

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

REGULAR SESSION

**MINUTES
February 7, 2022**

CALL TO ORDER: Acting President Wetherelt called the meeting to order at 11:26 a.m.

INVOCATION: Phillip Beckman

ROLL CALL:

	PRESENT	ABSENT	EXCUSED
Lane Spotted Elk	X		
Debra Charette	X		
Norma Gourneau	X		
Eva Foote	X		
Phillip Beckman	X		
Serena Wetherelt, Acting President *Presided over today's meeting	X		
Melissa Fisher	X		
Diane Spotted Elk	X		
Gwen Talawyma	X		
Silver Little Eagle	X		
Henry Speelman	X		
Total:	11		

Quorum Established

**ADD ON: (1) A RESOLUTION APPOINTING VOTERS COMMITTEE MEMBERS FOR THE NORTHERN CHEYENNE TRIBAL ELECTIONS
(2) A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING THE NEWLY APPOINTED MEMBERS TO THE NORTHERN CHEYENNE TRIBAL APPEALS BOARD**

Serena Wetherelt: A couple things I would like to add to the agenda. The first one being the Voters Committee for all the districts. This will probably be one that we'll be doing at the end. I would just like to have everybody think about people that they would like to recommend. So, this one that we have on is for the Tribal School Board Elections. The other one is the Appeals Board. I suspended all activity on all the boards. But the one that way may need the most is going to be the Appeals Board. I will also present that.

Melissa Fisher: So, the Voters Committee isn't going to be the same?

Serena Wetherelt: That is for the school board election.

Melissa Fisher: Oh, I thought we already set the Voters Committee.

Debra Charette: Did we change it for the whole thing?

Melissa Fisher: Yeah, I thought it was for the ...

Debra Charette: Did we change it?

Nizhoni Friesz: There's one standing right now, from the last one.

Melissa Fisher: Do you have a standing one for the Voters Committee?

Diane Spotted Elk: That consists of the same committee as the Northern Cheyenne Tribal Schools Committee?

Melissa Fisher: They just oversee the whole election process, every election. It's just not changed every election.

Serena Wetherelt: But this one says for the Tribal School Elections, it doesn't say overall. They're going to oversee all the elections?

Debra Charette: No, that was just for Busby schools.

Melissa Fisher: No, but I thought we set it on a separate resolution.

Nizhoni Friesz: Oh, I don't think we did. I think it was just this one. There was one Voters Committee...

Debra Charette: There was one before that, and this one was just for Busby schools.

Nizhoni Friesz: There could be.

Phillip Beckman: I think I remember that, too.

Norma Gourneau: When would that...

Diane Spotted Elk: Well, she would have it. So, we could revisit and look at it and see.

Nizhoni Friesz: I can see what Voters Committee one was previous to this one, if there was an established standing one. But I don't recall one right now.

Serena Wetherelt: Yeah, I think there was one. When she did all the Judges, no the clerks. Maybe the judges were on there, too. Because they're usually combined. I think there was one.

Norma Gourneau: So, Madame President, are we just going to do it. You wanted this on the agenda, so...

Serena Wetherelt: Yeah, I think we should... Well, we can go ahead and take recommendations when I do present the resolution while Nizhoni checks and sees if it's already on there.

Melissa Fisher: The reason I'm saying this is, you know, we just spent all the time getting the Voters Committee orientated. They went over the election ordinance for the school board elections. But they got orientated over the whole ordinance and everything. So, it's taking a lot more time to select someone else and then get them all trained again. Do you have time to do that?

Serena Wetherelt: She got the training, too, so she could give them orientation.

Melissa Fisher: Yeah, but what I'm saying is that we set a Voters Committee and then they got orientated and it's just going to be another process to re-orientate new ones again. So, I thought once we set the Voters Committee, they were set for the term that we started.

Nizhoni Friesz: We do an election orientation with everyone to kind of go over those things, anyway. Before every election.

Melissa Fisher: So, every time you're going to select a new Voters Committee?

Serena Wetherelt: No, we are right now because this is for the school board. She's gotta research, maybe when we take a break or something, look and see if there's anything else.

