

**TRIBAL COUNCIL OF THE NORTHERN CHEYENNE TRIBE
NORTHERN CHEYENNE RESERVATION
LAME DEER, MONTANA**

REGULAR SESSION

**MINUTES
November 7, 2022**

CALL TO ORDER: President Wetherelt called the meeting to order at 9:11 a.m.

INVOCATION: Diane Spotted Elk

ROLL CALL:

	PRESENT	ABSENT	EXCUSED
Debra Charette	X		
Norma Gourneau *Arrived @ 9:16 a.m.	X		
Eva Foote	X		
Phillip Beckman	X		
Serena Wetherelt, President	X		
Ernest Littlemouth, Sr., Vice President	X		
Melissa Fisher	X		
Diane Spotted Elk	X		
Silver Little Eagle *Arrived @ 9:13 a.m.	X		
Gwen Talawyma	X		
Henry Speelman *Prior appointment			X
Total:	10		1

Quorum Established

SILVER LITTLE EAGLE ENTERED SESSION @ 9:13 A.M.

MOTION TO ADD ON: A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING CHANGES OF BOARD MEMBERS TO THE NORTHERN CHEYENNE TRIBAL APPEALS BOARD

Motion made by Melissa Fisher. Second by Phillip Beckman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Debra Charette	X			
Norma Gourneau *Briefly absent for vote				X
Eva Foote	X			
Phillip Beckman	X			
Ernest Littlemouth, Sr., Vice President	X			
Melissa Fisher	X			
Diane Spotted Elk	X			

Silver Little Eagle	X			
Gwen Talawyma	X			
Henry Speelman				X

8 votes Yes	0 votes No	0 Abstentions	Motion Carried
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NORMA GOURNEAU ENTERED SESSION @ 9:16 A.M.

BUDGETS

Debra Charette: I want to request to move budgets down to the end.

MINUTES

MOTION TO PASS MINUTES FROM THE OCTOBER 17, 2022 REGULAR SESSION COUNCIL MEETING

Motion made by Melissa Fisher. Second by Eva Foote.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Ernest Littlemouth, Sr., Vice President	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Silver Little Eagle	X			
Gwen Talawyma	X			
Henry Speelman				X

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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MOTION TO PASS MINUTES FROM THE OCTOBER 26, 2022 SPECIAL SESSION COUNCIL MEETING

Motion made by Melissa Fisher. Second by Silver Little Eagle.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Ernest Littlemouth, Sr., Vice President	X			
Melissa Fisher	X			
Diane Spotted Elk	X			

Silver Little Eagle	X			
Gwen Talawyma	X			
Henry Speelman				X

9 votes Yes	0 votes No	0 Abstentions	Motion Carried	
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MOTION TO PASS MINUTES FROM THE NOVEMBER 1, 2022 REGULAR SESSION COUNCIL MEETING

Motion made by Melissa Fisher. Second by Debra Charette.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Ernest Littlemouth, Sr., Vice President	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Silver Little Eagle	X			
Gwen Talawyma	X			
Henry Speelman				X

9 votes Yes	0 votes No	0 Abstentions	Motion Carried	
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Nizhoni Friesz: Debbie, I just got a text from Lane. Rancee said there are no budget resolutions, there wasn't a budget and finance meeting.

ROBERTA BIGBACK ENTERED SESSION @ 9:20 A.M.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL AUTHORIZING AN APPLICATION FOR ELDER SERVICES FUNDING FROM THE ADMINISTRATION FOR COMMUNITY LIVING/ADMINISTRATION ON AGING OLDER AMERICANS ACT TITLE VI NUTRITION, SUPPORTIVE SERVICE AND CAREGIVER GRANTS (PART A/B AND C) AND PARTICIPATION IN CYCLE VIII OF THE NATIONAL RESOURCE CENTER ON NATIVE AMERICAN AGING NEEDS ASSESSMENT "IDENTIFYING OUR NEEDS: A SURVEY OF ELDERS"

