

**THE MINNESOTA CHIPPEWA TRIBE  
TRIBAL EXECUTIVE COMMITTEE**

Regular Meeting  
May 31, 2017

The regular meeting of the Minnesota Chippewa Tribe Tribal Executive Committee was called to order by President Kevin Dupuis at 8:42 a.m. at Shooting Star Casino-Hotel, Mahnomen, Minnesota.

Invocation: Merle Deegan

Roll Call: Kevin Dupuis, Chairman, Fond du Lac; Ferdinand Martineau, Secretary/Treasurer, Fond du Lac; Melanie Benjamin, Chairwoman, Mille Lacs; Carolyn Beaulieu, Secretary/Treasurer, Mille Lacs; Faron Jackson, Chairman, Leech Lake; Arthur LaRose, Secretary/Treasurer, Leech Lake; Terrance Tibbetts, Chairman, White Earth; Tara Mason, Secretary/Treasurer, White Earth; Catherine Chavers, Chairwoman, Bois Forte; David Morrison, Secretary/Treasurer, Bois Forte; Marie Spry sitting in for Norman Deschampe, Chairman, Grand Portage; Dennis Morrison, Secretary/Treasurer, Grand Portage.

Absent: Norman Deschampe, Chairman, Grand Portage

Quorum present.

Others: Attorney Phil Brodeen, Legal, Minnesota Chippewa Tribe; Bruce Savage, Rep., Fond du Lac; Patricia Olby, Superintendent, BIA-MN Agency; Tammy Poitra, BIA-Midwest Regional Office; Susan Klapel, Deputy Assistant, Mille Lacs; Shena Matrious, Mille Lacs; Caryn Day, Mille Lacs; Shelly Day, Mille Lacs; Shelly Diaz, Commissioner of Administration, Mille Lacs; Steven Clark, Rep., White Earth; C. Darrel Harmon, Special Assistant of Tribal Relations, USEPA; Tammy LaRose, Enrollment Coordinator, Leech Lake; David Aubid, Rep., Mille Lacs; Merle Deegan, Spiritual Advisor, White Earth; Eugene Tibbetts, Rep., White Earth; Dale Green, Legal, Leech Lake; Shannon Heisler, Enrollment Coordinator, White Earth; Winona LaDuke, Honor the Earth; Jamie McAlster, MN Department of Commerce; Danielle Oxendine Molliver, MN Department of Commerce; Ray Toutloff, Rep., Bois Forte; Rick Smith, MHFA; Michael Fairbanks, White Earth; MCT Staff and other interested parties.

Motion by Chairwoman Chavers to approve the agenda. Seconded by Sec-Treas. Sec. Treas. Martineau. 10 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Mason to approve the minutes of February 8, 2017, regular meeting. Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Discussion on the accuracy of the minutes of March 15, 2017. President Dupuis suggested tape recording minute for accuracy. The meetings are recorded by Leonard Roy; staff requested to work with Leonard Roy for copies of taped minutes.

Motion by Sec.Treas. Beaulieu to table the minutes of March 15<sup>th</sup>, 2017 for accuracy. Seconded by Chairwoman Chavers. 10 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Mason to approve the minutes of February 8, 2017, regular meeting with corrections. Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

President Dupuis questioned the point of order, asking who made the motion in the minutes. On page 8 revitalization correct wording (Leonard Roy – video of March 2017)

There was agreement between President Dupuis and Executive Director Frazer that MCT would work on purchasing a recorder.

