

MINUTES
Special Meeting
SUMMIT LAKE PAIUTE COUNCIL
Saturday, July 16, 2011
Summit Lake Paiute Reservation

CALL TO ORDER. At 10:45 a.m., 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, and Jerri Lynn Barlese. Absent: Randi DeSoto. Council Chairman Warner Barlese declared a quorum was present and that the Council could conduct business.

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

REPORTS - COUNCIL CHAIRMAN WARNER BARLESE

Council Chairman Warner Barlese reported that someone needed to be designated as the primary contact to register for the Sex Offender Registration Notification Act (SORNA) activities. Council Secretary/Treasurer Jerri Lynn Barlese offered to take the lead on SORNA issues. Jerry Barr will serve as the alternate. Chairman Barlese will send them the information they need to keep current on SORNA.

Chairman Barlese asked where we stand on enrollment. He will be contacting Tribal Data Resources to see what training dates are available for training Council on the enrollment card machine and to determine if there is a cost associated with the training.

Chairman Barlese reported on discussions he has had with Marta Burg, an attorney who provided pro bono services to draft an appeal letter to the Environmental Protection Agency (EPA) regarding the EPA General Assistance Program (GAP) issue. Ms. Burg stated that she would set up a meeting for Chairman Barlese and herself with EPA officials to discuss the Summit Lake Paiute Tribe's (SLPT) desire to continue discussions regarding the EPA GAP issue. Ms. Burg will be in San Francisco for the July Regional Tribal Operations Committee (RTOC) meeting. She is willing to continue helping SLPT with their appeal should it have to go to court. She will require a \$500.00 retainer and a fee for each court appearance she will need to attend. An EPA representative from Washington, DC will be attending the July RTOC meeting in San Francisco.

CONSENSUS: It was consensus of the Council to talk to Frances Winn, Finance Director, regarding funds for hiring an attorney to appeal the EPA GAP issue.

Ernie Barlese will be attending the July 26-28 RTOC meeting and SLPT will be reimbursed by the Owens Valley Water Commission.

Discussion followed regarding meetings Council Secretary/Treasurer Jerri Lynn Barlese and Council Members Jerry Barr and Randi DeSoto held on June 23 and June 30, 2011 to assist with duties formerly performed by the Acting Chief Administrative Employee, Ron Johnny (ACAE) who was dismissed. Chairman Barlese voiced concern with why these meetings were held and that he had not been apprised of the June 23, 2011 meeting. He did give verbal permission to Council Member Barr for the three liaisons to meet on June 30, 2011. Council Secretary/Treasurer Barlese stated the subject was discussed at the June 18, 2011 Council meeting. The three Council liaisons have requested compensation for providing administrative monitor and oversight duties during this transition. Chairman Barlese stated it was his impression that they had volunteered for this task. Mr. Cowan suggested that Council review the Administrative Procedures Manual with regard to setting meetings.

CONCENSUS: It was consensus of Council to table this item until the Natural Resources Department Director presented his report since administration is one of his discussion items.

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Chairman Barlese stated that the Bureau of Land Management (BLM) has asked to have a government-to-government consultation at today's Council meeting. Their request was made after the Council meeting agenda was finalized and posted.

MOTION: Council Secretary/Treasurer Jerri Lynn Barlese introduced a motion for an agenda change to allow the BLM to meet with the Council at 1:00 p.m. today. Council Member Jerry Barr seconded the motion. Vote called. Vote: 3 For, 0 Against and 0 Abstaining. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed.

REPORTS - COUNCIL VICE-CHAIRMAN ERNIE BARLESE

Council Vice-Chairman Ernie Barlese stated that he would be attending the Bureau of Indian Affairs (BIA) Public Law 93-638 training in Fallon, Nevada July 19-21, 2011. He will also be attending EPA's RTOC meeting in San Francisco July 26-28, 2011. Funding for his attendance will be reimbursed by the Owens Valley Water Commission.

REPORTS - SECRETARY/TREASURER JERRI LYNN BARLESE

Council Secretary/Treasurer Jerri Lynn Barlese stated she had attended the GAP meeting held at the Tribal office June 28, 2011. She also attended two Administrative meetings on June 23 and June 30, 2011. She will also be attending BIA's 93-638 training in Fallon on July 19 and 20, 2011. She is unable to attend the July 21, 2011 session.

