

Minutes  
Special Meeting  
Summit Lake Paiute Council  
Saturday, February 21, 2009  
Primary Administrative Office, 1708 H Street, Sparks, NV 89431

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**CALL TO ORDER.** At 10:11 a.m., Council Chairman Warner Barlese called the February 21, 2009 Special Meeting of the Summit Lake Paiute Council to Order.

**ROLL CALL.** Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Lorraine Watson, Ernie Barlese, Warner Barlese, and Jerri Lynn Barlese. Absent: Jesse Strout.

Guests: Athena Brown, Superintendent, Western Nevada Agency, Bureau of Indian Affairs; and, tribal member Christine Harjo. Employees: Frances Winn, Tribal Accountant; Ron Johnny, Acting Administrator and Environmental Coordinator; and, William Cowan, Director, Natural Resources Department.

**MOTION.** Motion by Council Vice-Chairperson Lorraine Watson to amend the Agenda by deleting the first Executive Session and moving the Reading of Minutes Agenda item to number 8, later, in the Agenda. Motion seconded by Council Member Ernie Barlese. Vote called. VOTE: 3 For, 0 Against, and 0 Abstained. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared that the Motion had passed and the Agenda was amended.

**SUPERINTENDENT.** Athena Brown, Superintendent, Western Nevada Agency, Bureau of Indian Affairs, discussed the Resolution enacted by the Council regarding the imposition of an annual fee on vehicles entering the Summit Lake Reservation. Superintendent Brown advised the reasoning for the passage of the Resolution was understood but that the Solicitor of the Bureau of Indian Affairs had raised several points:

1. The Solicitor needed clarification of the word "Government," and wondered whether the Resolution was intended to apply to the Bureau of Indian Affairs (BIA), Bureau of Land Management (BLM), and other U.S. Department of the Interior bureaus and agencies.

2. The Solicitor has no legal objection to applying the annual vehicle fee to others: private vehicles, state and county vehicles, other tribes, etc.

3. The Council needs to look at the IRR System and applicable laws. The Superintendent will get the Council a copy of applicable federal laws.

4. The Solicitor objects to the annual vehicle fee being imposed on federal agency vehicles. The sovereignty of the United States prevents tribes from applying any fees.

5. The availability of the Agency Tribal Operations staff to help the Council in drafting Resolutions such as the one being discussed.

Council Members and the Superintendent discussed the need for Bureau of Indian Affairs Police to patrol the Summit Lake Reservation, that non-Indians break into tribal buildings, shoot at tribal signs putting numerous bullet holes in the signs, and that non-Indians trespass the Reservation like the back

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hoe that was driven over One Mile Spring several feet south of the Hatchery Building and out the Reservation boundary gate of the Tribe's fence just north of the Hatchery Building to dig a hole deeper on BLM managed land. The Superintendent advised the Council to report crimes so that they can be used by BIA Police to justify police coverage.

Tribal member Christine Harjo voiced her concern about the Resolution.

Council Members discussed their efforts to get tribal member input on the Resolution.

Council Members then discussed the progress of Vice-Chairperson Lorraine Watson and Secretary/Treasurer Jerri Lynn Barlese drafting an Ordinance to implement the Resolution.

Council Members thanked Superintendent Brown for attending the Council Meeting.

BREAK. At 11:13 a.m., it was the consensus of the Council to take a ten minute break.

CALL BACK TO ORDER. At 11:23 a.m., Council Chairman Warner Barlese called the February 21, 2009 Special Meeting of the Summit Lake Paiute Council Back to Order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Lorraine Watson, Ernie Barlese, Warner Barlese, and Jerri Lynn Barlese. Absent: Jesse Strout.

Guests: None. Employees: Frances Winn, Tribal Accountant; and, Ron Johnny, Acting Administrator and Environmental Coordinator.

#### REPORTS

Chairman, Summit Lake Paiute Council. Chairman Warner Barlese gave a verbal report, including:

- Being contacted by a Criminal Investigator with the U.S. Department of the Interior, Office of Inspector General, over the 2004, 2005 and 2006 Findings and Determinations of the Bureau of Indian Affairs.
- Attending a meeting with Dr. Charles Rhodes, Diabetes Program, Indian Health Service, and the Indian Health Board of Nevada Board members and staff about diabetes funding for the Summit Lake Paiute Tribe and tribes with land holdings in Nevada.

(11:29 a.m., Employee William Cowan, and tribal member Christine Harjo entered meeting.)

Vice-Chairperson, Summit Lake Paiute Council. Vice-Chairperson Lorraine Watson gave a written report. See Report.

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Secretary/Treasurer, Summit Lake Paiute Council. Secretary/Treasurer Jerri Lynn Barlese gave a verbal report, including:

- Update on the May 16, 2009, Summit Lake Paiute Council General Election.

(11:49 a.m., Council Member Jesse Strout entered the Council Meeting.)