Phillip Beckman: Standing. An active resolution.

Norma Gourneau: Sergeant, I would just like a point of order. Her request is just to put these on. We can have that discussion when we come to it after it's added on.

Henry Speelman: You could wait 'til next meeting for clarification. It's up to you.

Phillip Beckman: Well, one option is to put it on there. Give her time during the recess to research it, put it at the end and address it. Or table it. I don't know what anyone else's thoughts are.

Nizhoni Friesz: I can gather more information by the time we get to this one.

Motion made by Diane Spotted Elk. Second by Norma Gourneau.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			

Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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ANNOUNCEMENTS

Melissa Fisher: I would just like to make an announcement on behalf of the Tribal Council, I'd like to congratulate Journey Emerson on setting the record on most points scored in a game. I'd like to let him know, and all the students know, that we are supporting them and what they're doing as student athletes, and academically. So, congratulations Journey Emerson [everyone applauds].

ELDERLY

Silver Little Eagle: So, it was brought to my attention about elders needing transportation to out of town medical appointments. Because THIP only transports for Medicaid, not Medicare. And elders have Medicare. So, I guess we're just looking for a solution to find transportation for them. Maybe, Elderly program or Board of Health.

Serena Wetherelt: So, they would use a vehicle to take patients? Is that what you're saying?

Silver Little Eagle: Um, sometimes THIP's able to transport them when they're not busy. But lately, they've been busy with Medicaid patients to transfer elders to Billings.

Serena Wetherelt: Do they usually have appointments?

Silver Little Eagle: Yeah, just medical appointments in Billings.

Serena Wetherelt: Yeah, if they can coordinate with THIP early enough, they will transport them.

Diane Spotted Elk: But their priority is Medicaid.

Silver Little Eagle: So, maybe we can set up a meeting with THIP and the Elderly program.

Henry Speelman: So, you'll set the meeting then?

Silver Little Eagle: Yep.

Henry Speelman: Thank you. Any questions for Elderly? #2, Budgets.

Lane Spotted Elk: Madame President, Tribal Council, I'd like to move the budget agenda item to the end.

Henry Speelman: Including permanent fund?

Lane Spotted Elk: No, we can do that one.

**RECESS REGULAR COUNCIL MEETING SESSION @ 11:41 A.M.
 ENTER PERMANENT FUND BOARD MEETING @ 11:41 A.M.**

ROLL CALL:

	PRESENT	ABSENT	EXCUSED
Lane Spotted Elk	X		
Debra Charette	X		
Norma Gourneau	X		
Eva Foote	X		
Phillip Beckman	X		
Serena Wetherelt, Acting President	X		
Melissa Fisher	X		
Diane Spotted Elk	X		
Gwen Talawyma	X		
Silver Little Eagle	X		
Henry Speelman	X		
Total:	11		

Quorum Established

**A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL
 AUTHORIZING THE MODIFICATION AND OR ADOPTION OF CERTAIN BUDGETS
 FOR THE EXPENDITURE OF AVAILABLE FUNDS**

Lane Spotted Elk: That is my motion with the changes to the Permanent Fund Board.

Motion made by Lane Spotted Elk. Second by Debra Charette.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			

Henry Speelman	X			
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10 votes Yes	0 votes No	0 Abstentions	Motion Carried	
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MOTION TO ADJOURN PERMANENT FUND BOARD MEETING @ 11:45 A.M.

Motion made by Lane Spotted Elk. Second by Melissa Fisher.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

10 votes Yes	0 votes No	0 Abstentions	Motion Carried	
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ENTER BACK INTO REGULAR COUNCIL MEETING SESSION @ 11:47 A.M.

ROLL CALL:

	PRESENT	ABSENT	EXCUSED
Lane Spotted Elk	X		
Debra Charette	X		
Norma Gourneau	X		
Eva Foote	X		
Phillip Beckman	X		
Serena Wetherelt, Acting President *Presided over today's meeting	X		
Melissa Fisher	X		
Diane Spotted Elk	X		
Gwen Talawyma	X		
Silver Little Eagle	X		
Henry Speelman	X		
Total:	11		

Quorum Established

Henry Speelman: We'll get a zoom call out to the Districts for our next meeting so they can zoom in. Now, Enrollment.

