

MINUTES
Special Meeting
SUMMIT LAKE PAIUTE COUNCIL
Saturday, January 21, 2012
Primary Administrative Office, Sparks, Nevada

CALL TO ORDER. At 8:12 a.m., the Council Meeting was called to order by Council Vice-Chairman Ernie Barlese.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Ernie Barlese, Jerri Lynn Barlese, Randi DeSoto and Jerry Barr. Absent: Warner Barlese. Vice-Chairman Ernie Barlese declared a quorum was present and Council could conduct business.

STAFF PRESENT. William Cowan, Natural Resources Department Director; Frances Winn, Finance Director; Barbara Nelson, Administrative Coordinator/Finance Assistant.

REPORTS – VICE-CHAIRMAN ERNIE BARLESE

Vice-Chairman Barlese had no report.

Council Member Barr stated he had a request from Frances Winn, Finance Director, to change the agenda and have the Finance Department Report at 11:00 a.m.

REPORTS – SECRETARY/TREASURER JERRI LYNN BARLESE

Secretary/Treasurer Jerri Lynn Barlese reported on the following activities in which she participated:

- wrote a letter to the Bureau of Indian Affairs (BIA) asking for assistance with the Sex Offender Registration Notification Act (SORNA);
- request from Tribal Member for verification of enrollment;
- drafted minutes of the December 1, 2011 Council Administrator (CA) meeting and stated she has June, August, September, November, December and January 2012 CA meeting minutes; and
- attended Western Regional Partnership Tribal Relationship Committee (WRPTRC) meeting on Thursday, January 19, 2012.

Council Member DeSoto asked Secretary/Treasurer Barlese if any of the topics discussed at the WRPTRC meeting pertained to the Summit Lake Paiute Tribe (SLPT). Secretary/Treasurer Barlese stated it addressed fires and disasters. Council Member Barr stated Council has already received this training from the Federal Emergency Management Agency (FEMA).

Ms. Winn asked if all Council had approved one individual to go to the meeting and stated Chairman Barlese has requested a stipend be paid to Secretary/Treasurer Barlese for training. Ms. Winn asked if all Council had approved payment in advance of the meeting. Vice-Chairman Barlese stated he received an email about the meeting and approved Secretary/Treasurer's attendance. Council Member Barr stated he approved Secretary/Treasurer attending the meeting but did not know she would be requesting a stipend. He said Council did not talk about payment. Council Member DeSoto stated she did not respond to the email.

Ms. Winn stated she will be talking about the issue of stipends in her presentation because there continues to be miscommunication as to who can attend meetings, when they can go to meetings and when they can or cannot get paid for going to meetings. Ms. Winn stated this communication needs to be clear so SLPT doesn't continue to have this situation throughout the 2012 year.

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Council Member Barr asked about the "mapping" topic discussed at the WRPTRC meeting. Secretary/Treasurer Barlese stated it was mapping for first responders to disasters. She will be receiving additional information from the meeting presenter.

Secretary/Treasurer Barlese stated other activities she has been involved with this reporting period include signing documents at the Tribal office and preparing a draft of her portion of the BIA Consolidated Tribal Government Program (CTGP) narrative report due to Finance by January 28, 2012. Council Members Barr and DeSoto will have their portions of the CTGP narrative report to Finance by Monday, January 23, 2012.

REPORTS – COUNCIL MEMBER RANDI DESOTO

Council Member DeSoto reported on the following activities.

She stated that if she's not able to work on GoDaddy.com she authorizes Ms. Nelson to update the SLPT website as needed. Postings this reporting period included job announcements, BIA recontract resolutions, the 2012 election resolution and January 15, 2011 Council meeting minutes. Ms. Nelson was unable to post the January 21, 2012 meeting agenda five days prior to the meeting because it was not approved by Chairman Barlese.

Council Member DeSoto attended the January 5, 2012 CA meeting.

Council Member DeSoto reported the Higher Education Committee has not met since funding will not be available from BIA until late February or early March 2012. There are two applications pending. Both have submitted all their paperwork.

REPORTS – COUNCIL MEMBER JERRY BARR

Council Member Barr reported he has three applications for the K-12 program. One member was dissatisfied with a determination Council Member Barr made with regard to a funding request. Council Member DeSoto asked if there was a dollar limit per child at the program's inception. Discussion followed regarding what is allowable per child. Council Member Barr suggested all Council Members discuss this following today's meeting.

Chairman Warner Barlese arrived at the meeting at 8:45 a.m. He advised he would give Chairman's report later in the meeting since some updates were of a confidential nature.

GUESTS. Fred Drye, Tribal Operations Officer, BIA, Western Nevada Agency

The BIA government-to-government consultation began at 8:45 a.m.

Mr. Drye provided handouts and discussed the BIA Housing Improvement Program (HIP). He described information Council would review when a HIP application is received from a Tribal Member. All applicants are ranked by income, age, disability status and number of people in the household. The deadline for SLPT to participate in the 2012 HIP program was December 31, 2011; therefore, SLPT is not eligible until Fiscal Year 2013. For Tribal Members to qualify for HIP, they must live in an approved Tribal service area. Applicants are reviewed on a point system. A worksheet is provided on how to calculate points

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which are then put on a work plan. A Tribal representative ranks the applicant. The highest ranking applicant is put first on the list. BIA gives Tribes a deadline to submit work plans to BIA. The BIA Western Regional Office determines which Tribe and individuals in the Western Region receive funding.

The type of assistance provided is broken down into three categories:

Category A: Minor home repairs up to \$2,500.

Category B: Repairs and renovation up to \$35,000 is allowed to bring house to standard condition.