(Tribal member Christine Harjo asked the Council if there are any tribal funds. Council Members explained that the Tribe has no income other than federal contracts and grants thus there are no "tribal funds" as such.)

- Update on development of a Sex Offender Registry System to prevent the State of Nevada from asserting jurisdiction on the Summit Lake Reservation.

(11:52 a.m., tribal members Connie Summers and Reggie Lee Townsend entered meeting.)

(Tribal members asked questions about the 2004-2005 and 2006 Findings and Determinations of the Bureau of Indian Affairs and their current status. Council Members and Acting Administrator Ron Johnny advised that the Council had separately appealed the 2004-2005, and 2006 Findings and Determinations, and that there are two cases on appeal before the Civilian Board of Contract Appeals in Washington, D.C. ("CBCA"), which have been consolidated, and that Council Chairman Warner Barlese and Acting Administrator Ron Johnny, as ordered by the CBCA Judge, create Status Reports with the Department of the Interior's Solicitor representing the Bureau of Indian Affairs every ninety (90) days, and the appeals are stayed pending completion of the criminal investigation by the U.S. Department of the Interior, Office of Inspector General.)

(12:16 p.m., Christine Harjo left the Council Meeting.)

LUNCH BREAK. At 12:17 p.m., it was the consensus of the Council to take a lunch break until 1:03 p.m.

CALL BACK TO ORDER. At 1:03 p.m., Council Chairman Warner Barlese called the February 21, 2009 Special Meeting of the Summit Lake Paiute Council Back to Order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Ernie Barlese, Warner Barlese, Jerri Lynn Barlese, and Jesse Strout. Absent: Lorraine Watson.

Guests: Tribal member Reggie Lee Townsend. Employees: William Cowan, Director, Natural Resources Department; and, Ron Johnny, Acting Administrator and Environmental Coordinator.

REPORTS (continued)

Acting Administrator/CAE. Acting Administrator/Chief Administrative Employee Ron Johnny gave a written report. See Report.

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- Update, Ruby Pipeline LLC.

(1:20 p.m., Council Vice-Chairperson Lorraine Watson entered the Council Meeting.)

(1:21 p.m., Council Secretary/Treasurer Jerri Lynn Barlese and Acting Administrator Ron Johnny left meeting.)

Tribal Accountant. Tribal Accountant Frances Winn gave a written report.

(129 p.m., Council Secretary/Treasurer Jerri Lynn Barlese entered the Council Meeting.)

BREAK: At 1:45 p.m., it was the consensus of the Council to take break.

CALL BACK TO ORDER. At 2:55 p.m., Council Chairman Warner Barlese called the February 21, 2009 Special Meeting of the Summit Lake Paiute Council Back to Order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Ernie Barlese, Warner Barlese, Jerri Lynn Barlese, Jesse Strout, and Lorraine Watson.

Guests: Tribal member Reggie Lee Townsend. Employees: William Cowan, Director, Natural Resources Department; and, Ron Johnny, Acting Administrator and Environmental Coordinator.

REPORTS (continued)

Acting Administrative/CAE (continued)

- Update, Ruby Pipeline LLC (continued)

MOTION. (3:10 p.m.) Motion by Council Secretary/Treasurer Jerri Lynn Barlese to have the Chairman of the Council, Warner Barlese, with the assistance of Acting Administrator Ron Johnny, file a motion to intervene in the Ruby Pipeline LLC filing with the Federal Energy Regulatory Commission ("FERC") in accordance with the Notice of Filing given by the FERC Secretary on February 9, 2009, given the March 2, 2009 deadline. Council Member Ernie Barlese seconded the motion. Council Members discussed the activities of the Council to: protect the Reservation from the pollution that would be created if the Ruby Pipeline was construction between the Sheldon Antelope Refuge and the Summit Lake Reservation; protect the Tribe's important, historic, cultural and other resources along the Ruby Pipeline construction route not only between the Sheldon Antelope Refuge and the Summit Lake Reservation but within the Tribe's traditional territory of at least 2,800 square miles around Summit Lake; protect the Tribe's members rights, at all usual and accustomed places within the Tribe's traditional territory, to hunt, fish, gather traditional foods, medicine and resources, and to participate in spiritual and religious-like ceremonies; protect the Reservation from the 700-800 crew members Ruby Pipeline would have working on the construction 24 hours per day, including their time off

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from work. Vote called. VOTE: 4 For, 0 Against and 0 Abstaining. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared that the Motion had passed.

Director, Natural Resources Department. William Cowan, Director, Natural Resources Department, gave a written report. See Report.

MOTION. (4:47 p.m.) Motion by Vice-Chairperson Lorraine Watson to exempt any person's or government's vehicle the Tribe is doing business with, and exempt any tribal member's or tribal member's guest's vehicle, from the annual vehicle fee imposed by Council Resolution SL-43-2008. Vote called. VOTE: 4 For, 0 Against and 0 Abstaining. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared that the Motion had passed.