Melissa Fisher: We were going to have an Enrollment meeting, so let's do this next meeting. And for the Enrollment committee, I'll reschedule the meeting so we can get it done for the next meeting.

Ryhal Rowland: Is there an enrollment deadline?

Melissa Fisher: We can't treat it as a per cap, so there's no deadline. There will be a hard deadline for the ARPA payout. But we can't set a deadline because it's not a per cap.

Ryhal Rowland: Okay, thank you.

MINUTES

MOTION TO PASS MINUTES FROM THE FEBRUARY 2, 2022 COUNCIL MEETING

Motion made by Debra Charette. Second by Eva Foote.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher		X		
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

9 votes Yes	1 vote No	0 Abstentions	Motion Carried
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A RESOLUTION REMOVING LAME DEER DISTRICT'S OVERSIGHT OF THE HOMELESS SHELTER AND RESCINDING RESOLUTION NO. DOI – 012 (2020)

Diane Spotted Elk: DOI-012 (2020) designates the previous commerce building as a homeless shelter...no, not that one. Although that's included. DOI-012 (202) designates the previous commerce building as a homeless shelter and assigning rehabilitation to tribal agencies. [Diane continues to read resolution]. I am rescinding the oversight that the Lame Deer District Committee has over it. And so, with that, I need to rescind this resolution and we will be working on something to take its place. But for now, I'll rescind and release them from oversight of the homeless shelter.

Lane Spotted Elk: I guess I just have a quick question. So, once this gets rescinded, then the former commerce building is a tribal building...what's the status of the tenants?

Diane Spotted Elk: So, the tenants will remain there due to the weather, in the winter months. There are some of the residents there that are truly homeless. We have someone there

temporarily overseeing it, making sure no drugs or alcohol are coming in or out of the building. There's a curfew that's being set and they have to follow. I have supplies coming in at the end of the week. So, those things will remain in place and the shelter's doors will remain open. But there have always been rules there of no drugs and alcohol, but no one has really enforced them. We need to come back to the table and see, look at the resources that we have. And identify what entities, what programs can all come together and make sure this facility is being properly managed.

Lane Spotted Elk: So, in essence, we're not totally rescinding it, we're modifying it?

Diane Spotted Elk: Yes. Maybe that's the wording. So, we'll just modify the resolution that's in place.

Lane Spotted Elk: So really, the "Finally Be It Resolved" is the section that needs the modification?

Diane Spotted Elk: Therefore Be It Resolved that the Northern Cheyenne... Board of Health and Housing Authority shall combine their resources to rehabilitate this tribal building, so that it is able to serve as a homeless shelter as soon as possible. Those things will remain. There will be some changes. And specifically, that the oversight that the Lane Deer District Committee had, that is being rescinded.

Lane Spotted Elk: There will be a "Be It Finally Resolved"?

Diane Spotted Elk: Yes.

Serena Wetherelt: So, are you going to put on there who is going to be responsible?

Diane Spotted Elk: Yes. So that's something we as a Tribal Council need to sit down and look at those programs, and Housing Authority and Board of Health...we need to come to some kind of MOU that makes sure it's safe for everyone that needs it. These are our most vulnerable in our community, and I think we need to pay a little more attention to what's going on there.

Melissa Fisher: I think that, if I may, that we need to put some rules and regulations in place, just because right now it's a huge liability for the Tribe. I think that we need to put some rules and regulations in place and treat it like a program or a shelter is...structure and a program, so that way the people get taken care of. The rules are followed and resources can start coming in for them. That way, when the rules and regulations are set, they're able to get up and be out of there at a certain time, they're job searching. They're doing things for themselves to get back on their feet as well. I would like to see it get a little more attention as well. Thank you.

Motion made by Diane Spotted Elk. Second by Phillip Beckman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			

Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL SETTING A TEMPORARY QUORUM REQUIREMENT FOR COUNCIL MEETINGS

Motion made by Henry Speelman. Second by Eva Foote.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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Henry Speelman: I'd like to pull #9 until I'm able to sit down with Transportation and Highway Safety. I make a motion to table it.