Category C: Construction of a new home to either replace an existing structure or for new housing for families who have land but are without a home. This could be a modular or stick home depending on what is on the work plan. Most Tribes are opting for modular homes. There is no cap on allowable costs for this option.

Mr. Drye stated there is a work site clearance process with three different entities. BIA Realty evaluates the condition of the existing home, if any. BIA Roads evaluates access to the potential site. The Indian Health Service (IHS) evaluates the site for water and sewage needs. Vice-Chairman Barlese asked whether the cost of installing electricity would be included. Mr. Drye stated the applicant is responsible for providing power. BIA will inspect the HIP home once built.

Mr. Drye stated if a member does not have a current land assignment or allotment, they would have to request a land assignment or allotment from the Tribal Council. Applicants also do not have to live at the site year-round as long as all eligibility requirements are met. All work plans must be approved via Council resolution.

Mr. Cowan asked how the HIP program differs from Housing and Urban Development (HUD) homes. Mr. Drye responded HUD allows higher income levels. HUD decides how much a participant pays for a HUD house payment based on income.

Mr. Cowan asked, what is the definition of "standard" as applied in Category B. Mr. Drye referred to 25 CFR § 256.2 which defines "standard" as a dwelling that is decent, safe and sanitary. Mr. Cowan asked who bears the responsibility to follow the process to administer a HIP program. Can SLPT get assistance to hire a person to coordinate the SLPT HIP program? He stated that there are no surveyed descriptions for land assignments on the Summit Lake Reservation. There are also other processes to consider: cultural, environmental, etc. Mr. Drye stated most Tribes have their Housing Authority coordinate HIP activity. He stated he could provide SLPT assistance but SLPT would have to designate an individual to coordinate HIP. Mr. Cowan asked if it would be an allowable cost under CTGP to which Mr. Drye responded yes, but SLPT would need to modify their CTGP work plan.

Mr. Drye stated once a HIP application is approved and the applicant has settled any land issues, National Environmental Policy Act (NEPA) requirements must be met. If an applicant is requesting a Category C home, where an existing substandard home will be demolished, a Categorical Exclusion (CE) could be requested. The CE would go to the BIA Regional Office archaeologist for review. If a home does not currently exist, an Environmental Assessment (EA) of the site would be needed. These are very expensive—up to \$20,000 or more. Mr. Cowan stated EA was required for most projects NRD has been involved with (fence building, installing wells for livestock, etc.). He said the NRD did not plan for EA's and in some instances projects were pushed back at least two years.

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Mr. Drye stated when IHS conducts their assessment they will review whether or not there is a water source at the site. Mr. Cowan asked if public access will be required by HIP. Mr. Drye stated if an applicant is approved for HIP, they will be required to allow public access. Mr. Cowan stated the Council has made a concerted effort to restrict public access on the reservation.

Mr. Cowan asked how SLPT can explore establishing a Housing Authority. He asked if HUD can subsidize SLPT to do this. Mr. Drye answered SLPT must meet Native American Housing and Self Determination Act (NAHASDA) requirements and pass a Housing Ordinance approved by the Tribal Council.

Chairman Barlese asked if HUD could help cost share with HIP. Mr. Drye responded there are two options. The applicant could request direct grant funding from BIA. Once the project is approved and funded, another option would be to put it under a Public Law 93-638 (638) contract even if it's only one participant being funded by HIP. Under 638 you can cost share with other programs. Mr. Cowan stated the design, development and implementation of a Housing Authority could be an allowable 638 function under Aid to Tribal Government (ATG). Mr. Drye suggested sending a letter of intent to BIA to seek a 638 contract. SLPT does not have a Tribal Priority Allocation (TPA) program for HIP. SLPT would have to make a request to see if BIA has excess funds near the end of the fiscal year. He advised SLPT to make this request to BIA by July or August.

Chairman Barlese stated most members won't meet HIP eligibility requirements because applicants must basically be destitute. Fred Drye stated applicants must also consider transportation and set up costs which are the responsibility of the applicant. Mr. Cowan and Chairman Barlese discussed issues with the transport and set up of the recently-acquired FEMA trailers at the Tribal compound.

Mr. Cowan stated a HIP trailer was obtained in the 1980's which may now be classified as substandard and may need to be demolished. Mr. Drye stated there are no funds for demolishing these trailers. A Tribal Member could submit a new HIP application for Category C funds which would pay for demolishing the substandard trailer and funding a new home, provided the applicant has not received HIP assistance after 1986.

Chairman Barlese asked if a Tribal Member inherits a home, can they then get HIP assistance. Mr. Drye responded all paperwork surrounding the inheritance must be in place (a will or probate). The inheritor could make application for HIP funds because the inheritor didn't receive the original HIP award. It would also require a majority approval from any land holders on the assignment/allotment. Mr. Cowan asked if BIA can provide a list of all persons on an assignment/allotment. Mr. Drye stated BIA could provide that information. Vice-Chairman Barlese asked if someone passes on and left no heirs, what would happen to the land. Mr. Drye stated in that situation the land would revert to the tribe.

Mr. Cowan asked if BIA could supply a generic HIP work plan and application for SLPT to review. Mr. Drye will provide one. Mr. Drye stated SLPT can accept HIP applications from Tribal Members year-round, but SLPT should send the applications and work plans to BIA by August of each year.

Mr. Drye then discussed the Sex Offender Registration Notification Act (SORNA). The law requires Tribes to submit their sex offender registry to the Department of Justice (DOJ). BIA must approve the Tribe's SORNA ordinance. SLPT has not yet submitted their ordinance to BIA. The SORNA code is a civil code which also includes non-Indians who live on the reservation. Mr. Drye will provide SLPT a copy of another Tribe's process of what occurs when a sex offender comes on the reservation. BIA law enforcement will also be involved. Mr. Drye will meet with Secretary/Treasurer Barlese to discuss SORNA further. He will review SLPT's Articles of Association to see if BIA needs to be involved.

