



# Bois Forte

TRIBAL GOVERNMENT

Invocation by Gene Goodsky.

Minutes of a special meeting of the Bois Forte Reservation Tribal Council held December 2, 2020 at Nett Lake Minnesota.

Meeting called to order at 9:30 a.m.

Members Present: Cathy Chavers; David C. Morrison, Sr.; Travis Morrison;  
Shane Drift; Peter Boney

Members Absent: None

Others Present: Robbie Goggeley; Gene Goodsky; Vicki Villebrun; Eddie Chavers; Pam Hughes;  
Kim Greiner; Jaylen Strong; Edison Watt; Dan Milbridge

Moved by David Morrison; Sr.; seconded by Peter Boney; to approve the agenda. Carried 4-0-0.

Moved by Travis Morrison; seconded by Shane Drift; to approve the minutes of a special meeting held November 4, 2020 at Nett Lake, Minnesota. Carried 4-0-0.

During approval of the November 4, 2020 minutes, Chairwoman Chavers said in reply to Shane Drift's question on the October 21, 2020 minutes when he asked if the Band members in Bemidji could be included when food boxes are given out. Chairwoman Chavers said there will be letters/flyers being mailed today to those elders living in the Bemidji, Red Lake, Virginia, Bena, Mt. Iron, Orr, Cook, Y-Store areas letting them know there will be food boxes distributed at the Bemidji area behind Target, Mt. Iron at the Community Center, the Y-Store, and the Dam in Orr on December 9. Chairwoman Chavers said the food boxes are for elders only because it was grant specific for elder services, so the grant specifies it has to be for elders.

Also during approval of the November 4, 2020 minutes, Shane Drift said in regard to the agreement with Dave Danz to prepare the grant application for the Indian Housing Block Grant (IHBG) to replace the elder units at Nett Lake and Vermillion. Shane would like on the agenda at the next RTC meeting an update to the Band members, on the Indian Housing Block Grant (IHBG). Chairwoman Chavers said it can go on the next agenda because the grant application is due December 10 so at the next RTC it will be known what is being applied for.

New tribal government employees. Robbie Goggeye introduces Wendy Deatherage who is the new Branch Director for the Boys & Girls Club in Nett Lake. Robbie introduces Orion Dagen-Goodsy who is the new Youth Development Professional at Vermilion.

Moved by Shane Drift; seconded by Peter Boney; to approve the consent agenda as follows:

- 1) Approved to extend the Safe Shelter Program from November 15 to November 30, 2020
- 2) Adopted Resolution No. 65-2021, approved the contract addendum to the MB Custom's Development, LLC for the Tele Hut
- 3) Approved the request from Willie King to sole source a water heater from Radotich, Inc. for the community center in the amount of \$5,490.00
- 4) Approved the Temporary Remote Work Agreement and Temporary Remote Work Policy
- 5) Approved the request from Jaime Burdick to sole source fencing from Century Fence Company in the amount of \$5,470 for the police department
- 6) Approved holiday hours: Add Nov. 25 off at noon, Nov. 26 all day, Nov. 27 all day. Add Dec. 24 off all day, Dec. 25 off all day. Jan. 1 off all day
- 7) Approved the expenditure of the Vibe Communication Boards
- 8) Adopted Resolution No. 62-2021, Vibe Communication Boards for the Nett Lake School
- 9) Adopted Resolution No. 63-2021, Vibe Communication boards for the Clinics
- 10) Approved the request from Randy Long for an HVAC Upgrade for the tribal government at a cost of \$81,745.00
- 11) Approved the engagement letter with RSM for staff augmentation services
- 12) Adopted Resolution No. 64-2021, approved the purchase of the automated temperature screening equipment to be installed at various access points at public buildings on the reservation
- 13) Approved the Fiber Optic System Construction Management Agreement between Bois Forte and CTC Communications for the Fiber to the Home Buildout
- 14) Approved the Schedule of Values Clinic add'l services and change order proposal
- 15) Approved the request from Louise Isham to sole source 810 elder VISA gift cards from the credit union in the amount of \$33,122 (\$35 + \$3.00 fee per card)
- 16) Approved the request from Travis Vake to sole source 76 laptops for the Education Program
- 17) Approved the request from Dan Milbridge and Sue Larson to purchase Dental Digital Scanners
- 18) Approved to extend the Bois Forte COVID-19 Energy Assistance Program to December 11, 2020 or until the funds are expired before that date

Carried 4-0-0.