MOTION TO TABLE SAFE ON ALL ROADS (SOAR) RESOLUTION

Motion made by Henry Speelman. Second by Phillip Beckman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			

Silver Little Eagle	X			
Henry Speelman	X			

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING THE NEWLY APPOINTED MEMBERSHIP OF THE INDIAN CHILD WELFARE ACT (ICWA) COMMITTEE IN ACCORDANCE WITH THE LAW AND ORDER CODE 3-4-4

Debra Charette: We had a vacancy on the committee due to losing one of our employees and we would like to replace that person.

Nizhoni Friesz: Was that last “Whereas,” was that supposed to be taken out?

Debra Charette: Yes, what was stricken.

Nizhoni Friesz: Okay.

Motion made by Debra Charette. Second by Melissa Fisher.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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A RESOLUTION ESTABLISHING SCHEDULE FOR 2022 SPECIAL PRIMARY AND GENERAL ELECTION TO FILL VACANCY IN THE OFFICE OF PRESIDENT

Motion made by Melissa Fisher. Second by Phillip Beckman.

ROLL CALL VOTE:

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

Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL TO APPROVE FY2022-2026 NORTHERN CHEYENNE TRANSPORTATION IMPROVEMENT PLAN (TIP), ESTABLISHING THE ROAD CONSTRUCTION PROJECT PRIORITY LIST

Motion made by Debra Charette. Second by Henry Speelman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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JASON WHITEMAN, GREG MAGER, JARVIS WILLIAMS, AND JEANNE WHITEING ENTER SESSION @ 12:11 P.M.

Jason Whiteman: I'll present NTEC and the Navajo Tribe proposal. Agenda Item #13 is the Attorney Fee for Water Rights Matter and it's a 2022 Proposal for an attorney for...this is FY2022, which is not normal. Usually it's every other year that they ask for a request for attorney fees, but this year they're doing it FY21 and FY22. We submitted a proposal already to meet a deadline and it still needs approval. BIA requires an approval resolution to submit a proposal. They're waiting for this now before they send it to their attorneys here for review. The proposal went in, but not the resolution. I'm requesting concurrence from you to allow us to submit a proposal.

A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING A REQUEST TO THE BUREAU OF INDIAN AFFAIRS FOR ATTORNEY FEES FUNDS FOR WATER RIGHTS MATTERS FOR FY 2022

Motion made by Norma Gourneau. Second by Lane Spotted Elk.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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A RESOLUTION AUTHORIZING A WATER LEASE AGREEMENT BETWEEN THE NORTHERN CHEYENNE TRIBE AND NAVAJO TRANSITIONAL ENERGY COMPANY, LLC, FOR USE OF WATER FROM THE TRIBAL WATER RIGHTS IN TONGUE RIVER RESERVOIR

Jason Whiteman: The next one is the Water Lease Agreement. First, I'd like to introduce the two gentlemen that are here.

Jarvis Williams: Good morning members of the Council, Madame Chair. My name is Jarvis Williams, I'm the Director of Community Relations for Navajo Transitional Energy Company.

Greg Mager: Council, thank you for entertaining this Lease Agreement. I had the privilege in December last year to have some discussion on this. If you have any questions on the Lease Agreement, we're more than happy to answer those. Thank you.

Lane Spotted Elk: I think Ray has this set up on YouTube, so it's not on zoom. So, I don't feel it's necessary for Jeanne to be on. I feel we can review her contract and make a decision today.

Jason Whiteman: Even though on December 9th, we had a meeting with some of the Council for the NTEC Agreement. I wanted Jeanne to briefly do an overview of the NTEC Agreement. Jeanne, you're on speaker phone.