One person has inquired about becoming enrolled. Council Vice-Chairman Barlese inquired about the whereabouts of the current blank enrollment applications. Council Secretary/Treasurer Barlese stated she had revised the applications to include a control number and had worked with the former ACAE who has the revised applications on his computer. Chairman Barlese stated that he could call the former ACAE and inquire about the applications.

William Cowan asked if all the enrollment deficiencies that have been identified by the Enrollment Committee have been addressed by Council. He stated that the Committee had developed a list of enrollment issues that are in non-compliance and recommended those be dealt with before any further business of enrollment is conducted. All enrollment applications need to have a tracking number so that if there is an appeal or an issue with the request for enrollment, the tracking number could be referenced. He recommended that Council get the enrollment deficiencies corrected prior to processing any enrollment requests and should not be relying on a dismissed employee. Vice-Chairman Barlese stated there are Enrollment Guidelines and they need to be followed. Chairman Barlese stated that he is in possession of the former ACAE's laptop and will look for enrollment information there.

REPORTS - COUNCIL MEMBER JERRY BARR

Council Member Barr provided a draft of a K-12 Student Services Program and asked for Council review. He stated there are several alternatives for getting the needed supplies to the children. Council Member Barr said he could be responsible for purchasing the needed items and sending it to the student. He's also spoken to Wal-Mart who stated that purchase(s) could be made here at the local Wal-Mart and the items could be picked up at a Wal-Mart in the student's area, if they are close to a Wal-Mart. Another option is that some schools are willing to assist helping needy students and might be willing to purchase the necessary items and then provide them to the student. Council Member Barr stated this process is in place and working at other schools. He stated that he will take the lead on the Program on a volunteer basis. Vice-Chairman Barlese questioned the requirement that the student must maintain a C average, particularly if the student is struggling and does receive a D grade. Council Member Barr responded that receiving a D grade in one

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class shouldn't matter; however, if the student has a D average overall, then they are probably not taking their school work seriously. The Program is to encourage those students who are working hard to maintain a C grade average or better.

Discussion followed regarding the "financial assistance" language on the draft. It was recommended to strike "financial" from the proposal. Also to revise the application to include space for the enrollment number and to add a question "are you (the parent or guardian) an enrolled member of SLPT".

CONSENSUS It was consensus of Council to approve the K-12 Student Services Program with the removal of the word "financial" from the notice and adding space for the SLPT enrollment number on the application. Jerry Barr will spearhead the Program on a volunteer basis.

Council Member Barr discussed notice received from the US Department of Agriculture (USDA) Animal and Plant Inspection Service regarding a meeting scheduled in Reno July 27, 2011. It is a Tribal consultation meeting regarding rulemaking for slaughter horse transportation and animal disease traceability. Mr. Cowan stated he may ask Rachael Youmans, Fish & Wildlife Biologist, to review the notice and determine whether or not she wants to attend; however, it is Mr. Cowan's opinion this issue does not have a direct impact on SLPT.

REPORTS - FINANCE REPORT

Barbara Nelson, Administrative Coordinator/Finance Assistant, provided handouts to Council from Frances Winn, Finance Director including:

- Finance Reports for Period Ending June 30, 2011
- Contracts and Grants Listing
- Summary of SLPT's BIA Deferred Revenue Issue of \$1,145,294.00
- Letter to Athena Brown Regarding BIA Bill for Collection for \$108,510.00

REPORTS - ADMINISTRATION

Ms. Nelson reported that Administration is unable to process Tribal member mailings because Administration has never had access to the mailing labels which were controlled by the former ACAE. Chairman Barlese stated he would deal with the member mailing list and provide Administration with the current list. Additionally, certain members have requested to receive notices/newsletters via email rather than hard copies. The former ACAE is the only staff member who had this list of contacts.

