

MINUTES
Special Meeting
SUMMIT LAKE PAIUTE COUNCIL
Saturday, July 17, 2010

BLM Surprise Valley Field Office, 602 Cressler Street, Cedarville, California

CALL TO ORDER. At 9:05am, the Council Meeting was called to order by Council Chairman Warner Barlese.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Ernie Barlese, Jerry Barr, Randi DeSoto and Jerri Lynn Barlese. Council Chairman Warner Barlese declared a quorum was present and the Council could conduct business. Council Secretary/Treasurer Jerri Lynn Barlese advised that Environmental Coordinator (Director, Environmental Protection Department), and Acting Chief Administrative Employee, Ron Johnny was present.

REPORTS

a. Finance Department. Council Member Jerry Barr distributed a written report prepared by Tribal Accountant Frances Winn.

b. Acting Chief Administrative Employee (Acting CAE). Acting CAE Ron Johnny distributed a written report.

MOTION Motion by Council Secretary/Treasurer Jerri Lynn Barlese to authorize the Council Chairman and Acting CAE to appeal, if necessary, BLM's Ruby Pipeline Record of Decision and Right-Of-Way Grant. Motion seconded by Council Member Jerry Barr. Vote called. VOTE: 4 For, 0 Against, and 0 Abstaining. At 9:34am, Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed.

CONSENSUS It was the consensus of the Council that a cultural resource Tribal Monitor was needed today by the Council for today's U.S. Fish and Wildlife Service (FWS) Site Visit at 10 Mile Spring on the Sheldon Refuge and with BLM Winnemucca District Office north of the Summit Lake Reservation, and that James Barlese, who was qualified as a Tribal Monitor, and was familiar with the work of Ruby Pipeline's previous subcontractor, Pacific Legacy, would be paid \$200.00 per day as an independent contractor for work as a Tribal Monitor when he accompanied the Council to Ruby Pipeline related Site Visits, and that Acting CAE Ron Johnny was to get the necessary contract and other papers done.

MOTION Motion by Council Secretary/Treasurer Jerri Lynn Barlese to introduce a proposed Council Resolution "Protecting the Educational Opportunities of Summit Lake and Other Humboldt County Northern Paiute Youth and the Rodger Anderson Living Trust's Dora De Anderson Endowment Fund." Motion seconded by Council Member Jerry Barr. Vote called. VOTE: 4 For, 0 Against, and 0 Abstaining. At 9:41am, Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed.

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c. Director, Natural Resource Department. William Cowan, Director, Natural Resources Department, distributed a written report.

MOTION Motion by Council Vice-Chairman Ernie Barlese to amend the Procurement Procedure Manual so that bid solicitations need only be published fifteen (15) days not thirty (30) days. Motion seconded by Council Member Jerry Barr. Council discussed how the timing restrictions of the American Recovery and Reinvestment Act (ARRA) required the Tribe to act more quickly than the Procurement Procedure Manual allowed. Vote called. VOTE: 4 For, 0 Against, and 0 Abstaining. At 9:47am, Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed.

d. Environmental Coordinator's Report. Environmental Coordinator and Director of the Tribe's Environmental Protection Department, Ron Johnny, gave a written and verbal report.

NIMS Assessment. Mr. Johnny reported that the State of Nevada's Division of Emergency Management (DEM) had recently completed the NIMS Assessment of the Tribe and found that while Council Chairman and himself had attended ICS (Incident Command System) Classes 100, 200 and 700, that neither the Tribe nor the Council were NIMS compliant. Mr. Johnny explained how the 2010-2011 GAP Grant will further assist the Tribe in becoming NIMS compliant but that Council Members had to find the time to attend the ICS 100, 200 and 700 classes at a minimum.

EPA Climate Change Grant.

CONSENSUS It was the consensus of the Council that the Environmental Coordinator could continue working with UNLV Professor William Smith on developing an EPA Climate Change Grant Application if acceptable to the Director of the Natural Resources Department.

BREAK At 9:58am, it was the consensus of the Council to take a break until 10:10am.

CALL BACK TO ORDER At 10:11am, the Council Meeting was called to order by Council Chairman Warner Barlese.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Ernie Barlese, Jerry Barr, Randi DeSoto and Jerri Lynn Barlese. Council Chairman Warner Barlese declared a quorum was present and the Council could conduct business. Council Secretary/Treasurer Jerri Lynn Barlese advised that the follow persons were present: Environmental Coordinator (Director, Environmental Protection Department), and Acting Chief Administrative Employee, Ron Johnny; Renee Sotelo Barlese; Penni Borghi, Archaeologist, BLM Surprise Valley Field Office (who mwill transfer to another federal agency in a week); Shane DeForest, Manager, BLM Surprise Valley Field Office (who will be on temporary assignment to a BLM office in Wyoming in several weeks).

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GOVERNMENT-TO-GOVERNMENT CONSULTATION WITH BLM ON RUBY PIPELINE

BREAK At 12 Noon, it was the consensus of the Council to break until 1:30pm.

CALL BACK TO ORDER At 1:35m, the Council Meeting was called to order by Council Chairman Warner Barlese.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Ernie Barlese, Jerry Barr, Randi DeSoto and Jerri Lynn Barlese. Council Chairman Warner Barlese declared a quorum was present and the Council could conduct business. Council Secretary/Treasurer Jerri Lynn Barlese advised that the follow persons were present: Environmental Coordinator (Director, Environmental Protection Department), and Acting Chief Administrative Employee, Ron Johnny; Paul Steblein, Project Leader, Sheldon and Hart Refuge Complex, U.S. Fish and Wildlife Service, Lakeview, Oregon; Nick Valentine, Archaeologist, U.S. Fish and Wildlife Service (FWS), Portland, Oregon.