Jeanne Whiteing: I appreciate the opportunity to meet with you concerning the NTEC Agreement. This agreement is something that Water Resources Department and myself have been working on for quite some time, a couple years now. To finalize an agreement that would allow the Tribe to basically provide 300-acre feet of water from the Tongue River Reservoir to NTEC, the Navajo Transitional Energy Company. As far as the agreement is concerned, the Tribe will provide 300-acre feet from Tongue River Reservoir to be used by NTEC in their permit area. The term of this agreement is 20 years, and it can be renewed for an additional 10-year period. We had originally anticipated that Council would approve this agreement in

September 2021, providing for the 20 years through September 2041. We may need to adjust those dates a little bit, but I think our end date in any of it would be September 2041 date. The use of this water would be NTEC's permit area of the Spring Creek and mine areas, and that is reflected on the map that I mentioned. The water would be diverted at Tongue River Reservoir using the existing facilities that are now used and have been approved by the Montana DNRC. Flow meters and measuring devices would be maintained by NTEC for this diversion point. So, we are anticipating that any approvals required for this agreement by BIA or others would be made easier by the fact that this is an existing diversion point and has been approved in the past by DNRC. As far as payment is concerned, payment for the 300-acre feet would be \$15,000 a year, \$50/acre foot and the rate would be adjusted every 5 years based on the CPI Index. Any of that, it would not be adjusted downward, it could only be adjusted upward. There is provision in the agreement for this resolution in the event that the parties have a dispute about any aspect of the agreement. That dispute process does require arbitration and there is a limited labor of sovereign immunity for the Tribe to agree to participate in that arbitration and any enforcement of the arbitration award. A waiver of immunity is limited only to enforcement and not for any money damages or any monetary relief or equitable relief. That would otherwise be available. We met with BIA a couple of times to discuss their approval process. Some members of council were at the meeting we had last, where BIA did attend. I did check with Kevin Bradley at BIA this morning, and he indicated that they appeared to have a process outlined and he didn't go into detail with me. As soon as the Tribal resolution approving the agreement and the agreement itself is provided to BIA, they will do their process for approval. We have provided the agreement ahead of time. They have not indicated any issues at this point, with any terms of the agreement. Nor did it indicated any issue with the terms of agreement when we met with them. It does appear that BIA approval will require some kind of LEPA analysis, and in that regard, NTEC did provide to BIA the Environmental Process that was previously in connection to this same diversion point. So, it is hope that that environmental review could be used by BIA in approving this new agreement. So, hopefully I haven't forgotten anything. I can answer any questions you might have.

Jason Whiteman: Who we worked with the last year and a half—about two years—was Bob Young, Greg and Jarvis are the ones that actually been involved just recently with this agreement and hope, right now it's in its final draft form and we would like to pursue the request for the approval for this agreement, here. As Jeanne mentioned here, for twenty years with the option of ten. We've already been leasing to the—at that time it was called Peak—for a one-year basis. So, they would get an annual permit to use the water. And this started back before I started in 2017. Half of 125-acre feet. But this agreement is for 300-acre feet. So, it's been a good working relationship. We did have a public meeting with Cloud Peak at the Boys and Girls Club, and we had maybe 150 people in that meeting and there were a couple questions. One was, they asked about if Peak was interested in developing our coal and I said there's no way, no form that today at NTEC that they have it in writing or verbal. They never did ask us about developing coal on the Northern Cheyenne Reservation. That was one of the questions I was asked at the public meeting. The main thing is to just lease water. And they are in compliance with drawing water from Tongue Reservoir. Another question was how much water were they taking out of the Reservoir, and I just did the figures again. It's only, .001% of the water out of the whole Reservoir that NTEC draws out. If it's coming out of the Tribe's water rights, it's only coming out as .01% of our water rights, storage water in Tongue River Reservoir. So, it's a really small

amount of water that NTEC has been using here. We're developing a water marketing plan, we can discuss that a little bit later. As Lane asked the question prior to the meeting, was the status of Wyoming interested in leasing water from the Northern Cheyenne Tribe's storage water. But for now, I'm requesting to approve of this agreement that we've been working on for almost two years. I say reviewed and commented extensively on this, with Jeanne, myself, and also their attorneys and representatives—Cloud Peak at the time. Any questions?

