randy'l Teton - Shoshone-Bannock Tribes; Michelle Weir and Nicole Shackelford - Dept. of Health and Welfare; Johanna Jones - State Department of Education; Patty Sanchez - Office of Board of Education; Renee Bade - Serve Idaho; Ramon Hobdey-Sanchez and Pat Carr - Idaho Transportation Department; Autumn Monber - Skikos Crawford Firm; and Laurie Litster - Litster Firm.

Note: presentations and handouts provided by presenters/speakers are posted on the Idaho Legislature website: www.legislature.idaho.gov; and copies of those items are on file at the Legislative Services Office in the State Capitol.

Chairman Guthrie provided some opening remarks. The council members introduced themselves and various members of the audience in attendance. The tribal council members provided some brief commentary regarding tribal elections and other pertinent news.

Chairman Guthrie called for the approval of the December 5, 2017 minutes. **Senator Buckner-Webb made a motion to approve the December 5, 2017 minutes. Mr. Katsilometes seconded the motion. The motion passed by voice vote.**

Idaho Child Welfare Act (ICWA) Update - Nicole Shackelford, Program Specialist - Dept. of Health and Welfare

Ms. Shackelford began by explaining that the Dept. of Health and Welfare (DHW) was in the process of ICWA case record reviews for Indian children in foster care. She further explained that the purpose of the reviews was to capture data in areas where DHW was performing well, as well as to identify areas of needed improvement. The data helped ensure that ICWA practice was consistent with federal requirements. It also assisted in identifying systemic issues to determine a course of action to ensure compliance.

Ms. Shackelford informed the council that two ICWA conferences were held last year in both Lapwai, and Boise, Idaho; approximately 180 people attended. She stated that members of the conference planning team included tribal partners, Casey Family Programs staff, court partners, and DHW staff.

Ms. Shackelford said that the ICWA standard was in the process of being approved. She explained that the purpose of the standard was to provide specific direction and guidance to child and family service program staff regarding implementation of the ICWA. The standard also provided a measurement of program accountability. She also informed the council that Children and Family Services was in the process of updating their ICWA academy to ensure training is consistent with federal requirements. The ICWA academy provides education regarding the intent and spirit of ICWA as well as specific legal requirements. She stated that Idaho tribal staff are welcome and invited to co-train staff at the academy sessions with the facilitator so to provide more in-depth

education on tribal cultures and traditions. Ms. Shackelford explained that staff would be able to gain knowledge of federal and state laws, policies, and procedures to ensure compliance with ICWA. She stated that the DHW was eager to implement the revisions of the ICWA standard and academy to child-welfare staff across the state.

Discussion

Chairman Small asked whether the DHW referred to court case decisions when formulating its processes. Ms. Shackelford responded that the DHW typically reviewed cases where ICWA has been determined to apply to the child.

Indian Education Update - Johanna Jones, Coordinator, Dept. of Education

Chairman Guthrie called upon Ms. Jones to begin her presentation. Ms. Jones began her [presentation](#) by introducing herself and her colleague, Ms. Patty Sanchez, from the Office of the State Board of Education. She announced that the Dept. of Education would have three separate regional summits and explained that the purpose of the summits was to focus on fourth grade history and culturally responsive pedagogy. She stated that the Indian Education Committee would recommend to the State Board of Education a fee policy proposal (reduced fee) for the five federally recognized tribes in Idaho and their respective enrolled tribal members.

Ms. Jones informed the committee that the Idaho core teacher standards ([slide 4](#)) presented at the last meeting had been accepted by the Legislature. Some of the standards for teachers include:

- To value the cultural resources (language, history, indigenous knowledge) of American Indian students and their communities;
- To know about the unique status of American Indian tribes, tribal sovereignty, and have knowledge of tribal communities;
- To engage in respectful inquiry of diverse historical contexts and ways of knowing, and leverage that knowledge to cultivate culturally responsive relationships with learners, families, etc.; and
- To commit to culturally responsive teaching.

Ms. Jones stated that there are 59 elementary American Indian educators in Idaho as well as two principals. There are also three certified Shoshoni language teachers and two certified Nez Perce language teachers. She stated that the Professional Standards Commission (PSC), which oversees certification, teacher standards and professional ethics, has openings and the Indian Education Committee would afford four nominations to increase diversity in the PSC; the outcome will be determined at the meeting in June.

Ms. Jones presented the title of a book being written in collaboration with Idaho's five tribes. The book is called United Voices: Awakening Cultural Understandings of Idaho's Five Tribes and would be ready to distribute at the end of May.