GOVERNMENT-TO-GOVERNMENT CONSULTATION WITH FWS ON RUBY PIPELINE

A. Cultural Resources Looted from Sheldon Refuge. The cultural resources looted from the Sheldon Refuge are still number at 25. BLM gave the 25 items to the Nevada State Museum, Carson City, Nevada, after Pacific Legacy gave them to BLM. FWS is happy to get items out of Museum in accordance with Council Resolution SI-01-2010; FWS only has to issue the Museum a letter. No special room needed after removed from Museum. Plan: Ceremony taking them from Museum; Coordinate with other Tribes; Storage at FWS-Reno Office until transported to Sheldon. Acting CAE Ron Johnny to coordinate removal from Museum on Tuesday, September 7, 2010. Week of September 14, 2010 inconvenient because of Wild Horse Gather on Sheldon Refuge. FWS will have one of their staff, likely Nick Valentine, FWS Archaeologist, to accompany items and be present when they are laid to rest. Confidential Memo to file on re-location in general area from where taken.

Paul Steblein discussed his departure from Sheldon Refuge; going to Washington, D.C., on October 1, 2010. No replacement yet.

B. Cultural Resource or "Tribal" Monitors. Council discussed their dissatisfaction with the EPG (Ruby Pipeline contractor) Native American Employment Program (NAEP), and how the first draft did not comply with either the Nevada or California BLM NAGPRA Plan of Action, allowing the Senior Tribal Coordinator, Les Anderson, to terminate Tribal Monitors for trying to stop construction, delay construction or expressing themselves which made their team members feel uneasy. The Council advised that it seems rather natural for a Northern Paiute Tribal Monitor to utter words like "stop" if they saw Ruby Pipeline's machinery digging up a grave site. The Council advised that they preferred the Pacific Legacy Option #2 to EPG's NAEP. Pacific Legacy had allowed the Council to select the well qualified Tribal Monitors, equip them with cameras, cell phone and GPS units, follow the archaeologists, and report their observations directly to the Council, and that all data collected from the cameras and GPS units, and reports, were the property of the Tribe. The Council advised that once the final route

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determinations were made, the Council would only agree to allow EPG or Far Western to contract with it to provide Tribal Monitors.

(At 3:00pm, Council Chairman Warner Barlese left the meeting.)

(At 3:01pm, Council Chairman Warner Barlese entered the meeting.)

C. Ruby Pipeline-FWS Transportation Plan. Council Members advised after tomorrow's Site Visit at 10 Mile Spring, they may have more to say. Paul Steblein advised that while he could not attend tomorrow's Site Visit that FWS archaeologist Nick Valentine and Brian Day, FWS' Sheldon Manager, would. The Council expressed its concern over the planned re-routing of the Sheldon Road immediately above the 10 Mile Spring outlet. The Council was certain there were important, historic, and modern day cultural resources at 10 Mile Spring since it and other springs in the area were sacred to the Tribe, and wanted to discuss the mitigation processes of having Ruby Pipeline: pay not only to have 10 Mile Spring and its View Shed made a TCP but placed on the federal historic register; place trash cans along the road and collect the trash; and, for Ruby to pay the Tribe to conduct water quality and quantity testing of 10 Mile Spring during and after the road was re-routed. The Council advised it would have other comments during tomorrow's Site Visit. Paul Steblien asked that the Council have its Natural Resources Department provide information on what it has done to conduct water testing on the Summit Lake Reservation.

D. Surplus Furniture. Paul Steblein will email Ron Johnny a list of surplus furniture.

E. Comprehensive Conservation Plan. Paul Steblein advised that next week the FWS would email a planning update.

F. Wild Horse Gather on Sheldon Refuge. Paul Steblein advised that FWS would be conducting its horse gather using Katours on the Sheldon Refuge the week of September 14, 2010, and if the Tribe wanted to observe the horse gather they should contact FWS Biologist Gayle Collins at his office by September 3, 2010, that space was limited but he was certain they could accommodate one person at their camp.

APPROVAL OF MEETING MINUTES

MOTION Motion by Council Member Jerry Barr to table to reading and approval of the Minutes of past Minutes until the August 2010 Council Meeting. Motion seconded by Council Vice-Chairman Ernie Barlese. Vote called. VOTE: 4 For, 0 Against, and 0 Abstaining. At 4:53pm, Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed.

ADJOURN

MOTION Motion by Council Member Jerry Barr to adjourn the meeting. Motion seconded by Council Secretary/Treasurer Jerri Lynn Barlese. Vote called. VOTE: 4 For, 0 Against,

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and 0 Abstaining. At 4:54pm, Council Chairman Warner Barlese, who did not vote because there was no tie vote, reminded everyone of tomorrow morning's Site Visit first at 10 Mile Spring with FWS and immediately after that north of the Summit Lake Reservation with BLM Winnemucca District Office, and declared the motion had passed and the meeting was adjourned.

CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby state and affirm that the above Minutes of the July 17, 2010 Special Meeting of the Summit Lake Paiute Council (Council) were approved by the Council during a duly called meeting of the Council on August 28, 2010 on the Summit Lake Reservation, 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.

August 28, 2010
Date


Jerri Lynn Barlese, Secretary/Treasurer
Summit Lake Paiute Council