

MINUTES
Special Meeting
SUMMIT LAKE PAIUTE COUNCIL
Thursday, October 28, 2010
Primary Administrative Office, 1708 H Street, Sparks, Nevada

CALL TO ORDER. At 5:04pm, the Council Meeting was called to order by Council Secretary/Treasurer Jerri Lynn Barlese as Acting Chairperson.

ROLL CALL. Council Secretary/Treasurer and Acting Chairperson Jerri Lynn Barlese called roll. Present: Warner Barlese (by phone), Ernie Barlese (by phone), Jerry Barr, Randi DeSoto, and Jerri Lynn Barlese. Council Acting Chairperson Jerri Lynn Barlese declared a quorum was present and the Council could conduct business. Council Secretary/Treasurer Jerri Lynn Barlese advised that others present are: Environmental Coordinator (Director, Environmental Protection Department) and Acting Chief Administrative Employee, Ron Johnny; Dave Swearingen, Federal Energy Regulatory Commission (FERC); Dan Gredvig, Ruby Pipeline/El Paso Corporation; Jennifer Waddel, Attorney (representing Ruby Pipeline); and, Dave Haggen, Merjent, Inc., Environmental Compliance for both Bureau of Land Management (BLM) and FERC.

UNFINISHED BUSINESS

a. Government-to-Government Consultation Session

David Swearingen, FERC, briefed Council on Jennifer Waddel's presence, and the environmental compliance issues he is looking at during this trip to Nevada, and that Dave Haggen has one Merjent environmental compliance monitor per Ruby Pipeline construction spread.

Council expressed concern on insufficient numbers of Merjent monitors.

Council Member Randi DeSoto and Dave Haggen discussed the differences between the duties of tribal cultural monitors and environmental compliance monitors.

In response to question by Mr. Johnny, Mr. Swearingen discussed that the weekly Ruby Pipeline construction reports would include mention of injuries, like the truck roll over and spill of diesel and other petroleum products, but not full detail, and that there would be a passing mention in Merjent's weekly environmental compliance in Merjent's report of injury. Relative to the September 2010, Ruby Pipeline contractor truck roll over, Mr. Swearingen advised there was a law enforcement report issued but questioned why the Tribe wanted that. When Mr. Johnny expressed the Tribe's concern for Ruby's contractor complying with the FERC approved plan to respond to and clean up petroleum spills purely for environmental protection issues should a spill occur on or near the Summit Lake Reservation, Mr. Swearingen advised that he would get Mr. Johnny a copy of how the spill of diesel was handled.

Relative to this recent incident, that a Ruby contractor's pipe hauling truck lost control down a hill, hit another vehicle injuring the driver of the second vehicle, Mr. Swearingen advised that incident was in an active investigation stage by OSHA and the police. Mr. Johnny again asked for the information on how chemical or petroleum spill was handled and whether the FERC approved SPPC Plan was implemented.

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Mr. Johnny discussed with Mr. Swearingen the continued delay in the Tribe receiving Merjent's environmental compliance reports and the need to get them to the Tribe sooner so the Tribe can timely comment on its concerns in the handling of environmental compliance issues.

The Council and Mr. Swearingen, and Mr. Gredvig, discussed the concerns that the Ruby Vya Camp operations were causing environmental concerns given the Saturday and Sunday rain and snow.

(At 5:59pm, Ron Johnny called Damien Miller, Deputy Project Leader, Sheldon Refuge, U.S. Fish and Wildlife Service, Lakeview, Oregon, to advise of the estimated time the Council would handle his Consultation Session.)

BREAK It was the consensus of the Council to take a ten minute break.

(At 6:30pm, Ron Johnny called Damien Miller.)

CALL BACK TO ORDER. At 6:40pm, the Council Meeting was called back to order by Council Secretary/Treasurer Jerri Lynn Barlese as Acting Chairperson.