Motion made by Melissa Fisher. Second by Silver Little Eagle.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			

Ernest Littlemouth, Sr., Vice President	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Silver Little Eagle	X			
Gwen Talawyma	X			
Henry Speelman				X

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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ROBERTA BIGBACK EXITED SESSION @ 9:22 A.M.
LANE SPOTTED ELK ENTERED SESSION @ 9:22 A.M.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING A CONTRACT WITH MOSS ADAMS LLP FOR FY 2022 & FY 2023 AUDIT SERVICES

Norma Gourneau: I just wanted to say something. When we took office in 2020, we were a few years behind with our audits and I think that it's good that this Council recognizes how important those audits are and how we've all worked together to make our audits current. Once we submit these for FY21, we will be current and then we can start working on our FY22 audit. So, I think this Council deserves some credit for getting our finances back the way they should be. I remember how frustrating it was when we were denied funding because we weren't current with our audits. We had to write letters and actually beg for them to give us the money. But I think we've done a great job getting those audits back in compliance [all applaud].

Motion made by Debra Charette. Second by Norma Gourneau.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Ernest Littlemouth, Sr., Vice President	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Silver Little Eagle	X			
Gwen Talawyma	X			
Henry Speelman				X

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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Lane Spotted Elk: As an update, for the FY21 audit, we're finalizing and should be receiving a draft this week. So, our hope is that we can send it to the clearinghouse by the end of the month. If not, by the first part of December. So, we can clear up '21. FY22 we're starting to do some preliminary work on it. We haven't been engaged with the audit firm yet because we haven't

gotten the contract in place, but after today's action, we can finalize with Moss Adams and get the '22 audit going. We've got a preliminary CIFA started, so our hope is that we'll go right into '22 audit in about January of February. If everything goes well with that, we'll have that in by I'd say May or June. In time for the June 30 deadline. So, that should bring us back current and the Tribe should be back off Level I sanctions. Right now, we're dealing with the impact of Level I sanctions. A lot of our funding, we're not able to draw in advance. We're able to do monthly, things like that. And my office is dealing with a lot of correspondence with federal agencies, so we're keeping our federal agencies updated with where we're at with the audit. Every week, we're providing that correspondence. Anyway, that's just an update on the audits. We have an inquiry into the IBC (Interior Business Center), on our negotiated IDC rate. So, our comptrollers have negotiated that on our behalf. So, we should be caught up with our IDC rate as well. Those are just the updates with the Audit and the IDC.

Debra Charette: And on the audit call last Wednesday, did we get some good news and said there was a drastic improvement on our finance side? That everything has been moving forward and moving along quite well and everything that they're grabbing and it's starting to fall into place so that we can keep our audit going.

Diane Spotted Elk: Thank you, Lane [all applaud].

Lane Spotted Elk: I just want to add our finance staff is very committed as well to getting our audits caught up and aside from the daily work of managing the finances, they're also doing audit work. So, Friday, I also submitted a memo to the President and she approved it, to close Finance for audit prep every Wednesday from 8:00 a.m. to 12:00 p.m. So, the staff will be working primarily for audit purposes and that should be for November and December, I believe. That will help us get a head start for the FY22 audit and some of the cleanups we need to start doing. That's just an update. Thank you, guys.

LANE SPOTTED ELK EXITED SESSION @ 9:31 A.M.

A RESOLUTION ADOPTING THE 2022-2023 TRIBAL FISHING, HUNTING, AND RECREATION REGULATIONS

JASON WHITEMAN ENTERED SESSION @ 9:37 A.M.

