

RESOLUTION OF THE SUMMIT LAKE PAIUTE COUNCIL
SUMMIT LAKE PAIUTE TRIBE OF NEVADA
OF THE
SUMMIT LAKE PAIUTE RESERVATION

RESOLUTION NO.: SL - 19 - 2010

TITLE: RETAINING LAWYER TO REPRESENT TRIBE IN PETITION FOR REVIEW
OR APPEAL BEFORE U.S. COURT OF APPEALS

WHEREAS, the Summit Lake Paiute Tribe, is a modern entity of the Northern Paiute People known, in English, as Lake Trout and Wild Onion Eaters who, for thousands of years, controlled at least 2,800 square miles of land in and around Summit Lake as a tribe with sovereign, unlimited, powers and laws (customs, traditions, usages, etc.); and,

WHEREAS, in 1964, and after much consideration, the members of the Lake Trout and Wild Onion Eaters organized pursuant to Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, adopting, for certain sovereign purposes, the name "Summit Lake Paiute Tribe" with a tribal constitution titled "Articles of Association," the latter which was approved by the Secretary of the U.S. Department of the Interior on January 8, 1965; and,

WHEREAS, the Summit Lake Paiute Tribe's Articles of Association grant to the Summit Lake Paiute Council (see Article II, Section 1) certain sovereign powers, including the power to negotiate with federal agencies like the U.S. Department of Interior and others and their respective departments and agencies to improve the welfare and education of tribal members (see Article II, Section 1 (b), (k)); and,

WHEREAS, negotiation is an essential element of litigation; and,

WHEREAS, the Summit Lake Paiute Tribe's Articles of Association grant to the Summit Lake Paiute Council (see Article II, Section 1) the sovereign powers to employ or retain legal counsel (see Article II, Section 1(d)), and grant the Secretary of the U.S. Department of the Interior the power to fix the fees of experienced legal counsel (see Article II, Section 1(d)); and,

WHEREAS, following the Federal Energy Regulatory Commission (FERC) issuing their Certificate Order in Docket No. CP09-54-000, Ruby Pipeline Project, in April 2010, and as authorized by the Council, Summit Lake Paiute Council Chairman Warner Barlese filed pro se (without legal counsel) a Request For Rehearing on the Certificate Order for many reasons; and,

WHEREAS, on ___, FERC denied the Tribe's Request For Rehearing on the FERC's April 2010 Certificate Order and the Council believes there is only a 60 day time period to challenge FERC's denial of the Tribe's Request For Rehearing; and,

WHEREAS, on Saturday, October 23, 2010, the Council received notice that Lawyer and Assistant Professor of Law at William Mitchell College of Law, St. Paul, Minnesota, Colette Routel, who has taught Federal Indian Law, Environmental Law and Natural Resources Law for several years at various law schools and has practiced other bodies of law for years, would represent the Tribe before the Washington, D.C. or other U.S. Circuit Court of Appeals to file a Petition For Review or appeal pro bono (without charge) against the Federal Energy Regulatory Commission, which recently denied the Tribe's Request For Rehearing,

THEREFORE BE IT RESOLVED, that the Summit Lake Paiute Council hereby retains Colette Routel for the above-stated purpose. Given Ms. Routel's experience and pro bono status the Secretary of the Interior or his delegate should not oppose the selection or fee.

CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby certify that the above Resolution, No. SL - 19 - 2010, was brought before the Summit Lake Paiute Council at a duly held meeting on the 28th day of October, 2010, with a quorum present, with the following votes to enact the Resolution: 4 FOR, 0 AGAINST; and 0 ABSTAINING, with the Council Chairman presiding and not voting because there was no tie vote, and that this Resolution has not been rescinded, revoked or amended.

October 28, 2010
Date


Jerri Lynn Barlese, Secretary/Treasurer
Summit Lake Paiute Council