ROLL CALL. Council Secretary/Treasurer and Acting Chairperson Jerri Lynn Barlese called roll. Present: Warner Barlese (by phone), Ernie Barlese (by phone), Jerry Barr, Randi DeSoto, and Jerri Lynn Barlese. Council Acting Chairperson Jerri Lynn Barlese declared a quorum was present and the Council could conduct business. Council Secretary/Treasurer Jerri Lynn Barlese advised that others present are: Environmental Coordinator (Director, Environmental Protection Department) and Acting Chief Administrative Employee, Ron Johnny; Dave Swearingen, Federal Energy Regulatory Commission (FERC); Dan Gredvig, Ruby Pipeline/El Paso Corporation; Jennifer Waddel, Attorney (representing Ruby Pipeline); Damien Miller, Deputy Project Leader, Sheldon Refuge, U.S. Fish and Wildlife Service (FWS), Lakeview, Oregon; and, Dave Haggen, Merjent, Inc., Environmental Compliance for both Bureau of Land Management (BLM) and FERC.

b. Government-to-Government Consultation Session

Mr. Miller advised that as Deputy Project Leader he was now Acting Project Leader of the Sheldon-Hart Refuge Complex, and that Paul Steblien had transferred permanently to Washington, D.C.

(At 6:50pm, Council Member Jerry Barr left the meeting.)

(At 6:51pm, Council Member Jerry Barr entered the meeting.)

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Mr. Miller explained the FWS thoughts on permitting Ruby Pipeline to use the Refuge road, and the initial proposed re-route above the outflow of Ten Mile Spring and the Council's counter-proposal that Ruby Pipeline be required to utilize the jeep trail on the south side of Mahogany Mountain that would go south around Mahogany Mountain and avoid completely the Tribe's sacred Ten Mile Spring and its view shed, the view shed being essential for life saving prayers and ceremonies to be conducted properly.

Council Chairman Warner Barlese advised Mr. Miller that the Council had considerable environmental concerns for Ruby Pipeline being able to use Refuge roads, including the Cedarville Road and drive through the outflow of the Tribe's sacred Ten Mile Spring, ten miles west of the Reservation.

CONSENSUS It was the consensus of the Council that it needed time to discuss the re-route of the re-route, and that Mr. Johnny would get back to Mr. Miller by Monday, November 8, 2010.

(At 7:17pm, Mr. Miller's phone call ended; David Swearingen, Dave Haggen, Dan Gredvig, and Jennifer Waddel left the meeting; Council Member Erine Barlese advised he had to leave the call because of a low cell phone battery signal; Mr. Johnny called Council Member Ernie Barlese on a different phone number.)

OLD BUSINESS

MOTION Motion by Council Member Jerry Barr to introduce and enact Resolution titled "Retaining Lawyer to Represent Tribe in Petition for Review or Appeal before U.S. Court of Appeals and waive the reading of the Resolution. Council Member Randi DeSoto seconded the motion. Discussion on whether the Acting Chairperson could second a motion; the Council decided that the Council Chairman since he was not leading the meeting could second a motion but the Acting Chairperson leading the meeting could not. Vote called. VOTE: 4 For, 0 Against, and 0 Abstaining. At 7:22pm, Acting Chairperson Jerri Lynn Barlese declared the motion had passed and that Resolution SL-19-2010 was enacted.

Council Chairman Warner Barlese asked all drivers of the Tribe's leased GSA vehicles to be aware and concerned for damage to the vehicles, however, slight, because of the costs involved in repairing the vehicles.

ADJOURNMENT

MOTION Motion by Council Member Jerry Barr to adjourn. Council Member Randi DeSoto seconded the motion. No discussion. Vote called. VOTE: 4 For, 0 Against and 0 Abstained. Acting Council Chairperson Jerri Lynn Barlese advised the motion had passed and the meeting was adjourned at 7:26pm.

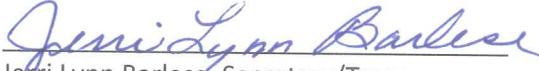
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CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby state and affirm that the above Minutes of the October 28, 2010 Special Meeting of the Summit Lake Paiute Council (Council) were approved by the Council during a duly called meeting of the Council on February 20, 2011, by a vote of 3 For, 0 Against and 0 Abstaining, and that Council Chairman Warner Barlese did not vote because there was no tie vote.

February 20, 2011

Date



Jerri Lynn Barlese, Secretary/Treasurer
Summit Lake Paiute Council