Jeanne Whiteing: Your comment about the amount of water reminded me of one thing that I didn't mention and that is the Tribe has two different types of water out of Tongue River Reservoir. One is compound water, which is 20,000-acre feet and the other is 7500-acre foot contract right. This is a right that dates back to 1940 or so when the BIA entered into a contract on behalf of the Tribe for 7500-acre feet of water from the reservoir. So, in total the Tribe has 27,500-acre feet. This 300-acre feet will be taken out of the 20,000-acre feet contract right. As Jason mentioned, it is a fairly small amount, so out of the total 27,500-acre foot right, once we deduct this 300-acre feet, the Tribe will still have 27,200-acre feet of water. It is a relatively small amount of water we're talking about here.

Debra Charette: What can the water be used for and is it for dust abatement?

Jason Whiteman: Yes, in simple terms it is industrial use, so it's for dust abatement for the mine. Again, they are in compliance with what's called the Montana Environmental Policy Act. Thank you.

Motion made by Norma Gourneau. Second by Lane Spotted Elk.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle		X		
Henry Speelman		X		

8 votes Yes	2 votes No	0 Abstentions	Motion Carried
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A RESOLUTION APPROVING ATTORNEY CONTRACT OF JEANNE S. WHITEING, ATTORNEY AT LAW, TO PROVIDE LEGAL SERVICES FOR THE NORTHERN CHEYENNE TRIBE IN CONNECTION WITH WATER MATTERS

Jason Whiteman: Lane had asked the question, Jeanne, the State of Wyoming Water Development Office has expressed interest in leasing water from the Tribe on the Tongue River

Reservoir and he was requesting an update from the Tribe and Wyoming Water Development Office. Could you do a real brief update?

Jeanne Whiteing: Sure, Wyoming contacted the Tribe some time ago about the Tribe's interest in providing water in those instances where Wyoming may be making a call on Wyoming for water, which may require Wyoming to cut back or provide the waters through some other means. So, one of the alternatives that Wyoming is looking at is in the event of a call, they would enter into an agreement with Northern Cheyenne that the water necessary to satisfy the call would come through the Tribe's water right in Tongue River Reservoir. So, they have also been looking at other alternatives including providing water from Lake De Smet. They've been looking at those two alternatives and maybe others for about a year now. That review is still incomplete, they're still waiting on some engineering analysis to be completed relating to these two alternatives and it is expected to take some additional months still. So, they are undecided, Wyoming is, as to exactly what they will be doing. Our last contact with them is that we should check back in about 6 months from the end of January. They're still looking at their alternatives, they have made no decisions yet and it might be at least 6 months away before they're in a position to discuss the alternatives with the Tribe. So, that's pretty much where we are right now on that.

Lane Spotted Elk: I had a quick question to see. Since the cultural significance of Lake De Smet holds for the Tribe, what, can the Tribe intervene on that as far as...the State of Wyoming pulling water from Lake De Smet.

Jason Whiteman: Actually, I had the opportunity to talk to Adeline Cuffwood about, I asked her for a brief overview of that because that's important to the Northern Cheyennes. There are some Cheyennes that do annual visits to the site, so it does have significant cultural value.

Jeanne Whiteing: Okay, I think Lane has raised this issue before and we are aware of it. We haven't necessarily discussed it with Wyoming, but we can do that immediately in terms of requesting that they look at this issue as well. One of the things they would want to know is if there are some cultural resources or values in the area relating to the site, would the Tribe likely not want to enter into or oppose any use of Lake De Smet water. Or what would the Tribe do in the event of the cultural resource review is completed. I'm sure they will want to know exactly if this is an amendment to their using Lake De Smet, or if it's something that the Tribe will want looked at.

Jason Whiteman: My thoughts as well as some of the respected Tribal elders can attest to as well as the Tribal Historical Preservation Office (THPO), they have their involvement as well.

MELISSA FISHER EXITED SESSION @ 12:33 P.M.

Jeanne Whiteing: And of course, we don't know if they intend to use Lake De Smet at all. As I understand, it would require some improvement in order to do that. So, if that's the alternative that we choose, we definitely would want this included and we can inform them ahead of time that that is the case.