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The BIA consultation concluded at 10:05 a.m.

GUESTS. Nick Valentine, Archaeologist, Fish and Wildlife Service (FWS) and Sara Althoff, Legal Intern, FWS.

The FWS government-to-government consultation began at 10:10 a.m.

Mr. Valentine provided a draft Memorandum of Agreement (MOA) for Consultation, Treatment and Disposition of Native American Remains and Cultural Items that may be Inadvertently Discovered on the Sheldon National Wildlife Refuge. Mr. Cowan shared an email dated December 20, 2011 from Sara Althoff to the Council on the MOA, the purpose of which is to describe procedures that will be followed by FWS in the event human remains, funerary objects, sacred objects or cultural objects are found on the Sheldon Refuge.

Ms. Althoff stated the MOA addresses activities that are already planned but it also needs to address unplanned activities occurring at a later date. Council agreed. Language on notification to Tribes appears in two places in the MOA. Ms. Althoff wants to combine this language into one location. Chairman Barlese recommends leaving this language under "Notification and Consultation in the Case of an Inadvertent Discovery" section. Mr. Cowan stated Council has discussed consultation and believes consultation must occur at all stages, including the scoping phase. Ms. Althoff will add to the "Government to Government Relationship" section, a requirement for proactive consultation at all times.

Mr. Valentine stated SLPT has requested notice be sent by Federal Express. Mr. Cowan clarified the intent is for a tracking mechanism regardless of the vendor used.

Ms. Althoff asked about SLPT's request for compensation on activities related to the MOA. Chairman Barlese stated it would be to compensate spiritual leaders, cultural monitors and Council when required to be at a project site.

Ms. Althoff asked how SLPT would like to handle treatment and disposition of NAGPRA items. She suggested it should be handled on a case-by-case basis. Mr. Valentine gave an example where a tribe did not want plastic to be used in the case of human remains. Mr. Cowan suggested this topic be tabled until SLPT consults with spiritual leaders.

Ms. Althoff asked what would happen if two or more Tribes want to claim objects. FWS would provide notice to all affected Tribes and the Tribes would have to consult among themselves.

Ms. Althoff clarified the Tribes listed in the MOA are the "go-to" Tribes for notices. Mr. Cowan stated SLPT is closest geographically to Sheldon. But since all tribes listed are inter-related, Tribal leaders need to communicate. Mr. Cowan suggested Council, during outreach with spiritual leaders, determine the perspective of other Tribes.

Ms. Althoff asked for clarification on SLPT's request for a 60-day time period for SLPT to respond to FWS notice. Is the 60-day time period for ceasing activities or to determine cultural affiliation. Mr. Cowan stated this is the importance of consultation in all stages of project development. Consultation throughout all phases (scoping, preplanning, planning and implementation) will give SLPT appropriate notice to send cultural monitors and/or spiritual leaders. He stated Ms. Althoff's email suggests establishing notice timeframes through each phase.

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Mr. Valentine reported the MOA will have two appendices. One will be a contact list of all parties to the MOA. The other appendix will be a list of objects that project workers should be on the lookout for, especially funerary objects.

Chairman Barlese asked why the San Francisco Chronicle was included in the list of newspapers who would receive notice. Ms. Althoff responded she inserted that newspaper thinking there may be interested Tribal Members in the Bay Area. Mr. Cowan stated the reason SLPT requested only the Modoc Record and Humboldt Sun should receive notice is, if larger newspapers receive notice, it opens notice of remains found to a larger audience which may lead to vandalism. Ms. Althoff stated she would include notice only to newspapers Tribes specifically request.

Ms. Althoff stated she will incorporate comments and email to Chairman Barlese within two weeks. Chairman Barlese will include the contact list in his response. Communication will occur between FWS and SLPT via email and certified mail.

Discussion followed regarding repatriating Ruby artifacts. Mr. Cowan recommended identifying two dates. One will be Saturday, April 28, 2012. The other date is yet to be determined. Notification will be given to all parties three days in advance. Mr. Valentine will discuss the April 28, 2012 date with Sheldon.

BREAK. Consensus of Council was to take a break at 11:13 a.m.

CALL TO ORDER. At 11:30 a.m., the Council Meeting was called to order by Council Vice-Chairman Ernie Barlese.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Ernie Barlese, Jerri Lynn Barlese, Jerry Barr, and Randi DeSoto. Vice-Chairman Ernie Barlese declared a quorum was present and Council could conduct business.

STAFF PRESENT. William Cowan, Natural Resources Department Director; Frances Winn, Finance Director; Barbara Nelson, Administrative Coordinator/Finance Assistant.

REPORTS – FRANCES WINN, FINANCE DIRECTOR

Ms. Winn passed out flash drives containing budgets. She then gave an oral and written report. Ms. Winn stated she would like to have a training session with Council on Excel spreadsheets in February 2012.

Ms. Winn discussed HUD balance from 2001-2012 grants and the importance for Council to get serious about spending the HUD funds. Ms. Winn stated the original Indian Housing Plan (IHP) from 2001 proposed focusing on safe drinking water. That task has been carried forward through subsequent contracts.

Mr. Cowan asked for a copy of the original IHP since it overlaps with NRD grants with regard to bringing wells and ground water to safe drinking water quality standards. Mr. Cowan stated the Council also needs to review the original IHP to see what SLPT is obligated to do.