In Council Member Randi DeSoto's absence, Ms. Nelson discussed the SLPT website. Council Member DeSoto was assigned to be the lead regarding the website due to her strong computer skills. Ms. Nelson was requested to assist Council Member DeSoto. Copies of a draft instructional manual were provided to Council showing how to navigate through the GoDaddy website to make updates/changes to SLPT's website. Ms. Nelson also provided Council with copies of the current pages on the website. Suggestions are highlighted on these pages regarding outdated information that needs to be removed or updated. Council will review these suggested changes and discuss at the next Council meeting. Mr. Cowan stated that this is an opportunity to set forth a policy for website changes. He requested that the Natural Resources Department be involved with reviewing changes being made to the current website.

CONSENSUS: Consensus of Council was for Frances Winn to do a cost analysis to use CTGP funds to maintain the website and for Council to review proposed changes to the website and discuss at the August Council meeting.

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Ms. Nelson handed out a packet of window stickers that were located in the former ACAE's office, "I Protect the Environment At Summit Lake". Council requested that these be mailed to Tribal members.

REPORTS - NATURAL RESOURCES DEPARTMENT

Mr. Cowan, Natural Resources Department Director, requested that Council strategize about the 1:00 p.m. meeting with BLM. Two items were discussed:

- Livestock grazing on the Soldier Meadows allotment--there was a grazing allotment meeting that SLPT attended. Cows are supposed to be authorized to graze in certain locations at certain times of the year. Mr. Cowan has asked BLM for the grazing schedule but has not received it to date.
- Mr. Cowan asked Council to acknowledge and thank BLM for providing a letter of support for the Long Range Transportation Plan (LRTP).

LUNCH BREAK

CONSENSUS At 12:00 p.m., it was the consensus of the Council to take a half hour lunch break.

CALL BACK TO ORDER

At 12:43 p.m., Council Chairman Warner Barlese called the meeting back to order.

ROLL CALL

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

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

GUESTS PRESENT: Mark Hall, Archaeologist, BLM; Gene Seidlitz, Winnemucca District Manager, BLM

GOVERNMENT-TO-GOVERNMENT CONSULTATION

Council Chairman Barlese thanked BLM for their letter of support regarding the LRTP. Mr. Cowan stated that Pershing County has not responded and a portion of Pershing County road is affected by the LRTP. Mr. Seidlitz recommended for Mr. Cowan to call Darren Boyd, Pershing County Commission Chairman to discuss the LRTP. Mr. Seidlitz agreed to send a copy of the BLM's letter of support of the LRTP to Mr. Boyd.

Grazing. Discussion then centered on livestock grazing on Section 36. Cows are authorized to be in the Warm Springs pasture; however, SLPT still needs to get a copy of the grazing schedule. Mr. Cowan had emailed photos of the large numbers of cows grazing at the lake to BLM but they were undeliverable due to the file size. Mr. Seidlitz stated he would follow-up on Monday, July 18, 2011

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with sending Mr. Cowan the Soldier Meadows allotment grazing schedule. Mr. Cowan stated there is a need for BLM to upgrade their email system and he would be willing to testify to support that need. Mr. Seidlitz stated that upgrading the computer system is out of his hands.

Mr. Cowan reported that he saw 7-8 head of cattle at Toll House Canyon and 5 at the base of Hell's Canyon. Approximately 45 cattle were seen grazing at the edge of Summit Lake. Mr. Seidlitz stated that Soldier Meadows is in the process of moving livestock from Warm Springs to Idaho Canyon. Mr. Seidlitz and Mr. Hall will view the number of cows grazing at the Lake after their presentation to Council today.

Chairman Barlese asked if BLM could construct an electric fence to help control grazing. Mr. Seidlitz stated that he is not sure if that could occur since some of the land is private land. Chairman Barlese asked about the total number of cattle Soldier Meadows can graze. Mr. Seidlitz stated they could graze up to 800 and they currently are grazing approximately 730.

Warm Springs/Idaho Canyon Fence. Mr. Hall provided a map showing the proposed Idaho Canyon/Warm Springs fence line. Mr. Seidlitz stated the purpose of the fence is to better manage the livestock by separating the Warm Springs pasture from the Idaho Canyon pasture. The proposed fence will include access gates for moving cattle between the two pastures. Mr. Seidlitz stated that the original proposal was an allotment evaluation for rangeland health assessment with the desired outcome of a new grazing permit for Soldier Meadows. SLPT submitted letters of objection to BLM in 2007 regarding both the proposed fence line and the Soldier Meadows grazing permit. The proposed fence will connect to SLPT's northwest fence. It will be funded by BLM and built by a private contractor. Soldier Meadows and Mr. Kudrna will be responsible for fence maintenance. BLM is requesting comments from SLPT regarding the proposed fence line within the next 30 days.