Moved by David Morrison Sr.; seconded by Peter Boney; to approve Pam Hughes and/or the Property Manager to be granted access to enter New Moon information into the MHFA PORT. Carried 4-0-0. Chairwoman Chavers said DW Jones used to be the Property Manager so the council is looking for a new property manager. Pam Hughes has to be entered to determine the rent, the %AMI and for reporting reasons for the tenants.

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Moved by Travis Morrison; seconded by David Morrison Sr.; to approve the SOR Subgrantee amendment. This is an agreement between Bois Forte and White Earth for the Minnesota Tribal Collaborative to provide support services to stabilize individuals, families, youth and veterans who have experienced long term homelessness. White Earth is the fiscal agent for the Minnesota Tribal Collaborative (MTC Project) Opioid Response grant. The Minnesota Tribal Collaborative consists of White Earth, Red Lake, Mille Lacs, Bois Forte, Fond du Lac, and Leech Lake. The Opioid Response grant originally ended September 29, 2020 but due to the COVID the date was extended to September 29, 2021. Carried 4-0-0.

Moved by Shane Drift; seconded by Peter Boney; to adopt Resolution No. 66-2021, purchase of Food Shelf supplies and equipment which includes refrigerators, freezers, walk in refrigerators and freezers, shelving, waiting area, Gondola Shelving, generator, miscellaneous costs. The building will be by Public Works in Nett Lake. Carried 4-0-0.

Jaylen Strong said he will do this item as a community member. He is taking a tribal law class and in that class they were talking about treaty challenges and treaty laws. That got him interested in the 1866 Treaty. He read that treaty and it never really mentions the loss of our hunting and fishing rights. He wondered if the Band ever thought about challenging that to see if we could get those. He said he talked to Phil Brodeen about it to get his thoughts on it and also his professor Douglas Thompson who works in the National Forest on the Leech Lake Reservation. Chairwoman Chavers said she is not sure if it has been brought up in the past and if Mark Anderson was here he would be able to elaborate on it. Shane said if you read why they made the 1866 Treaty. Discoveries of gold had been made in that region and the attention of whites was turned to the country and several expeditions was fitted out for its exploration. The Indians became alarmed on account of this invasion of their country and the probability of collision between the parties made it desirable to increase their possession of the country. What happened was a prospector thought he discovered gold. Actually what he found was magnetic pylight. There was no gold so they moved away. So you should look at it from the Indian standpoint. Does that mean since they didn't find gold, does that remove that aspect of the treaty. Shane's interpretation is it was just based on gold and they didn't find gold so they moved away. Chairwoman Chavers asks what Phil Brodeen and Douglas Thompson thought about it. Jaylen wants to make a comment first. He said a lot of towns got their start by finding what they thought was gold. Initially we only had land around Lake Vermilion. Once they found that they started pushing us towards Nett Lake. And that's when we signed the 1866 Treaty that established more of those reservation boundaries. He said Phil and Douglas had conflicting issues. Phil was more worried about it. His worry was he thought if the 1866 Treaty was challenged and we lose those court cases then that could mean we could potentially lose the 1854 Treaty rights. It could be argued that the 1855 made like a correction as to what rights they wanted the Tribes' signatories to have. Jaylen said because it says we relinquish our rights to the land. But it never really says what, if any and all rights. Which to Jaylen means more propriety rights. We don't have the right to sell that land, we don't have rights to build on that land unless we own it. Professor Thompson and Jaylen talked about it and they thought a case could be