Ms. Winn stated SLPT needs to conduct an Environmental Assessment (EA) before expending any HUD funds. She stated HUD has a block on SLPT's funds until the EA is done. Mr. Cowan stated this needs to be researched further. He learned from HUD they thought SLPT had already conducted the EA. NRD has not budgeted for EA's. Mr. Cowan cannot afford his

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staff to conduct EA's unless there are funds to cover their time and expense. Ms. Winn stated she discussed the EA with HUD when SLPT was considering hiring a Housing Director. She produced a letter stating that SLPT had conducted the EA. HUD said SLPT needs to show proof that an EA was done.

Ms. Winn reminded the CA's that the 4th Quarter CTGP narrative report is due to BIA by January 31, 2012. It cannot be three separate reports, it must be a combination from all three CA's.

Ms. Winn stated the next items on her agenda are presented for Administration and Council to be on the same page in communication, time management and total Council awareness. This is just good business, which in turn would create less confusion and better harmony between the Council and the Administration.

Ms. Winn stated Administration needs to get the agenda in advance of the Council meetings to comply with SLPT policy. Agendas need to be approved and posted on the website five days prior to the Council meeting. Secretary/Treasurer Barlese is doing her best to get the agenda started. She brings the draft agenda to Administration for typing and sending to Chairman Barlese for approval. Mr. Cowan stated he was also brought into the process. He reviewed the draft agenda for today's meeting, provided input and thought everything was fine. Later he was approached to review another draft agenda. He stated Council needs to conform to the policy to prevent confusion and waste of staff time and resources. Ms. Winn stated Council needs to establish their own internal liaison for whatever project or purpose that needs to be done between Council and Administration.

Ms. Winn passed out emails regarding stipends for Chairman Barlese and Secretary/Treasurer Barlese. Chairman Barlese stated he started initiating a process whereby any information he felt Council needs to see and approve is text messaged. He requests Council to reply to the text message. If he receives the OK from the rest of the Council then he would move forward with it. He stated if he doesn't receive a reply he has to make a decision. Ms. Winn stated communicating between Council Members is an internal process Council needs to define. NRD has staff meetings that last typically from one to three hours. Finance/Administration has meetings every Monday. We meet an hour or two hours to discuss the week's tasks. Council should be discussing processes for Administration to follow and adhere to as to what Council needs from us.

Ms. Winn stated apparently we still are having miscommunication because Council Member Barr stated he was aware that Secretary/Treasurer Barlese wanted to attend the WRPTRC meeting, but he wasn't aware there were stipends involved. Council Member Barr asked for clarification on what meetings stipends are paid. He asked Chairman Barlese why Chairman is the only one who determines when stipends are paid. Council Member Barr pointed out a meeting he attended with Mr. Cowan in Carson City, there was no stipend. Also, there was no stipend on the site visit to the Reservation with Senator Reid's staff which Chairman Barlese and Council Member Barr attended. Chairman Barlese stated that was a field trip, not a meeting. Mr. Cowan stated he didn't want to be disrespectful but Chairman Barlese's response is ambiguous in defining that trip as a field trip. Mr. Cowan stated it was a legitimate meeting. The Council was briefed on the meeting including input on a briefing statement.

Chairman Barlese stated Mr. Cowan kept calling the Senator Reid meeting a field trip and that is why stipends weren't paid. Ms. Winn stated that the Council has the authority to call something whatever they want. Council Member Barr said he doesn't think Council should be paid for every meeting. He said when Secretary/Treasurer Barlese brought the WRPTRC meeting up she told the other Council Members it was a FWS meeting. Jerry Barr stated getting stipends should be fair for

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everyone across the board. Chairman Barlese stated that when Mr. Cowan called something a field trip, he didn't see it as a meeting.

Mr. Cowan said he and Ms. Winn are stating there needs to be an approval process for stipends. All Council has to be on board as to whether they approve Council representation at meetings and identify which fund is paying the stipend. Mr. Cowan stated it shouldn't be done after the fact because Council is putting Ms. Winn in a precarious almost illegal position because of her fiduciary duty. If she gets notice after the fact a stipend is needed she's going to ask for documentation of Council approval and the fund. She can't make those decisions. Process needs to be followed. Council cannot just arbitrarily say what fund is going to pay for stipends when (1) it's not part of an approved budget, and (2) Council did not approve it. Whenever a member of Council performs as an individual outside of the authority of the Council they are subjecting themselves to personal liability particularly in light of EPA and BIA issues.

Ms. Winn stated Council should be making the determination (1) who is paying for the meeting, (2) is the meeting necessary, (3) how is it going to be beneficial to SLPT, and (4) is the full Council approving it? She reminded Council that federal funds cannot arbitrarily pay for Council to attend meetings. For example, EPA cannot pay for Council to attend Department of Justice (SORNA) meetings. She stated it's extremely important for Council to do their internal assessment and establish a process. Ms. Winn requested the process be submitted to her in writing. She asked Council to give this serious heartfelt thought.

Council Member DeSoto agreed Council has to have their internal discussion as to the necessity of attendance at meetings, what benefits will SLPT receive, and which program is paying the stipends. When Finance/Administration sends Council notice of meetings that come in through the mail, it is informational only. Council needs to decide if attendance is necessary.

Chairman Barlese stated that he will text all Council but if he doesn't get a reply, he assumes they are approving. Council Member Barr stated everything should not have a stipend.

Council Member DeSoto asked Chairman when he text messages and doesn't get a response, why doesn't he just call the Council Member. She said all Council have laptops and cell phones and can communicate that way. Ms. Winn stated there may be some meetings that the Council may have to accommodate without pay and to volunteer the time to attend. If a meeting is beneficial to SLPT, the justification should be worded as relating to Aid to Tribal Government. Mr. Cowan stated Council is a team and should take initiative, particularly when there's a deadline involved, to call the other Council members.