### **RESOLUTIONS:**

Motion by Chairwoman Chavers to approve Resolution 76-17 appointment of Billie Annette to TNEC. Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Martineau to approve Resolution 77-17 regarding pursuit of Tribal TANF designation for the Minnesota Chippewa Tribe. Seconded by Chairman Jackson. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 78-17 regarding enrollment: Bois Forte Eligibles (7). Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 79-17 regarding enrollment: Bois Forte Ineligibles (2). Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 80-17 regarding enrollment: Bois Forte Blood Degree Change I. Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 81-17 regarding enrollment: Bois Forte Blood Degree Change II. Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 82-17 regarding enrollment: Bois Forte Blood Degree Change III. Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Chavers to approve Resolution 83-17 regarding enrollment: Bois Forte Disenrollment. Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 84-17 regarding enrollment: White Earth Eligibles (25). Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 85-17 regarding enrollment: White Earth Ineligibles (21). Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 86-17 regarding enrollment: White Earth Transfer to Bois Forte. Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 87-17 regarding enrollment: White Earth Transfer to Leech Lake (2). Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 88-17 regarding enrollment: White Earth Blood Degree Change I. Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 89-17 regarding enrollment: White Earth Blood Degree Change II. Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 90-17 regarding enrollment: White Earth Blood Degree Change III. Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 91-17 regarding enrollment: White Earth Blood Degree Change IV. Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 92-17 regarding enrollment: White Earth Blood Degree Change V. Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 93-17 regarding enrollment: White Earth Blood Degree Change VI. Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Tibbetts to approve Resolution 94-17 regarding enrollment: White Earth Blood Degree Change VII. Seconded by Sec. Treas. Mason. 10 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Martineau to approve Resolution 95-17 regarding enrollment: Fond du Lac Eligibles (12). Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Martineau to approve Resolution 96-17 regarding enrollment: Fond du Lac Ineligibles (26). Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Martineau to approve Resolution 97-17 regarding enrollment: Fond du Lac No Parent Enrolled. Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 98-17 regarding enrollment: Leech Lake Eligibles (27). Seconded by Sec. Treas. LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 99-17 regarding enrollment: Leech Lake Ineligibles (12). Seconded by Sec. Treas. LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 100-17 regarding enrollment: Leech Lake Transfer to White Earth. Seconded by Sec. Treas. LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 101-17 regarding enrollment: Leech Lake Dual Enrolled Relinquish to Red Lake. Seconded by Sec. Treas. LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 102-17 regarding enrollment: Leech Lake Relinquish to Gila River. Seconded by Sec. Treas. LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 103-17 regarding enrollment: Leech Lake Blood Degree Change I. Seconded by Sec. Treas. LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 104-17 regarding enrollment: Leech Lake Blood Degree Change II. Seconded by Sec. Treas. LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairman Jackson to approve Resolution 105-17 regarding enrollment: Leech Lake Removal. Seconded by Sec. Treas. LaRose. 10 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Dennis Morrison to approve Resolution 106-17 regarding enrollment: Grand Portage Eligibles (2). Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Sec. Treas. Dennis Morrison to approve Resolution 107-17 regarding enrollment: Grand Portage Ineligibles (7). Seconded by Sec. Treas. David Morrison. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Benjamin to approve Resolution 108-17 regarding enrollment: Mille Lacs Eligibles (36). Seconded by Sec. Treas. Beaulieu. 10 For, 0 Against, 0 Silent. Carried.

Motion by Chairwoman Benjamin to approve Resolution 109-17 regarding enrollment: Mille Lacs Ineligibles (24). Seconded by Sec. Treas. Beaulieu. 10 For, 0 Against, 0 Silent. Carried.

Enrollment cards were discussed following a question raised about uniformity of cards and whether MCT is noted on enrollment cards. Each handles issuance of cards differently; some include reference to MCT while others do not; one Band does not issue enrollment cards at all. Exec. Dir. Frazer noted that Minnesota Chippewa tribe identification cards are available if requested.

## **QUARTERLY REPORTS**

### **Administration**

Joel Smith presented the Administrative Report. The Enrollment Review Committee met to address people that were denied enrollment. In this quarter there were 11 cases, 6 of the 11 were granted extensions for 90 days due to good cause to provide additional staff research. 5 were sustained or denied. Enrollment staff traveled to the BIA to conduct additional research. Summary of this quarter is that 1,260 documents have been prepared, scanned and saved in tribal member profiles, most of which have multiple pages. Enrollment numbers issued for 254 new band members were approved at the February 8 2017 TEC meeting. The second page of report reflected the work statistics for the 2<sup>nd</sup> quarter. A breakdown was provided of the data request reports from each of the reservations.