Jason Whiteman: So, these regulations are already being finalized. There were a couple of processes. One, we already had three public meetings under the regulations. We just made some minor changes on the regulations. And, second, the other option is to have, the Council has the power to adopt these regulations. After that, we can schedule to appoint or apply for fish and wildlife commission. But, the Council, I talked to Beth Baldwin last week and explained that the options that we had here. One of the reasons is, there are a number of reasons why our department is proposing this be adopted by the Tribal Council. No commission members first of all, and second, there's a need for reinforcement of these regulations. And, it's still a little unclear, over a year ago, when we adopted the Fish & Wildlife Code, these here in front of us today are regulations. One of them was the enforcement, and would be the tribal law

enforcement program that would do that. I used an example, just like the Law & Order Code. It's the same concept. This year, we had the Fish & Wildlife Code and the Regulations and they will be enforced by a separate program. An example would be Scott Small and John Grinsell, we would be responsible for the administrative part of the codes and regulations, licenses, and the paperwork part and putting up signs. Boundary signs on the reservation. But still, there's, at this point, there's a number of pictures of a lot of carcasses up Busby Creek.

NORMA GOURNEAU EXITED SESSION @ 9:38 A.M.

Phillip Beckman: I saw those.

Jason Whiteman: It appears they're spotlighting and they're just cutting off the horns. The person who posted the pictures was upset that whoever hunted was not being ethical, or even traditional in hunting deer. They just took the hind quarters off. I had my staff take photos of the carcasses and I try to keep track of how many are out there. And last week, I have it from a pretty reliable source, that a non-member was hunting here. And when I'm driving by Morning Star at 9:00 p.m. at night, I can see spotlighting. I'm sure Debbie could tell you a lot of stories about that happening behind her place. So, there seems to be more issues with that more recently, I'm finding out about individuals and there's a need for Fish & Game Regulations, either through the Commission or the Council. In this case, it would be the Council. I wish Scott Small and Henry were here. It was brought to my attention that law enforcement has credentials to enforce our Fish & Game Code. That would be one of the important things. That's one of the prerequisites. A couple of us Council met in Billings and one of the first things they focused on was having an Enforcement Agent, like an FBI Agent. He shared that the first thing they focused on was spotlighters. And gradually phased into it. That's most likely with non-members, and I'd been informed and seen pictures of tribal members with 3-5 pickups worth of buffalo hunts where they brought people from Wyoming. But those are examples of them bringing non-members on the reservation. I receive phone calls myself. I record their numbers and first name, and they ask if they can hunt on the reservation. And as of right now, the regulations say all forms of hunting are prohibited by non-members. This was way back in '96 with the Code. Today, I'm getting calls up to just recently, they said a tribal member invited me to hunt on their land and he owns 80 acres. He said I could hunt elk on the reservation. And our people are actually inviting non-members to come and hunt, and we have no regulations. So, that's just part of the management tools. We still need a biologist and someone to write an official Fish & Wildlife Program for us.

Diane Spotted Elk: What is Desi doing? I know he played a role in all of this.

NORMA GOURNEAU ENTERED SESSION AND EVA FOOTE EXITED SESSION @ 9:45 A.M.

Jason Whiteman: He's been monitoring our development of our Fish & Wildlife Code and Regulations. So, he would be involved with, he'd be the staff person in the regional office, authorizing approval of these proposed regulations. There are a lot of other issues, but that's the main thing we're lacking. In 2013, it was the last time this was adopted. And they're two different things: The Fish and Wildlife Code, and the Regulations. If today, you wiped out our

tribal law and order code and our BIA law enforcement is open, to where anyone could do anything. That's kind of the worst example, but it's the same with our Fish & Wildlife. We haven't had it for over 50 years, if not, 70 years of regulations. And there are people out there that hunt 12 months, spotlight on it at night, and they do a lot of things. There are people shooting elk. I always joke the life expectancy of a large elk or deer is about 2 weeks, because once they come onto the reservation, they get shot. They get "harvested." The wildlife will come here if it's managed properly. That's our goal is to get proper management and Desi would play a role in that. We would hire a biologist to help us write a management plan and focus on the wildlife. It's open season and people hunt day and night, and there's a need for that. As an Administrator, one of my goals, I told BIA recently, was to request the Tribe to adopt a code, then next step would be the regulations. There's an enforcement part of it and components to it.