Discussion

Chairman Allan inquired about the fee policy proposal. Ms. Jones responded that the fee policy proposal would be for the public institutions of higher education; the fee will be based on per-credit. Chairman Allan asked if the American Indian educators referenced in the presentation were enrolled tribal members or if they self-identify. Ms. Jones answered that they self-identify. Chairman Allan inquired about the department's recruiting efforts for American Indian educators. Ms. Jones responded that she submits notices for teacher's recruitment fairs to schools located in or near reservations to encourage their attendance. She added that in the last American Indian Education Committee meeting, they had discussed the possibility of tribes creating scholarships for their students who choose to pursue a degree in teaching.

Serve Idaho Presentation - Renee Bade, Management Supervisor, Dept. of Labor

Chairman Guthrie called upon Ms. Bade to present to the committee. Ms. Bade began her [presentation](#) by stating Serve Idaho's mission statement, "To encourage volunteerism and community service." She explained that Serve Idaho consisted of 20 commissioners located across the state who represent a variety of demographics and industries. She stated that Idaho is ranked fifth in the country for volunteering. She explained that Serve Idaho is an organization that provides federal funding to different organizations. Serve Idaho receives funds from the Corporation for National Community Service to fund AmeriCorps programs. The programs focus on six areas:

1. Environment;
2. Disaster services;
3. Education;
4. Health;
5. Economic opportunity; and
6. Veterans and military families.

In Idaho, there are four programs that receive funds from Serve Idaho; they are all intermediary organizations. She explained that they partner with the Lewis-Clark State College to provide tutoring, mentoring, and after-school education for K-12 students. Serve Idaho partners with the Idaho State Museum to provide health screenings and health education across the state. She stated that the Student Conservation Association program performs a variety of environment work. Lastly, the Palouse-Clearwater Environmental Institute program provides environmental education.

Ms. Bade informed the committee that in 2017, the AmeriCorps impact was the following:

- 438 acres of public land was treated;
- 6,200 community members received environmental education;
- 11,210 clients received health screenings; and
- 212 students were tutored.

Ms. Bade stated that the annual 2018 Serve Idaho conference would be held in two weeks. She said that this conference would focus on encouraging volunteer organizations to increase diversity and inclusion within their organizations. She explained that the lack of diversity on nonprofit boards is a national trend, specifically within the chair position. They felt it was timely for the conference to focus on increasing diversity and inclusion within the nonprofit sector.

Ms. Bade informed the council of Serve Idaho's partnership with the Lieutenant Governor's Office to recognize Idaho's outstanding volunteers. She encouraged the council to nominate volunteers for any of the seven nomination categories; the nominations open in the early fall and the event is held in January. Serve Idaho also serves as the primary contact for the National Days of Service in Idaho. She explained that on Martin Luther King Jr. Day, September 11, and Idaho at Play Day, they encourage people in Idaho to be active and volunteer in their communities.

Discussion

Chair Miles thanked Ms. Bade for presenting to the council. Chair Miles explained that as Chair for Marketing, she wanted to promote the program to the tribes and encouraged their participation in the program.

Public Law 280 Update Regarding Senate Bill 1320 - Blake Youde, Shoshone-Bannock Tribes

Mr. Youde began his [presentation](#) by reminding the council of the presentations provided in previous meetings regarding public law 280 and the retrocession process as well as the [report](#) provided by the Office of Performance Evaluations (OPE) regarding public law 280. He explained that as a result, draft legislation (S1320) was given a print hearing in the Senate Judiciary and Rules Committee.

Mr. Youde stated that S1320 was modeled after legislation from other states that had proceeded with retrocession. He provided a list (slide 4) of tribes that successfully retroceded services back to the federal government. He explained that S1320 contained a retrocession process in two phases:

- Phase 1 - creates process for the state and tribes to retrocede, or return, jurisdiction back to the federal government; and
- Phase 2 - each individual tribe follows process to retrocede specific subject areas.

The phases were detailed further on [slides 9-12](#).

Mr. Youde emphasized that S1320 provides a process for retrocession, and that participation would not be mandatory. He explained that in the event that a tribe submits a request for retrocession, the state, tribe, and federal government would be required to work together and come to an agreement on what the process and end result would be. He stated that the print hearing for S1320 provided an opportunity for the Shoshone-Bannock Tribes to have a dialogue with many stakeholders to answer questions and address concerns regarding retrocession.

Discussion

Chairman Smalls explained that S1320 would provide for a process for retrocession, but some objections have been made to the Judiciary and Rules Committee regarding the legislation. He requested a public hearing so that the interested parties can make their concerns known and the tribes can provide information and address concerns. Mr. Youde commented that the council's meeting would also serve as opportunity to address any concerns, specifically from the Idaho Transportation Department (ITD). He stated that when all stakeholders come together to address concerns and have a dialogue, then the legislative process and the legislation itself tends to be more successful.