Mr. Cowan stated all Council members now have email addresses through the SLPT website but he has been sending email to Council at their personal email and the SLPT email because sometimes his projects are time sensitive. He asked that Council let him know by the end of the day whether they will be using their SLPT email for SLPT business. He will then remove personal email addresses. He stated he has no guidance and assurances that Council is monitoring their SLPT email address. Ms. Winn asked Ms. Nelson if anyone on Council has called asking for information on accessing their SLPT email address. Ms. Nelson stated the only one is Vice-Chairman Barlese. But he didn't have internet access at the time so he will be trained today. Mr. Cowan stated that when he cannot get a hold of the Chairman and it's a time sensitive matter, he goes to the next person in charge. If he can't get a hold of that person, he goes on down the list and then he sends an email knowing that he's done his best to outreach and get a decision made.

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Ms. Winn stated for the record for Council to have an internal meeting because it's extremely important for Council to discuss and review to ensure that no one Council Member will be able to approve stipends without the consent and knowledge of the entire Council. Her opinion is no Council member wants to be accused of showing favoritism and being solely responsible for expending Federal funds without full Council awareness. She stated in her fiduciary position, she cannot and will not be a party to Federal funds expended without full Council justification. She stated when she receives emails she prints them and attaches them as supporting documents for whatever transaction she is doing. It goes down on record and the auditors see the supporting documents.

Mr. Cowan commented back to the electronic transfer of information. He assumed Council was able to read from their phones attachments that he sends. He found out this was not the case. Mr. Cowan asked if he should send hard copies of email and attachments. Secretary/Treasurer Barlese stated she could not open email attachments on her cell phone. Council Member DeSoto stated she uses her gmail account which is open on a daily basis. Administration will call her work if she's not answering her SLPT cell phone. Chairman Barlese stated this is why he requested that all Council Members receive email addresses on the SLPT website. The Tribal email is easy to respond to because all the information is there.

Ms. Winn stated she is requesting confirmation from Council in writing on the whole meeting issue. She said it's not fair for one person to say one thing and another person to say another thing. That way if she has it in writing she is covering herself and adhering to the Council.

The next item handed out was the 2012 Election timeline of activity and a draft letter responding to Tribal Members requesting to be on the Election Committee. The letter acknowledges SLPT has received their request and will get back to them regarding a decision. Ms. Winn asked that Council critique the letter and provide comments. She stated Administration needs to respond back to individuals sending correspondence to SLPT. This is just good business to acknowledge we are in receipt of whatever was sent to SLPT.

Chairman Barlese stated he texts all Council when he needs Council consensus. If he doesn't get a reply back, then he'll make the decision on items needing Council approval. Ms. Winn stated Council Member Barr was aware Secretary/Treasurer Barlese would be attending the WRPTRC meeting, but not that she would be getting a stipend. Chairman Barlese stated that the site visit with Senator Reid's staff was a field trip, not a meeting, consequently neither Chairman Barlese nor Council Member Barr was paid a stipend.

LUNCH BREAK. Consensus of Council was to take a lunch break at 12:45 p.m.

CALL TO ORDER. At 1:11 p.m., the Council Meeting was called to order by Council Vice-Chairman Ernie Barlese.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Ernie Barlese, Jerri Lynn Barlese, Jerry Barr, and Randi DeSoto. Vice-Chairman Ernie Barlese declared a quorum was present and Council could conduct business.

STAFF PRESENT. William Cowan, Natural Resources Department Director; Frances Winn, Finance Director; Barbara Nelson, Administrative Coordinator/Finance Assistant.

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GUESTS PRESENT. Mark Hall, Archaeologist, BLM Winnemucca District; Rolando Mendez, District Manager, BLM Black Rock District.

Chairman Barlese asked Mr. Hall to describe the topics BLM needs to discuss today. Mr. Hall stated discussion would center on:

- Solar Environmental Impact Statement
- Geothermal Leasing
- Repatriation Process for Elephant Mountain Cave
- Black Rock Climate Change Stream Diversion Project
- Burning Man
- Fence Project at SLPT

Mr. Hall discussed the draft Environmental Impact Statement (EIS) for Solar Energy Development drafted by BLM Washington DC. He passed out a draft Programmatic Agreement (PA) between BLM, Department of Energy (DOE) and the State Historic Preservation Offices (SHPO) in Arizona, California, Colorado, New Mexico, Nevada and Utah. Mr. Hall stated for the Winnemucca District, solar development is being considered closer to Fernley and Pyramid Lake.

Mr. Hall stated Washington acknowledges there will be damage to sites once solar projects get developed. The PA exists to ensure that Section 106 of the National Historic Preservation Act is followed properly. Washington wants the PA in place before the EIS. Comments on the PA are due in 60 days. He stated the comment period on the EIS is unknown. The lead agency on the PA is the DOE.

Mr. Hall asked for SLPT's energy plan portfolio referenced in a letter to BLM from Chairman Barlese dated March 14, 2011. Mr. Hall stated once BLM receives the energy plan portfolio, it will be addressed in the next EIS. Mr. Cowan responded as far as he knows SLPT does not have a formal renewable energy portfolio. He will research this further.

Mr. Cowan asked for clarification on the map. The map is color coded as follows:

Yellow:	BLM-Administered Lands not Available for Solar Development
Pink:	Lands Available for Application – No Action
Light Purple:	Lands Available for Application – Solar Development Program
Dark Purple:	Land Available for Application – Solar Energy Zone Program

In looking at the reservation boundaries, there is land marked in pink, "Lands Available for Application – No Action". He asked Mr. Hall to explain what this means. Mr. Hall stated the EIS isn't necessarily focusing on the areas shaded in pink, however, it doesn't rule out future solar development.