At the last meeting Joel was asked to present the statistics of membership for each of the reservations. The list for all six reservations was compiled by year for 10 years, listing the birth and death rate for the past 10 years. He was also asked to prepare a blood quantum scenario listing the collective blood quantum for each of the reservation.

Joel included in his report the Enrollment Review Committees/Enrollment staff questions that were presented to him. He recommended that the document be narrowed down to include questions and answers.

Joel also provided a list of the 1941 base roll members; there were 805 people listed as 7/8 and 208 listed as 15/15; many were likely full bloods. He noted that if the blood quantum was lowered in the past for purposes of being “competent” under federal laws to sell land, we could consider bringing those people back to full blood status. No action required at this time. Appreciation was expressed to staff for many good questions.

President Dupuis addressed the Secretarial Election and readiness of the enrollment office of the Minnesota Chippewa Tribe and reservation enrollment offices to take on the task, as well as what preparations need to be made by MCT and Bands. Joel identified the need to create procedures

and criteria that would be necessary for enrolled members; MCT staff would work closely with Band enrollment staff, including attending community meetings upon request of the Bands to notify and inform membership.

There was discussion about the extent to which the Secretarial election was membership driven; Chairman Jackson noted that there are many MCT members, including those in the urban area, who are unable to attend TEC meetings whose perspectives are not represented by those who are able to attend TEC meetings. Questions were raised about the two resolutions, which attorney Phil Brodeen addressed by describing each resolution.

President Dupuis discussed the need to get accurate information to MCT membership and increase attendance at meetings.

Motion by Sec. Treas. LaRose to approve the Administrative Report as presented. Seconded by Chairman Tibbetts. 10 For, 0 Against, 0 Silent. Carried.

President Dupuis requested a 15 minutes recess at 10:42 a.m.

Meeting resumes at 11:09

### **Finance Corporation**

Rick Wuori presented the Finance Corporation quarterly report. He reviewed the accomplishments for the quarter along with the activities that are presently underway. Rick also provided a graph of all loans held by each of the reservations as requested.

Motion by Chairwoman Benjamin to approve the Finance Report as presented. Seconded by Sec. Treas. Dennis Morrison. 10 For, 0 Against, 0 Silent. Carried.

Bev Goss presented the Economic Development quarterly report.

Motion by Chairwoman Chavers to approve the Economic Development quarterly report as presented. Seconded by Chairwoman Benjamin. 10 For, 0 Against, 0 Silent. Carried.

### **Education**

Billie Annette presented the Education quarterly report. She discussed the importance of Indian teacher training, noting that the Tribal Nation Education Committee is looking into this issue. The TNEC is comprised of one person appointed from each tribal government which includes the 11 reservations in MN. Dr. Jane Harstad was introduced; she has assumed MN Department of Education position previously held by Dennis Olson.

In response to a question from President Dupuis about whether JOM committees off the reservation could be able to set the criteria for how our children are being educated, Billie Annette discussed that these must reflect the JOM Committees and that only the parent

committee should make those recommendations. A discussion took place about the challenges when there are small numbers of kids, limited funding and the role of parent committees in those situations. If there are 10 or more children, schools must have a parent committee; the Office of Indian Education is working to contact all schools and make sure this is being followed. Billie discussed the relationship with the committee and the MCT, and the need to use the needs assessment.

Sec. Treas. Mason discussed how JOM administration varies from district to district, and language has been wanted by students in all school districts; involvement in Impact Aid meetings is crucial.

Discussion occurred about the difference between LIEC and JOM committees and that some schools confuse these responsibilities. Jane Harstad discussed a new teacher licensure system that is going into effect, requiring a four-year degree, but that eminence credentials are also still an avenue for teaching.