Phillip Beckman: I have a question on the annual fee list. With permit fees. On the items that see closed, are those ones you can't take any animal of those species?

Jason Whiteman: Yes, like elk and bear. Right now, they're prohibited.

EVA FOOTE ENTERED SESSION @ 9:50 A.M.

Phillip Beckman: You have pronghorns on there. We had moose trying to move in here and they got slaughtered. We got bighorn sheep that tried to move in here, and they got slaughtered. I can understand that. But elk, I don't know about closing the whole works. There are ways to regulate certain areas of that. I think you're going to run into some issues there.

Melissa Fisher: I would like to know with the public meetings, I think that was waived in here. I would like to make a motion to table this until we can review it more and give the public more input.

Debra Charette: Didn't you guys have meetings?

Jason Whiteman: There are two things with what you mentioned. First, there were three public meetings that I was not involved in, but the former program, Josh who worked for Ziontz Law Firm, and some other tribal staff members at that time, were involved with the public meetings. Then there's another procedure you can go through, with the Fish & Wildlife Commission, but I learned just recently through our attorney, that once the Council doesn't, it's the Commission that can adopt the regulations annually. The code would be adopted by the Council. So, the Commission, without getting approval through the Council, the Commission has the authority to adopt the regulations.

Diane Spotted Elk: I think, I know I haven't seen this draft, I haven't reviewed it, so I assume others haven't either. I didn't know there was something going forward.

Phillip Beckman: We discussed it plenty of times. There are a couple of items that kind of rub me the wrong way, like the recreational, no packing fire arms when you're fishing or doing any of that, that's kind of backwards. But for me, the timing of it is off. We're about to hit peak rut here this week. We're right in the middle of the season, it doesn't make sense to try and

implement something when everything's shot to hell already. They've already been blasting the hell out of everything.

Diane Spotted Elk: When did you have the three public meetings?

Jason Whiteman: Let's see, 2017...

Debra Charette: And then I know Henry was involved, I think they had them here and in housing. Because I know a lot of them came in and they had a lot to do with the other one we passed.

Vice President Littlemouth, Sr.: I agree with what Melissa said because we're telling people when to fish and hunt. They're asking when they can hunt and when they can fish. They're already getting that from out there. Meat prices are going up.

Phillip Beckman: There are good points on either way, because I agree with what the Vice President just said, but you also need something in place because the overkill is ridiculous. Like Jason said, I've seen that pile, I've driven by it a couple times and more times than not, you get these animals. I like horns, but nothing is allowed to get mature enough around here to get something like that. There's places out there where there are other ways to regulate instead of cutting off all elk at once. There's areas on the reservation, a resident herd that they set up shop because there's really no way to get back there to them, unless you walk. So, there are certain areas you can shut off on the reservation, mainly where they're coming across, those channels. Cut those sections off and prohibit the hunting there, and that will allow them some time to where they may set up shop, and eventually they're going to start filtering out into those areas where they can harvest as the population sets up and gets moving out there. It rubs me wrong because if I see an elk, I really want to get some of that elk meat because it's delicious, but there's issues of spotlighting out there. And there's nothing more frustrating for a hunter to put it the work and the hours and miles and scouting and finding something you want to harvest that year, and as soon as they get hard horned, they're not even, they're in velvet and someone cruises in there and drops them with a spotlight.

Jason Whiteman: I'd like to add something. The first area that's suggested is Sarpy Mountains. It's a federally funded grant and that's what we would focus on, start out small. And eventually expand in management. And the rest that you pointed out, would pretty much be open. One of the reasons is, we need wildlife to recover in those areas. In another area, there are elk that calve and they're comfortable where they're at. And there are bulls, before or after breeding season, they just stay in certain areas and so that's what we'd like to do, is manage that area and encourage elk to move on the reservation and they'd stay permanently out there. So, that would be their winter or summer or spring, or calving area for elk. That's an example of our goal is to set up, start out small and eventually go from there. I've heard that Native Americans in some areas, are better managers than the state and federal government. And I just heard it recently again. So, Tribes are really going to become more efficient managers, either...traditional, laws were stricter than what we have today. Right now, it's open. Traditionally, you could get severely punished 300 years ago, and I learned this from biologists about 10-15 years ago. Those are examples where our traditional values are just as important. Colstrip is under really strict

management and you have deer walking around in their yards. And here, you'd have deer come in here around the 60's in town. Now, it's not there anymore.