Mr. Mendez addressed Chairman Barlese with regard to being overwhelmed and bombarded with the amount of new information presented today. As such BLM is just presenting today and not asking for immediate action. BLM will take action in terms of arranging for hard copies or digital copies of the solar energy development documents. Mr. Mendez stated a preliminary solar EIS was issued in December 2010. There is a 90-day review period once published in the Federal Register.

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A supplemental EIS was issued in October 2011. The supplement EIS comment period has already closed. Council Member Barr asked why BLM is approaching SLPT now since the comment period has closed.

Mr. Hall stated the last paragraph of Chairman Barlese's March 14, 2011 letter to BLM discusses land transfers. Mr. Hall stated the issue of land transfer is out of BLM's jurisdiction. Mr. Cowan asked what agency deals with land transfers. Mr. Hall stated it would have to go before Congress, the Bureau of Indian Affairs and other agencies. Mr. Cowan stated it would be helpful for SLPT to understand how to elevate the issue of land transfers to the proper authorities. Mr. Hall stated the ultimate process comes down to the Tribe lobbying Congress for Federal lands that may be available for transfer.

Chairman Barlese stated that once again BLM is coming to SLPT after the fact. Mr. Mendez stated any future development in yellow or pink shaded areas on the map would require a new EIS or EA and additional consultation would be required. Mr. Cowan stated with regard to the EIS process, SLPT has limited resources. He suggested SLPT evaluate whether resources are available to evaluate an EIS and will SLPT's comments even be considered since SLPT is being notified late in the EIS process. Council Member Barr concurred with Mr. Cowan. Mr. Mendez stated the solar development PA will define the consultation process.

Mr. Cowan asked BLM about the process for cultural consultations. Mr. Hall stated on reservation land cultural consultation with regard to having a site designated as a Traditional Cultural Property (TCP) would take place between SLPT and the State Historic Preservation Office (SHPO). If the cultural consultation pertains to something off the reservation, consultation would take place between SLPT, BLM and SHPO. SHPO and BLM would require an explanation of why SLPT feels a TCP is needed. SLPT would need to state in their request for TCP designation that confidentiality is necessary. Chairman Barlese asked if individuals can make a request for TCP designation to which Mr. Hall responded yes.

Mr. Hall reported the geothermal lease projects are going forward. However, that doesn't mean that SLPT can no longer request TCP designation, they would just have to prove why a site should be designated as a TCP. Mr. Cowan asked about the benefits of TCP. Mr. Hall stated the advantage is the area is more environmentally restricted for development.

Mr. Hall stated the remains looted at Elephant Man Cave are available for repatriation. The site is very close to the Summit Lake reservation. BLM needs to know if SLPT wants the remains back to which the Council replied yes. Mr. Hall stated BLM needs to make the determination on which Tribe the remains go to. BLM will be visiting the Nevada State Museum to view the artifacts. The Council asked Mr. Hall to email them the minute BLM sets a date for the visit so the Council can participate.

Mr. Hall asked if Resolution SL-41-2008 is still in effect (Considering Whether, Under Appropriate Circumstances, the Summit Lake Reservation Should Be the Final Resting Place for the Children's Remains and Grave Funerary Objects Looted from the Elephant Mountain Cave). Mr. Cowan stated this Resolution came about because Tribe's believe they are related. Mervin Wright from the Pyramid Lake Paiute Tribe is well respected in the Indian community. Mr. Cowan recommended Council outreach to Mr. Wright before making the decision on letting Pyramid Lake take the lead on repatriating the Elephant Mountain Cave remains and artifacts.

Mr. Mendez reported the Desert Research Institute (DRI) will be diverting six streams in the Black Rock Desert to study the effects of climate change. This will be a two-year study after which the streams will be placed back in their original condition. All structures used for the study will be removed. DRI has started doing the Class Three cultural inventories. DRI cannot begin the actual work on the project until all the inventories are done. Chairman Barlese asked what action BLM is expecting

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from SLPT on this project. Mr. Mendez stated BLM needs to know how sensitive SLPT feels these springs are. He wants to make a decision and notify DRI by the end of February.

Mr. Mendez reported BLM is conducting an EA on a proposal from Burning Man to increase the number of allowable participants at the event. Burning Man's proposal would allow for growth from 58,000 participants in 2012 to a maximum population of 70,000 participants by 2016. Mr. Mendez presented a Cooperating Agency Memorandum of Understanding (MOU) for Council review. BLM is inviting SLPT to be a Cooperating Agency and participate in the group reviewing Burning Man's proposal. SLPT would be required to (1) designate a contact person, (2) assist in review of and comment on the EA, (3) provide data as requested, (4) maintain confidentiality, and (5) participate in the scoping process.

Mr. Mendez stated all parties to the MOU will receive the same agreement. He requested a response from SLPT by January 28, 2012 regarding whether or not SLPT wants to participate. Participation could occur via phone conference or email. He stated ideally team meetings are best. Meetings will be held in Winnemucca. Mr. Cowan asked if BLM would provide compensation for time and logistics to which Mr. Mendez replied no. Mr. Cowan stated there is a vehicle for obtaining resources which is Public Law 93-638 (638). It is a financial burden for SLPT to participate in these activities. Mr. Cowan stated SLPT is in a unique position to assist BLM to manage resources. Through 638, SLPT could provide road maintenance, range and conservation management services. Mr. Mendez stated the revenue BLM receives from Burning Man goes for staff. A proportion of the revenue goes to land restoration. Mr. Mendez stated he would consider using some revenue to contract for services. Mr. Cowan stated he could provide contacts within the Bureau of Reclamation who is pursuing 638 options with Tribes.