Motion by Sec. Treas. Mason to approve the Education Report as presented. Seconded by Sec. Treas. Beaulieu. 10 For, 0 Against, 0 Silent. Carried.

### **Health/Education and Human Services**

George Gogleye presented the quarterly Health/Education and Human Services report. He discussed the training being delivered through the Native American Curriculum for Tribal/State Licensed Mental Health programs, which included 20 non-Native professionals who participated in the Cultural Awareness training. Three more sessions will be provided, including one for tribal mental health programs. They are targeting tribal service providers to experience the training. Band staff would also be invited to “train the trainer” training so that the Bands can provide this to our own people. MCT staff have been and will be in touch with Band mental health programs as they move forward.

George discussed the Minnesota Indian Area Agency on Aging (MIAAA). The Minnesota Chippewas are nowhere near the size of the other AAA programs throughout the state, due to our funding source being minimal through the state. He also discussed the Adult Day Service (ADS) which provides Home Health programs and Personal Care Attendants in the homes of participants, usually be a close relative. Challenge is lack of participation, which impacts data. There is discussion about changing the approach and rebranding ADS programming. Data that does not fit what we need to accomplish.

Motion by Chairwoman Chavers to approve the Health/Education and Human Services Report as presented. Seconded by Chairman Tibbetts. 10 For, 0 Against, 0 Silent. Carried.

### **Natural Resources/Environment**

Michael Northbird presented the quarterly Natural Resources/Environment report. A link was shared in the report, which unfortunately is currently not working; this will be repaired. The Great Lakes Tribal Initiative is 80% complete. Work with Environmental staff will continue. The 2 year work plan for GAP ends in September of this year; Michael hopes to build a website presence for MCT environmental programs. \$100,000 is available from the Great Lakes Tribal Initiative; grant ends in Feb. 2018. The next 2 year grant will be written with the advice and consent of Band environmental staff to provide training for the six Bands on Household Hazardous Waste (HHW) management. Other developments include a follow-up from President Kaler of the University of Minnesota to the letter submitted through the subcommittee on wild rice. The U of M is creating a wild rice advisory committee that will include two tribal representatives, two wild rice cultivators, 2 UMD staff and 2 new hires. The Subcommittee recommended that Terry Tibbetts and LeRoy Fairbanks be nominated for the two tribal representative positions.

Motion by Sec. Treas. Dennis Morrison to approve the Natural Resource report as presented. Seconded by Chairwoman Benjamin. 10 For, 0 Against, 0 Silent. Carried.

### **LEGAL:**

MCT Attorney Phil Brodeen addressed a resolution brought forward by the Mille Lacs Band of Ojibwe that went through the Legislative Subcommittee yesterday. He explained that the request from Mille Lacs was to support the Band's position before the Interior Board of Indian Appeals. The case involves the American Indian Probate Reform Act which allows tribal governments to combine fractionalized interests and purchase that, provided that the fractionated interest is less than 5% of the undivided interest and must be at fair market value. The purchases may only be by an Indian tribe with jurisdiction over the parcel. The Land Managers of the six Bands have all discussed this and support this, so the request is for the TEC to approve supporting the Mille Lacs Band's position. Attorney Phil Brodeen offered to provide additional information to any TEC member that wished to receive it.

Motion by Chairwoman Benjamin to support the Mille Lacs Bands position. Seconded by Sec. Treas. Beaulieu. 10 For, 0 Against, 0 Silent. Carried.

During a probate discussion, Attorney Phil Brodeen explained that all Probate matters are conducted pursuant to the AIPRA. The person is provided fair market value if the band elects to purchase, and it only applies when there is less than 5% interest. This case is before the Board of Interior Indian Appeals; the six land departments are in support of this position.

President Dupuis called for the vote.

