

MINUTES
Special Meeting
SUMMIT LAKE PAIUTE COUNCIL
Saturday, December 11, 2010
Primary Administrative Office, 1708 H Street, Sparks, Nevada

CALL TO ORDER. At 10:03am, 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 others present are: Environmental Coordinator (Director, Environmental Protection Department), and Acting Chief Administrative Employee, Ron Johnny; Gene Seidlitz, Director, BLM Winnemucca District Office; and, Mark Hall, Native American Coordinator, BLM Winnemucca District Office.

(At 10:04am, William Cowan, Director, Natural Resources Department, entered the meeting.)

GOVERNMENT-TO-GOVERNMENT CONSULTATION:

- a. BLM Winnemucca District Office
 - Gene Seidlitz, Manager
 - Mark Hall, Native American Coordinator
 - 1. Update on status of BLM drafting and approved Data Sharing Agreement
 - (a) Inability of BLM to share with Acting CAE the exact location of rock stacks along Ruby Pipeline right-of-way on 3pm, Monday, Nov. 22, 2010

Gene Seidlitz and Mark Hall explained that new BLM IM (instruction Manual) on consultation on Class 1 archaeological work only requires consultation with Tribes on collection and excavation. Council and Director William Cowan discussed need for notice of Class III work so Tribe can contact archaeological firm if Tribe needs archaeological work at same time firm is in area of Reservation.

(At 10:39am, Council Secretary/Treasurer Jerri Lynn Barlese stepped out of the meeting.)

(At 10:42am, Council Secretary/Treasurer Jerri Lynn Barlese entered meeting.)

Gene Seidlitz and Mark Hall advised they will look into whether IM allows Tribe to get notice of archaeological firm in Reservation area in case the Tribe needs archaeological firm work on the Reservation.

(At 11:05am, William Cowan stepped out of meeting.)

(At 11:09am, William Cowan entered meeting.)

BREAK At 11:46am, it was the consensus of the Council to take a break until Noon.

CALL BACK TO ORDER. At 12:03pm, the Council Meeting was called to order by Council Chairman Warner Barlese.

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2. Draft Resource Management Plan & Environmental Impact Statement (DRMP&EIS)

Gene Seidlitz explained that TetraTec is writing the Environmental Impact Statement (EIS) under contract to BLM, and that the Tribe could submit their comments to him.

AGENDA CHANGE

MOTION Motion by Council Member Jerry Barr to do Agenda Item #5, dealing with Ruby Pipeline, first. Council Secretary/Treasurer Jerri Lynn Barlese seconded the motion. Vote called. VOTE: 4 For, 0 Against, and 0 Abstained. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed at 12:10pm.

5. Ruby Pipeline

- (a) Update on Council's requests that all archaeological work stop in Tribe's territory given Ruby refusing to give Council selected monitors opportunity to monitor Ruby Pipeline

Gene Seidlitz and Mark Hall advised that BLM has no control over the tribal monitor program of Power Engineers or the ability to force Power Engineers to use the Council selected tribal monitors. When questioned as to why BLM authorized the EPG (later Power Engineers) NAEP (Native American Employment Program), Mr. Seidlitz and Mr. Hall responded that BLM only commented on the specific section of the original NAEP that conflicted with the NAGPRA Plan of Action.

(At 1:03pm, Council Member Jerry Barr stepped out of the meeting and returned.)

- (b) Protecting Prayer (Rock) Stacks from Ruby Heavy Equipment Operation

Gene Seidlitz and Mark Hall advised the Council of what action was taken by BLM to protect prayer stacks. Council objected to them not receiving notice of proposed action and no opportunity to comment.

(At 1:37pm, Rolando Mendez, Manager, BLM Black Rock Field Office, entered the meeting.)

BREAK At 1:50pm, it was the consensus of the Council to take a 10 minute break.

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CALL BACK TO ORDER. At 2:00pm, 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 others present are: William Cowan, Director, Natural Resources Department; Environmental Coordinator (Director, Environmental Protection Department), and Acting Chief Administrative Employee, Ron Johnny; Gene Seidlitz, Director, BLM Winnemucca District Office; Rolando Mendez, Manager, BLM Black Rock Field Office; and, Mark Hall, Native American Coordinator, BLM Winnemucca District Office.

(b) Protecting Prayer (Rock) Stacks (continued)

Council advised BLM that a treatment plan and inventory needs to be done on all prayer stacks.

(At 2:15pm, Council Chairman Warner Barlese and William Cowan stepped out of the meeting.)

(At 2:17pm, Council Chairman Warner Barlese and William Cowan entered the meeting.)

Council Chairman Warner Barlese advised BLM that the Council needs a closed Executive Session to decide recommendations on possible NAGPRA site(s) and Prayer (rock) Stacks.

CONSENSUS It was the consensus of the Council to table discussion for later.

(Note the below subject was skipped but covered later.)

(c) Require Ruby to post multiple million dollar bond to protect One Mile Spring: given sacred site; protect water quality and flow; funds needed to divert polluted/contaminated spring flow from Reservation; funds needed to purify polluted/contaminated spring flow; funding necessary to secure nearby replacement spring if pollution/contamination cannot be corrected

3. Livestock Trailing Permit for Idaho Canyon and Warm Springs Pastures

BLM agreed to have a meeting with the coordination with Ron Johnny who will give notice to William Cowan.