Mr. Hall asked how the 638 process is started. Mr. Cowan stated he would provide BLM with bullet points on what SLPT can offer. Mr. Hall asked how many SLPT Tribal Members are in the 18-24 year range because there are youth initiative programs available for this age group. Mr. Cowan stated he is lobbying for long term funding for SLPT. This is why SLPT adopted a Long Range Transportation Plan. SLPT may be able to hire range riders. Some Tribal Members may be interested in law enforcement to protect resources off the reservation. Mr. Cowan envisions SLPT, BIA, BLM and county agencies outreach to establish a road maintenance station on the reservation. He stated the Tribe has had some initial outreach with Congressional representatives and he invites BLM to embrace co-management efforts.

Mr. Mendez stated he would like to meet with SLPT within the next two weeks to discuss the fence project. BLM will have their wild horse specialist and range personnel participate. He stated SLPT and BLM need to determine who will be responsible for providing workers, materials and supplies. He would like to develop a 3-year plan.

Mr. Mendez stated he has hired two new staff members who will be handling projects near Summit Lake and Soldier Meadows. They are Celeste Mimnaugh, Wildlife Biologist and Angela (Angie) Arbonies, Range Management Specialist.

Mr. Mendez reported the Tri-State Calico horse gather concluded December 16, 2011 and was successful. Approximately 1,200 animals were removed. A small portion of females were returned and treated to eliminate their ability to reproduce. Mr. Mendez is making preliminary plans in the event a drought situation occurs this year. He stated there is a horse management area on the Jackson range. If wild horses run out of water and food they will travel down quickly to locate a source for water and food. He asked SLPT to report any drought conditions to BLM. Mr. Cowan reported he was at the reservation on December 28, 2011 and saw a herd of up to 50 horses.

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Mr. Cowan reported the NRD Connecting With Nature event is still scheduled for 2012. Mr. Cowan will be working with Council to establish a date.

Mr. Cowan discussed the Treatment as a State Application (TAS) submitted to EPA three years ago. The BLM Nevada State Office made comments objecting to maps of the reservation included in the TAS. These maps were generated by BLM and now BLM's comments are holding up SLPT's TAS Application. Mr. Cowan stated he spoke with Joe Tague of BLM's Nevada State Office and the issue has to do with Tribal allotments west of the Reservation and surrounded by BLM land. SLPT needs a letter from BLM as soon as possible. The letter must come from a realty specialist within BLM. EPA is anxiously waiting for this letter.

Mr. Cowan reported he responded to an email to fence off Idaho Canyon from the west side of the reservation. SLPT expressed concerns about corners on reservation boundary fences which can be a bottle neck to concentrate wild horses and livestock which may eventually damage the Reservation fence. Mr. Cowan stated he felt SLPT's comments on the proposed fence line were ignored. The fence is too close to a public road when it needed to be set back a much greater distance.

Mr. Cowan reported this is SLPT's last year for noxious weed funding through the Tribal Wildlife Grant. He stated noxious weeds are coming from off the reservation. This is another serious venture where SLPT could partner with BLM under a 638 contract since SLPT has a nationally-recognized noxious weed management program through BIA. Mr. Cowan stated he would like to continue this discussion and establish a partnership by 2013.

Mr. Cowan stated road maintenance is another discussion topic to continue with BLM. He asked BLM if they could provide maps north from Gerlach to Summit Lake. Mr. Hall stated he could provide maps of the Black Rock District. Contour maps are also available, for a price, from the BLM Nevada State Office.

Mr. Cowan reported SLPT will be installing public information signs about noxious weed management. He would like BLM to partner with SLPT on this initiative by allowing SLPT to put signs on BLM land. The signs will be placed on the Gerlach, Cedarville and Denio roads, and at the kiosk on the compound. Mr. Cowan asked how long it would take for SLPT to get clearance from BLM to accomplish this. Mr. Cowan will send a letter to Mr. Hall describing the location, numbers, and type of signs to be installed and how big the holes would be. SLPT will be responsible for sign maintenance. Mr. Hall and Mr. Mendez will help push for a Categorical Exclusion to allow this to happen. It will have to go through the National Environmental Policy Act (NEPA) process. Mr. Mendez stated BLM could absorb costs for the NEPA process. Mr. Cowan also asked for permission to use BLM's logo on the signs. He stated that if there is a time lag experience with BLM, SLPT will leave the signs on reservation land.

The BLM consultation concluded at 3:00 p.m.

BREAK. Consensus of Council was to take a break at 3:05 p.m.

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CALL TO ORDER. At 3:10 p.m., the Council Meeting was called to order by Council Vice-Chairman Ernie Barlese.

ROLL CALL. Council Secretary/Treasurer Jerri Lynn Barlese called roll. Present: Warner Barlese, Ernie Barlese, Jerri Lynn Barlese, Jerry Barr, and Randi DeSoto. Vice-Chairman Ernie Barlese declared a quorum was present and Council could conduct business.

STAFF PRESENT. William Cowan, Natural Resources Department Director; Frances Winn, Finance Director; Barbara Nelson, Administrative Coordinator/Finance Assistant.

REPORTS – FRANCES WINN, FINANCE DIRECTOR (Continued)

Ms. Winn provided Council with the Stipend Tax Form for Tax Year 2012 along with the 2012 W-4 form. She asked that Council complete and return these forms today. Target date for mailing W-2's is Friday, January 27, 2012. Chairman Barlese and Vice-Chairman Barlese asked that their W-2's be mailed to them. She also provided a copy of the IRS ruling on Council stipends and suggested the ruling be taken to their tax preparers.