10 For, 0 Against, 0 Silent, motion passes.



## **BIA-MN Agency**

Patricia Olby, Superintendent, BIA-MN Agency provided the report. She noted that on June 6 at Mystic Lake there would be a meeting on Reorganization of the BIA. She discussed the scanning project for historical records, and the need to have 2 more people on board soon, which Joel and Exec. Dir. Frazer are working on. In February, a Bemidji building was made available by GSA but it is unable to be renovated as of yet; an RFP is going out. Their target date to move is Fall of 2018. BIA is coordinating with a Federal records Coordinator and will provide Federal records training on June 14, from 9-12.

In response to a question about MCT constitutional interpretations, President Dupuis noted he would be asking the TEC to set up a separate meeting to discuss the constitutional issues and interpretations, because there isn't adequate time to address in these meetings.

Superintendent Olby responded to a question about records management and described her efforts to create a better system for housing documents; they can be requested back in original form in an expedited fashion. She is working on a better system for housing the documents, and will check with Cheryl LaPoint at Tribal Operations at the Midwest Office with regard to the BIA process for accessing funding from the BIA for constitutional change.

## **MN Dept of Commerce:**

Minnesota Department of Commerce staff Danielle Oxendine Molliver, Tribal Liaison, and Jamie MacAlister, Environmental Review Manager addressed DOC's work on and the status of the Draft Environmental Impact Statement (EIS) for Line 3. They noted there are flaws in the draft that need fixing and expressed appreciation for the tribes allowing further consultation. The draft has been released; there are 21 days to arrange for multiple consultation sessions, and worked closely with several of the cooperating tribes and their DNR and THPO staff. The draft EIS is 1500 plus; paper copies will be available to all tribes, tribal colleges and East Lake community center. Tribes are welcome to challenge or make comments to be incorporated into the final draft, and encouraged all to attend meetings and provide testimony to share their opinions about the draft. They are working with those tribes that have requested public hearing be accessible on the reservation.

The Comment period closes July 10 and anyone with comments on the draft EIS should get them in by July 10, additional feedback is welcomed. They expect the final to be finished by August 10, the close of the comment period. There will be hearings with Administrative Law Judge at the end of September or beginning of October. MN PUC is the decision-making body for this document; the goal of DOC is to make sure the PUC has the best information that they can to make a solid decision. They expect a decision will not be made before spring of 2018. She directed anyone needing more information to go to the DOC website where there is a Line 3 link, or to contact Jamie or Danielle to get info to you.

The format of upcoming public meetings will include brief open house period 45-60 minutes, then a 3- hour meeting. Staff will be available to discuss with attendees and help find information, then move into a formal comment period with a court reporter. Comments can be provided privately to the court reporter for those who are uncomfortable speaking publicly.

There was a discussion about the meaning of “free prior and informed consent”, and concerns raised by audience that a finding of disproportionate adverse impact does not preclude the project. A “no build option” was discussed; DOC described “No build alternative” as meaning existing pipeline could continue to operate as it is. The no build option only occurs if certificate of need is denied; then Enbridge has opportunity to continue operating line 3 as it is now.

Presentation was concluded with remarks from President Dupuis in reference to the U.S. and Canada being the last two nations to sign the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the conversation at FDL about implied consent.

### **Discussion of Constitutional Convention**

President Dupuis discussed an upcoming Constitutional convention and noted that the Secretarial election will have no impact on whether or not the convention occurs.

Sec. Treas. LaRose requested that Fond du Lac and Mille Lacs rescind their resolutions placing moratoriums on other Band Members from transferring into Mille Lacs if they have a mother, father, grandmother or grandfather enrolled with Mille Lacs; he requested that this happen before the secretarial election.

President Dupuis requested that TEC members schedule time in their calendars for all-day meetings in the future; he requested that the TEC establish a date for next month to discuss tribal

interpretations of the MCT constitution. Chairwoman Chavers identified various dates, and there was consensus to meet on June 29 at Leech Lake and July 6-7 at Fond du Lac.

Motion by Sec. Treas. Martineau to adjourn the meeting at 2:59 p.m. Seconded by Chairman Tibbetts. 8 For, 0 Against, 0 Silent. Carried.