Melissa Fisher: Do we have game wardens?

Jason Whiteman: Game wardens, preferably would be Scott Small and John Grinsell as enforcement.

President Wetherelt: What she's trying to say is, do you have funding?

Jason Whiteman: Administratively, yes.

President Wetherelt: Do you have everything that you need to do if this happened to be passed today? Do you have your committee?

Diane Spotted Elk: There definitely needs to be a commission.

Melissa Fisher: The process needs to be set up properly for getting to this point, and this is like jumping the gun...or putting the horse before the carriage and we don't even have the carriage.

Phillip Beckman: If you pass this today, everything else isn't lined out yet, hunting season's going to be over by the time it's implemented anyway.

Jason Whiteman: And our short-term goal is to do a hunting license. Other tribes are doing this electronically now. We don't have it set up, but we could do manual tags this year, and next year we could go electronic.

Diane Spotted Elk: Well, there's still time for people to review. If you put this on the website and allow people to review it, and I know you're without a commission at this time, but that could also be appointed, those people who have an interest and are familiar with hunting.

Phillip Beckman: I'm in support, I agree we have to have something in place, some regulations. But we also have to do this right and the process has to be right and we run into this so many times when we try to do something here and we try to put the cart before the horse and our steps are so out of alignment and it becomes chaotic. To set something up that's going to be established for decades to come, we have to lay our foundation right. I've said that countless times. This is something really important, and moving forward on this with tribal law enforcement of our regulations, that's something we can build on with the criminal investigation and our goals to eventually have a tribal police force here. All those things could work in conjunction with each other and support each other. But we gotta do this right. If I'm missing something, let me know. But implementing this without things done right, it's just going to sit there. Am I wrong in that?

Diane Spotted Elk: The urgency was probably years ago, but it's come this far. I understand the building up of wildlife, but at the same time, people depend on that for their household to feed their families. With inflation, it's just not a wise time to...

Phillip Beckman: In all honesty, this is something that should've been done in June or July.

President Wetherelt: There's a motion on the floor.

MOTION TO TABLE: A RESOLUTION ADOPTING THE 2022-2023 TRIBAL FISHING, HUNTING, AND RECREATION REGULATIONS

Motion made by Melissa Fisher. Second by Gwen Talawyma.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Ernest Littlemouth, Sr., Vice President	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Silver Little Eagle	X			
Gwen Talawyma	X			
Henry Speelman				X

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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JASON WHITEMAN EXITED SESSION @ 10:07 A.M.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING CHANGES OF BOARD MEMBERS TO THE NORTHERN CHEYENNE TRIBAL APPEALS BOARD

Motion made by Melissa Fisher. Second by Eva Foote.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Ernest Littlemouth, Sr., Vice President	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Silver Little Eagle	X			
Gwen Talawyma	X			
Henry Speelman				X

9 votes Yes	0 votes No	0 Abstentions	Motion Carried
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MOTION TO ADJOURN MEETING

Motion made by Debra Charette. Second by Eva Foote.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman		X		
Ernest Littlemouth, Sr., Vice President	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Silver Little Eagle	X			
Gwen Talawyma	X			
Henry Speelman				X

8 votes Yes	1 vote No	0 Abstentions	Motion Carried
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MEETING ADJOURNED @ 10:09 A.M.

PASSED, ADOPTED, AND APPROVED by the Northern Cheyenne Tribal Council with 10 votes for passage and adoption, 0 votes against passage and adoption, and 0 abstentions on this 21st day of November 2022.

Nizhoni Friesz, Secretary
Northern Cheyenne Tribe