Ms. Winn provided a copy of Request for Bids for an auditing firm for the years 2011, 2012 and 2013.

CONSENSUS: Consensus of Council was to approve the Request for Bids for an auditing firm for the years 2011, 2012 and 2013.

Ms. Winn provided a copy of the Computer Services Agreement with Victor Cobos for 2012.

CONSENSUS: Consensus of Council was to approve the Computer Agreement with Victor Cobos for 2012.

Ms. Winn discussed the relationship between Administration and Council for 2012. She emphasized that SLPT is under federal scrutiny. The BIA Findings and Determinations are still pending. No one knows what the eventual outcome will be. She stated it is critical that Council and staff adhere to SLPT policies and procedures. She advised Council that Administration has committed to revising all SLPT policies and procedures by the end of 2012.

Ms. Winn reported Administration will be sending a newsletter informing Tribal Members of the 2012 Election Timeline of Events.

REPORTS – WILLIAM COWAN, NATURAL RESOURCE DEPARTMENT DIRECTOR

Mr. Cowan presented an oral and written report.

CONSENSUS: Consensus of Council was to approve the NRD noxious weed signs.

Mr. Cowan stated he would be discussing EPA GAP during the discussion points phase of his presentation. He advised Council he cannot help with GAP without the former Environmental Coordinator's steno pads.

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Mr. Cowan stated there were no applications from Tribal Members for the Fish and Wildlife Biologist position. It is now posted for the public.

The Request for Proposals (RFP) was sent January 10, 2012 to consulting firms to identify alternative alignments for the proposed re-route of the road west of Summit Lake and to identify alternative routes to ascend Hells Canyon. Proposals are due February 17, 2012. Mr. Cowan will be asking for volunteers to serve on the bid selection committee.

Mr. Cowan stated a § 319 competitive grant was submitted to EPA for restoration of One Mile Spring.

Mr. Cowan reported on Tribal Wildlife Grants and Upcoming Meetings and Events. The meeting with the new FWS State Supervisor was postponed. Discussion followed regarding whether all Council members should be at the initial meeting.

CONSENSUS: Consensus of Council was for Chairman Barlese and Mr. Cowan attend the initial meeting with the FWS State Supervisor, after which a formal meeting will be scheduled with all Council members.

Mr. Cowan reported FWS will be filming and interviewing him about Inter-governmental Personnel Act agreements (IPA). FWS will use this film to promote IPA's when they serve Tribal communities.

Mr. Cowan will be arranging a meeting with BLM and SLPT regarding reservation fences. He wants the meeting to occur prior to Ms. Youmans departure from SLPT. He is also having Ms. Youmans create a draft Trespass Ordinance.

Mr. Cowan discussed the interim noxious weed policy. He stated the interim status should be removed and the policy made permanent. He will be reviewing the policy again since there are a few language changes. Council agreed to table action on the policy until the February 18, 2012 Council meeting. In the meantime, Mr. Cowan will draft an article for a Tribal Member newsletter advising them of the policy and asking for Tribal Member comments. The article will be included in the newsletter describing the 2012 Election Timeline of Events which is scheduled to be mailed the week of January 23, 2012.

Mr. Cowan discussed the bid selection committee for the Long Range Transportation Plan consultant. Chairman Barlese, Secretary/Treasurer Barlese and Council Member Barr volunteered to participate on the bid selection committee.

MOTION Council Member Jerry Barr introduced a motion to begin Executive Session for fifteen minutes to discuss EPA GAP. Council Member Randi DeSoto seconded the motion. Vote called. Vote: 4 For, 0 Against, 0 Abstaining. Council Chairman Warner Barlese refrained from voting and declared the Motion passed. Executive Session began at 5:18 p.m. and concluded at 5:33 p.m.

Council discussed the agenda item about a Tribal Member's request to relinquish SLPT enrollment. Council Member Barr stated this wasn't a request to relinquish enrollment but rather a Tribal Member's request for enrollment verification.

MOTION Council Member Jerry Barr introduced a motion to begin Executive Session to discuss the 2012 Election. Council Member Randi DeSoto seconded the motion. Vote called. Vote: 4 For, 0 Against, 0 Abstaining. Council Vice-Chairman Ernie Barlese refrained from voting and declared the Motion passed. Executive Session began at 7:00 p.m. and concluded at 7:05 p.m.

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Council agreed to have a meeting on Saturday, January 28, 2010 at 10:00 a.m. to discuss the 2012 Election.

NEXT MEETING

The next Council meeting will be held Saturday, February 18, 2012 at the Primary Administrative office.

ADJOURNMENT

MOTION: Council Secretary/Treasurer Jerri Lynn Barlese introduced a motion to adjourn. Council Vice-Chairman Ernie Barlese seconded the motion. Vote called. Vote: 4 For, 0 Against, 0 Abstaining. Council Vice-Chairman Ernie Barlese refrained from voting and declared the motion enacted. The meeting adjourned at 7:07 p.m.

CERTIFICATION

I, Elizabeth DeLaLuz, Secretary/Treasurer of the Summit Lake Paiute Council, hereby state and affirm that the above Minutes of the January 21, 2012 Special Meeting of the Summit Lake Paiute Council were approved by the Council during a duly called meeting of the Council on June 16, 2012, by a vote of 4 For, 0 Against, and 0 Abstaining. Council Chairwoman Randi DeSoto refrained from voting.

June 16, 2012
Date


Elizabeth DeLaLuz, Secretary/Treasurer
Summit Lake Paiute Council