Tri-State-Calico Horse Gather. Mr. Seidlitz reported that the proposed gather would remove approximately 1,030 excess wild horses and 140 wild burros and is proposed for December 2011 and January 2012. The comment period on BLM's Environmental Assessment (EA) ends on Monday, July 18, 2011. One more herd management area has been added near McGee Mountain. The Appropriate Management Level (AML) set for this complex is 600-800 horses. BLM's Surprise Valley District will be conducting a gather in October and November to bring their wild horse and burro to AML. BLM Winnemucca District will then begin their gather to reach AML.

Mr. Cowan stated the Natural Resources Department has drafted comments on BLM's EA for Council review. The draft letter is basically supporting BLM's proposed gather. Mr. Cowan estimates approximately 20 wild horses are currently at the south end of Summit Lake. SLPT's Feral Horse Plan provides zero tolerance for wild horses on the Summit Lake Reservation. SLPT will be conducting a fence project this summer to repair the south fence which should hinder horse access to Summit Lake.

Mr. Cowan reported that an SLPT/BLM fence inventory was conducted by Rachel Youmans and BLM staff. Mr. Seidlitz stated he would like to meet with Ms. Youmans and members of BLM staff and strategize on fence maintenance. BLM will review the draft Memorandum of Understanding presented to Mr. Seidlitz at the last Council meeting once that meeting takes place.

Ruby Pipeline. BLM provided a map showing the Ruby Pipeline (Ruby) route. Mr. Hall discussed the Ruby contractor trespass issue. Ms. Youmans had provided BLM with pictures of the trespass vehicle. The individual who was driving the vehicle has been terminated.

The pipeline is in place into Surprise Valley. Ruby would like to have the pipeline running by August but leaks have become evident in the Surprise Valley portion.

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Mr. Cowan discussed the upcoming transport of trailers to the Summit Lake Reservation. He stated that he will notify Mr. Hall when the trailers will be transported. BLM requested one weeks notice to ensure that Ruby's large heavy equipment are not present and impede the trailer transport.

Mr. Seidlitz reported that Ruby will be meeting with Humboldt County to return the roads they have been using to their original condition prior to construction of the pipeline. Chairman Barlese raised concern regarding the timing for fixing the roads since SLPT members and staff use the roads now and the condition they are in makes travel difficult. Mr. Seidlitz recommended that SLPT contact Bill Dietz and Ben Garrett of Humboldt County to determine when the road cleanup will occur.

Mr. Cowan asked whether excess gravel would be available near Knot Creek. He wanted to know if there is any potential for Ruby to donate gravel to SLPT at the Reservation boundary to make it easier to transport the trailers. Mr. Seidlitz suggested contacting Humboldt County for excess gravel on that portion of their county road.

The government-to-government consultation ended at 1:49 p.m..

BREAK

CONSENSUS At 1:50 p.m., it was the consensus of the Council to take a break.

CALL BACK TO ORDER

At 2:00 p.m., Council Chairman Warner Barlese called the meeting back to order.

ROLL CALL

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

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

Mr. Cowan stated the draft letter to BLM regarding the Calico Horse Gather states that SLPT supports the gather to achieve AML. BLM would be accountable for repairing any damage to SLPT fences as a result of the Gather. Council authorized Mr. Cowan to finalize the letter and send it to BLM on Monday.

Mr. Cowan discussed the proposed Warm Springs/Idaho Canyon fence proposal. He recommended that SLPT notify BLM that the fence line be changed to have it start from the northwest corner of the Reservation boundary because the current fence line proposal would create a bottle neck where livestock would gather. Also, since the proposed fence line runs next to the five mile road, SLPT should comment to BLM that the fence should be set back an appropriate distance from the road.

CONSENSUS: It was consensus of Council to draft a letter to BLM regarding moving the proposed fence line so that it starts from the northwest corner of the Reservation boundary and to allow appropriate set back from the five mile road.