MOTION. (4:56 p.m.) Motion by Council Member Ernie Barlese to establish and set the harvest limits of tribal members on Lahontan cutthroat trout, given the data given the Council, at five (5) for adults over the age of 21 years of age, and two (2) for minors. Motion seconded by Council Secretary/Treasurer Jerri Lynn Barlese. Vote called. VOTE: 4 For, 0 Against and 0 Abstaining. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared that the Motion had passed.

(5:26 p.m., Vice-Chairperson Lorraine Watson left the Council Meeting.)

(5:28 p.m., Vice-Chairperson Lorraine Watson returned to the Council Meeting.)

CONSENSUS OF COUNCIL. (5:27 p.m.) It was the consensus of the Council to approve the job announcements for Maintenance Worker, Noxious Weed Technician and Creel Census Taker.

CONSENSUS OF COUNCIL. It was the consensus of the Council that the Director of the Natural Resource Department could correct the title of the Job Announcement of Fish Biologist to Fish and Wildlife Biologist.

BREAK. At 5:35 p.m., it was the consensus of the Council to take a break until 5:46 p.m.

CALL BACK TO ORDER. At 5:46 p.m., Council Chairman Warner Barlese called the February 21, 2009 Special Meeting of the Summit Lake Paiute Council Back to Order.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Ernie Barlese, Warner Barlese, Jerri Lynn Barlese, Jesse Strout, and Lorraine Watson.

Guests: None. Employees: William Cowan, Director, Natural Resources Department; and, Ron Johnny, Acting Administrator and Environmental Coordinator.

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EXECUTIVE SESSION.

CONSENSUS OF COUNCIL. (5:46 p.m.) It was the consensus of the Council to go into Executive Session until 6:13 p.m.

CALL BACK TO ORDER. At 6:13 p.m., Council Chairman Warner Barlese called the February 21, 2009 Special Meeting of the Summit Lake Paiute Council Back to Order.

(At 6:13 p.m., the Council automatically came out of Executive Session.)

MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to approve and adopt Resolution SL-01-2009, "Renewal of an Intergovernmental Personnel Act Agreement with U.S. Fish and Wildlife Service." Motion sectioned by Council Vice-Chairperson Loraine Watson. Council discussed the terms of the Intergovernmental Personnel Act ("IPA") Agreement and its benefits to the Tribe to date. Vote called. VOTE: 4 For, 0 Against and 0 Abstaining. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared that the Motion had passed and Resolution SL-01-2009 was enacted.

READING OF MINUTES

MOTION. (6:32 p.m.) Motion by Council Vice-Chairperson Lorraine Watson to approve the Minutes of the Council's Special Meeting on January 24, 2009, as prepared. Motion seconded by Council Member Ernie Barlese. Vote called. VOTE: 3 For, 0 Against and 1 Abstaining. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared that the Motion had passed and the Minutes of the Council's January 24, 2009 Special Meeting were approved.

MOTION. (6:33 p.m.) Motion by Council Secretary/Treasurer Jerri Lynn Barlese to approve the Minutes of the Council's Special Meeting on December 20, 2008, as prepared. Motion seconded by Council Member Jesse Strout. Vote called. VOTE: 4 For, 0 Against and 0 Abstaining. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared that the Motion had passed and the Minutes of the Council's December 20, 2008 Special Meeting were approved.

MOTION. (6:35 p.m.) Motion by Council Vice-Chairperson Lorraine Watson to table the Minutes of the Council's Special Meeting on January 17, 2009. Motion seconded by Council Secretary/Treasurer Jerri Lynn Barlese. Vote called. VOTE: 4 For, 0 Against and 0 Abstaining. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared that the Motion had passed and that approval of the Minutes of the Council's January 17, 2009 Special Meeting were tabled.

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ADJOURNMENT

MOTION. Motion by Council Secretary/Treasurer Jerri Lynn Barlese to adjourn the Council's Special Meeting on February 21, 2009. Motion seconded by Council Member Ernie Barlese. Chairman Warner Barlese announced the next Council Meeting would start at 10:00 a.m., Saturday, March 21, 2009. Vote called. VOTE: 4 For, 0 Against and 0 Abstaining. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared that the Motion had passed and that the Council's Special Meeting on February 21, 2009 was adjourned at 6:37 p.m.

CERTIFICATION

I, JERRI LYNN BARLSES, Secretary/Treasurer of the Summit Lake Paiute Council, hereby attest that the Minutes of the February 21, 2009, Meeting were approved by the Council during the duly held meeting on March 21, 2009, at which there was a quorum present, and the Council Voting: 7 For, 0 Against and 1 Abstaining, and that Chairman Warner Barlese did not vote because there was no tie vote.

March 21, 2009

\_\_\_\_\_  
Date



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Jerri Lynn Barlese  
Secretary/Treasurer  
Summit Lake Paiute Council