Chairman Allan inquired whether the Idaho Council on Indian Affairs meetings could work as a forum for interested parties to meet with the council, listen to testimony and presentations, and make their concerns known. Chairman Guthrie suggested that some concerns could be addressed at the council's meetings, adding that this was the primary reason for ITD's invitation to the meeting.

Mr. Nugent referred to the language of S1320 and commented that he was uncertain that the language included the Kootenai Tribe. He recalled that years ago, when the sales tax exemption was passed for tribally-owned stores, the Bureau of Indian Affairs and the Dept. of Justice and its tribal attorney had to provide specific language for the inclusion of the Kootenai Tribe. The language was added to the tax exemption statute a couple of years later. He suggested that the council examine the language in the sales tax exemption statutes to ensure that any retrocession legislation include the Kootenai Tribe.

Idaho Transportation Department's (ITD) position on S1320 - Ramon Hobdne-Sanchez and Pat Carr, ITD

Mr. Hobdne-Sanchez began by emphasizing that ITD had not taken a position regarding S1320; they are neutral at this time. He stated that, in reviewing S1320, ITD had not identified any direct impacts to its department. He explained that in October 2017, the Governor's Office distributed the [OPE report](#) to ITD for review. After analyzing the report, ITD responded with a list of potential concerns.

Discussion

Chairman Guthrie asked what questions ITD has regarding the proposed retrocession process within S1320. Mr. Hobdne-Sanchez stated that with regard to S1320, only section 8 applies directly to ITD regarding the operation of motor vehicles on the highway. He stressed that ITD focuses on consistency, uniformity, mobility, and safety on highways and they have some questions regarding how retrocession itself may affect some aspects of law enforcement (e.g., Idaho State Police, sheriff offices). Chairman Guthrie asked if ITD had any feedback regarding what issues the tribe should

discuss and work through with the department. Mr. Hobdne-Sanchez stated that with regard to S1320, ITD would like to discuss the following topics:

- Motor vehicles;
- Law enforcement and fines;
- Permitting; and
- Maintenance of highways and roadways.

He noted that highways did not appear to be included in section 8 of S1320, but ITD would like to address the topic to make sure.

Chairman Guthrie encouraged ITD to share any ideas or concerns with the tribe as the topic moves further along.

Chairman Small commented that there are no shared state highways within the Shoshone-Bannock Tribes' reservation, only federal highways. He clarified that the federal government has a contract with the state of Idaho to maintain the federal highways; the tribe had never intended to retrocede the highways. He added that some of the roads that are maintained by the counties, not the state, are questionable though.

Chairman Small called upon Mr. Anthony Bronco, Transportation Director of the Shoshone-Bannock Tribes, to provide some comments and further clarification. Director Bronco emphasized that S1320 would not affect any of ITD's roads. He appreciated the collaborative work being done with some of the neighboring counties regarding the roads.

Tribal Flags in the Capitol Building Update - Pete Katsilometes, Office of the Governor

Mr. Katsilometes stated that he had met with the Capitol Commission since the last council meeting. Mr. Katsilometes forwarded the Capitol Commission request for additional information from each tribe regarding the size of the flags, written language accompanying the flag, etc. Once he receives the information from the tribes, he will meet with the Capitol Commission again to discuss the matter further. He also met with the director and deputy director from the Dept. of Administration and they felt that the council was taking the appropriate steps for requesting placement of the tribal flags in the capitol. Once the Capitol Commission has received the information, it can make a recommendation to the Legislature for consideration.

Mr. Katsilometes toured the capitol building with some tribal representatives to identify potential locations for the tribal flags; the fourth floor seems to be the preferred location at this time. He was excited to report that Senator Buckner-Webb offered to provide assistance in this pursuit. He noted that one tribe (Nez Perce Tribe) had rescinded its request for representation in the state capitol building. Chair Miles commented that with new tribal elections, the consensus with respect to their tribal flag being placed in the state capitol building could change.

Chairman Guthrie inquired about the display of the tribal flags. Mr. Katsilometes responded that at this time they were considering standing flags with the title of their respective tribes identified at the base. Chairman Guthrie thanked Mr. Katsilometes and the tribes for their efforts and stated his desire for the process to be a positive, uplifting experience.

Council Discussion: Tribal Concerns and Other Pertinent Topics

The chairmen introduced their respective staff.

The committee adjourned at 2:59 p.m.