made, the reserved rights doctrine and the cannon of construction. The cannon of construction, it never actually says that we are losing our hunting and fishing rights. It just says we are relinquishing our rights to the land. It's not clear and concise which a lot of these treaties have to be in order to take our right away. Through that I think we could argue that it never says anything about hunting or fishing so we should be able to retain those rights or get them back. The reserved rights doctrine improves that argument. The reserved rights doctrine says what is not stated in those treaties remains. So if it is never mentioned that we lost our hunting or fishing rights through the reserved rights doctrine those rights remain to us today. That would also include the evolution of technology. There was a court case, Jaylen thinks it was people from our tribe that went up to the Boundary Waters and used an ice fishing auger. They got a ticket for that but were able to get out of the ticket because the treaty never said that we have to use the technology that was used when the treaty was made. So basically a lot of the conservation officers have a hard time. The only way they could get us in trouble is if we are transporting to those locations where they are not allowed. Like for National Forest we're not allowed to drive a car in there but we can walk in there and use a chainsaw to make something that we might need for the hunting or like snaring or something. His professor said we could make an argument. What he would recommend doing right now would be to watch what happens. Leech Lake is challenging the 1855 Treaty. After we see how the 1855 Treaty challenge turns out, he says that can be the best time to challenge it because if they win it would be a lot easier for us to make an argument that we would also win. Shane suggests getting an interpretation of the hunting and fishing rights. Chairwoman Chavers said to get a hold of legal counsel to see if we can get the interpretation. Jaylen said his professor said if the Band was to challenge and win, there would need to be an office set up like the 1854.

Jaylen Strong said the Superior National Forest (SNF) and the Minnesota National Forest are exchanging lands (School Trust Land Exchange). The SNF would trade 30,000 acres and the Minnesota National Forest Service would trade \$31,000. Jaylen said he would get the Council a map of where those lands are. The Superior National Forest wants to get more land added to the Boundary Waters. The Minnesota DNR wants to exchange land for potential mineral rights. Jaylen said one of the issues was a lot of times outside organizations don't always see cultural properties that same way we do. Like a maple tree or rice beds. An outside organization would see a maple tree like ten thousand maple tree is \$4.00 each. But for us, if we had ten thousand maple trees it would pretty much be an unlimited supply of maple syrup. It could sustain us for years for survival, for cultural purposes. The Superior National Forest is in the process of surveying the Minnesota land for cultural properties. The Programmatic

Agreement says the reasons for the trading of land and who is all involved. There are up to 19 tribes. Not just Minnesota tribes. A lot of those tribes have oral stories in those lands. Jaylen said the biggest issue for him is, how can someone else make money off our land. Chairwoman Chavers asks what would happen if we don't sign it. Jaylen said we wouldn't have a pressing need for consultation. Chairwoman Chavers said to set up a meeting with DNR, the 1854, and the Forest Service to discuss this.

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Discussion was held on the Memorandum of Understanding (MOU) with the Bureau of Land Management. Chairwoman Chavers asks if there is a timeline on signing it. Jaylen said they are calling every other Wednesday. The MOU is for preparing a joint Environmental Impact Statement on the environmental impacts of the proposed Twin Metals underground mining project near Ely. Twin Metals Minnesota has proposed a project to develop an underground mine to excavate a polymetallic disseminated magmatic sulfide deposit, crush the ore, and store the tailings on-site. Jaylen said he and Vern Adams walked in to that site near Ely and found some pictographs. There were four of them. Jaylen said he will call the SHPO (State Historic Preservation Officer) to see about getting that area where the pictographs are to be declared a historical area. Jaylen said on the way in and out you could there were a lot of medicinal plants. The MOU is also to be discussed at the meeting with the 1854.

Jaylen said a letter was sent to the Environmental Protection Agency (EPA) Regional Administrator in regard to the Minnesota Pollution Control Agency (MPCA). The MPCA was to have been compiling a list of impaired wild rice waters and give that information to the tribes. EPA gave MPCA nine years to send a 303(d) list of waters. EPA then gave MPCA a time extension. The tribes are submitting letters to the EPA.

Moved by Shane Drift; seconded by Peter Boney; to send a letter to the EPA. Carried 4-0-0.

Moved by Shane Drive; seconded by David Morrison Sr.; to table the MOU with the Bureau of Land Management until after this is discussed with the 1854 staff.

Moved by Travis Morrison; seconded by Shane Drift; to adopt Resolution No. 68-2021, Timber Harvest Plan 2020/2021 as submitted by Edison Watt. Carried 4-0-0.

Moved by Peter Boney; seconded by David Morrison Sr.; to approve the Wellness Center Pricing for the Vermillion Wellness Center renovation project from Max Gray in the amount of \$30,000.03.  
Carried 4-0-0.

Moved by Peter Boney; seconded by Shane Drift; to adjourn the meeting at 10:56 a.m. Carried 4-0-0.