4. Destruction of wet lands pond and major construction of new pond adjacent county road near Soldier Meadows Ranch with spring flow containing ESA protected Desert Dace

6. Burning Man's Application for a 2011-2015 Special Recreation Application and

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Permit and Operating Plan (Deadline for Comments: December 13, 2010)

The Council opposed the idea of Burning Man to have an additional 5,000 people being permitted to attend Burning Man because of the possibility of an additional 5,000 vehicles.

(At 3:16pm, Council Secretary/Treasurer Jerri Lynn Barlese entered the meeting.)

Council discussed their desire that Burning Man be required to move a considerable distance from the planned use site because of the damage in the vicinity of the last five years use to the dry lake bed, concerns for grey water (shower and wash water) disposal, ruts in portion of dry lake bed that Tribe uses as an essential route to and from the Reservation, and interference with tribal members traditional use of the Playa (dry lake bed).

Gene Seidltz advised that he will get information on bond that Ruby Pipeline has already posted, and check to see if it was a Solicitor suggestion that only BIA (Bureau of Indian Affairs) has jurisdiction to order Ruby to do water testing at Tribe's sacred One Mile Spring.

(At 4:07pm, Council Member Jerry Barr stepped out of the meeting.)

BREAK At 4:11pm, it was the consensus of the Council to take a 30 minute break.

CALL BACK TO ORDER. At 4:47pm, 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 others present are: Environmental Coordinator (Director, Environmental Protection Department), and Acting Chief Administrative Employee, Ron Johnny.

OLD BUSINESS

- a. U.S. Fish & Wildlife Service 10 Mile Spring Mitigation Decision (email)
 1. Requires Ruby install on road small bridge over spring flow and ice formation

CONSENSUS It was the consensus of the Council that Council Chairman Warner Barlese is authorized to sign a comment to U.S. Fish and Wildlife Service on their decision regarding the Tribe sacred 10 Mile Spring.

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- b. FERC One Mile Spring Mitigation Decisions (letter)
 - 1. Discuss whether FERC's opinion that Ruby is directly responsible, not federal government, for mitigating the environmental impacts [damages] associated [caused] by its [federal government approved] project
 - (a) Purpose Limited Liability Corporation created
 - (b) Demand FERC/BLM collect suitable bond for sacred spring

CONSENSUS It was the consensus of the Council that Council Chairman Warner Barlese was authorized to sign a letter to BIA asking them, in accordance with the U.S. trust responsibility to the Tribe, to order Ruby Pipeline, LLC, to do the testing of One Mile Spring that BLM and FERC could not.

CONSENSUS It was the consensus of the Council that Council Chairman Warner Barlese was authorized to sign a letter to OSHA, FERC, BLM and others complaining about the safety record of Ruby Pipeline, LLC, and the lack of an adequate employee injury plan.

CONSENSUS It was the consensus of Council, in response to BLM's request earlier in the Council Meeting, that Ruby Pipeline Project be re-routed out of the ROW, and Council Chairman Warner Barlese authorized to sign letter commenting that: an inventory is what is needed in the current ROW given the finding of the one possible NAGPRA site and two prayer/rock stacks; the Council wants the Council's selected monitors involved in the inventory of the current ROW and the re-route; and, no bulldozer or other heavy equipment should be operated near the Prayer Stacks and possible NAGPRA find given the possibility that the surface rock feature of the Prayer Sites on the southern edge of the ROW may have been knocked down by vibrations.

- 2. Additional Measures Ruby Agrees to Use to Protection One Mile Spring Water
 - (a) Trench inspections when digging in One Mile Spring drainage
 - (b) Trench plugs
 - (c) Not appropriating groundwater from the area
- 3. Giving Ruby permission to conduct preconstruction test and 2 years of post-construction testing to assess water quality and flow capacity of One Mile Spring or negotiate mutually acceptable agreement between Ruby and the Tribe.

Council discussed how they wished to proceed in protecting the Tribe's sacred One Mile Spring from contamination and pollution by Ruby Pipeline.

ADJOURN.

MOTION Motion by Council Vice-Chairman Ernie Barlese to adjourn the meeting. Council Secretary/Treasurer Jerri Lynn Barlese seconded the motion. Vote called. VOTE: 4 For, 0 Against, and 0 Abstained. Council Chairman Warner Barlese, who did not vote

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because there was no tie, declared the motion had passed and the meeting was adjourned at 5:32pm.

CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby state and affirm that the above Minutes of the December 11, 2010 Special Meeting of the Summit Lake Paiute Council (Council) were approved by the Council during a duly called meeting of the Council on 8/13/11, by a vote of 4 For, 0 Against and 0 Abstaining, and that Council Chairman Warner Barlese did not vote because there was no tie vote.

August 13 2011
Date

Jerri Lynn Barlese
Jerri Lynn Barlese, Secretary/Treasurer
Summit Lake Paiute Council