Jason Whiteman: Thank you. I have one more item, that's Jeanne Whiteing's contract for approval by Tribal Council. It's just for one year. I just talked to Jeanne last Friday about, right now it's just one year at a time that we like to have a contract with Jeanne on water rights. She's been with us well over 40 years with the Tribe with water rights. We want to do one more year. There will be a point in time where Jeanne will retire from law practice, and we are recommending Ziontz Chestnut Law Firm. We'd recommend them to transition from Jeanne Whiteing to Ziontz Law Firm. But that would be over a period of time, we could discuss that and do a transition. Jeanne said she would be available for any information on water rights. This resolution is just to approve one year, ending September 30, 2022.

MELISSA FISHER ENTERED SESSION @ 12:39 P.M.

Motion made by Henry Speelman. Second by Melissa Fisher.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

10 votes Yes	0 votes No	0 Abstentions	Motion Carried
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JASON WHITEMAN, GREG MAGER, JARVIS WILLIAMS, AND JEANNE WHITEING EXITED SESSION @ 12:40 P.M.

RECESS @ 12:41 P.M.

SESSION CONVENES @ 1:48 P.M.

A RESOLUTION APPOINTING VOTERS COMMITTEE MEMBERS FOR THE NORTHERN CHEYENNE TRIBAL ELECTIONS

Lane Spotted Elk: Secretary Friesz, on the third Whereas, so "the Acting President wishes to appoint and the Tribal Council hereby concurs." I guess that would be my only comment.

Nizhoni Friesz: Okay.

Motion made by Debra Charette. Second by Lane Spotted Elk.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			

Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher	X			
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman		X		

9 votes Yes	1 vote No	0 Abstentions	Motion Carried
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A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL APPROVING THE NEWLY APPOINTED MEMBERS TO THE NORTHERN CHEYENNE TRIBAL APPEALS BOARD

MELISSA FISHER EXITED SESSION @ 1:58 P.M.

Norma Gourneau: Do you have any alternates?

Serena Wetherelt: Three of them are the actual, and there will be two alternates. The two alternates will be Kristi Killsnight and Alaina Buffalo Spirit. They usually actually vote, the Chair. But there's three of them that are actually on the board and two alternates.

Norma Gourneau: So, these were already on the list? Already previously appointed to the board?

Serena Wetherelt: Um, Patricia Ramos and Wayne Roundstone were on the previous one. So, Kristi Killsnight, I'm not sure if she's ever served on it, but there would be Kristi Killsnight, Eva Flying, and Alaina Buffalo Spirit. I don't know if she's been on it before, either.

Henry Speelman: So, you're changing everyone on there?

Serena Wetherelt: There's two of them that were on the previous one. Patricia Ramos and Wayne Roundstone. I believe they were both alternates.

Motion made by Norma Gourneau. Second by Eva Foote.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman		X		
Melissa Fisher *Absent for remainder of meeting*				X

Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman		X		

7 votes Yes	2 votes No	0 Abstentions	Motion Carried
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**A RESOLUTION OF THE NORTHERN CHEYENNE TRIBAL COUNCIL
AUTHORIZING THE MODIFICATION AND OR ADOPTION OF CERTAIN
BUDGETS FOR THE EXPENDITURE OF AVAILABLE FUNDS**

Motion made by Lane Spotted Elk. Second by Eva Foote.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman	X			
Melissa Fisher *Absent for remainder of meeting*				X
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	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 Lane Spotted Elk. Second by Phillip Beckman.

ROLL CALL VOTE:

	YES	NO	ABSTAIN	ABSENT
Lane Spotted Elk	X			
Debra Charette	X			
Norma Gourneau	X			
Eva Foote	X			
Phillip Beckman		X		
Melissa Fisher				X
Diane Spotted Elk	X			
Gwen Talawyma	X			
Silver Little Eagle	X			
Henry Speelman	X			

8 votes Yes	1 vote No	0 Abstentions	Motion Carried
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MEETING ADJOURNED @ 2:06 P.M.

PASSED, ADOPTED, AND APPROVED by the Northern Cheyenne Tribal Council with 9 votes for passage and adoption, 0 votes against passage and adoption, and 0 abstentions this 24th day of February 2022.



Nizhoni Friesz, Secretary
Northern Cheyenne Tribe