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Mr. Cowan then provided an oral and written report discussing:

- Ruby Pipeline Contractors Trespassing on Reservation
- Noxious Weed Program Update
- Flood Conditions
- Summit Lake Water Level
- Lahontan Cutthroat Trout Spawner Run
- National Environmental Policy Act (NEPA) Review Will Be Required For Proposed Vegetation Removal Along the Road Between Mahogany and Snow Creeks
- BIA Superintendent Requesting a Letter from Chairman Requesting a Meeting with BIA Regional Office Staff for NEPA Assistance
- Long Range Transportation Plan
- Transportation of Trailers
- Pump for the Tribal Compound Well
- SnoTel Monitoring Station
- BIA Quarterly Reports
- EPA Grants
- Tribal Wildlife Grants
- Collaboration with University of Nevada, Reno (UNR) To Monitor Climate Change
- Food Web Study Interim Performance Report
- Upcoming Meetings and Events

Discussion Topics

Mr. Cowan notified Council that the Connecting People With Nature Event is postponed until June or July of 2012.

Mr. Cowan requested three Executive Sessions to discuss: (1) EPA Coordination, (2) Ruby Pipeline, and (3) Tribal Administration.

Energy Efficient Block Grant is something the Council needs to decide who is going to take the lead on this. Mr. Cowan proposed two options: (1) Keep the grant, modify it and close it out on schedule, or (2) Close out the grant now due to limited staff resources.

Mr. Cowan provided an update on the Maintenance Worker Position who was expected to lead the fence building and maintenance project. Three noxious weed workers requested consideration to hire them to construct and repair the south boundary fence. Mr. Cowan recommended that these three workers be appointed to be fence crew workers. Mr. Mark Hicks, current Maintenance Worker, would be available to conduct fence building training and coordination for these three individuals. The three workers would also assist with other projects. Once the Tribal member preference period is over for two maintenance workers, Mr. Cowan may be posting a public job announcement for one maintenance worker.

CONSENSUS: It was consensus of Council for SLPT to retain three noxious weed technicians as maintenance workers for the purpose of working on the south boundary fence and assisting with other projects. After Tribal member preference period expires, the Natural Resources Department may continue with public advertising period to fill one maintenance worker.

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Mr. Cowan then discussed the proposal from Dr. Douglas Boyle, Associate Professor, Department of Geography, UNR, to conduct a climate change study at the Summit Lake Reservation. Dr. Boyle is proposing having a graduate student present at the Reservation to conduct this research. Mr. Cowan reviewed the proposal with Council. Dr. Boyle could provide training to SLPT staff. An SLPT staff member would be present with the UNR researcher at all times. The researcher would need to stay at the Tribal compound. Another benefit would be that UNR may be able to pay for internet access at the Tribal compound..

CONSENSUS: It was consensus of Council to authorize the Natural Resources Department to collaborate with Dr. Boyle regarding the climate change study.

Discussion followed regarding Dr. Geoff Smith's, UNR, Sheldon Refuge Study. Mr. Cowan stated that UNR is ready to move forward; however, SLPT had stated in the Memorandum of Understanding that SLPT monitors would need to be present. Another provision in the MOU is that the site would need to be blessed prior to the Study taking place. Chairman Barlese stated he would check with the existing SLPT monitors regarding their schedule. Council gave Mr. Cowan permission to speak with UNR and move forward with the Study. Council will talk early the week of July 25, 2011 to coordinate their schedules for a site visit.

BREAK

CONSENSUS At 2:05 p.m., it was the consensus of the Council to take a break.

CALL BACK TO ORDER

At 4:52 p.m., Council Chairman Warner Barlese called the meeting back to order.

ROLL CALL

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

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

UNFINISHED BUSINESS

Unfinished business had been discussed previously in the meeting.

NEW BUSINESS

Council discussed stipends for three Council members who are conducting administrative functions previously performed by the former ACAE. A letter requesting compensation was submitted to Chairman Barlese.

CONSENSUS: Consensus of Council was for funds to be distributed to Council Secretary/Treasurer Jerri Lynn Barlese and Council Members Jerry Barr and Randi DeSoto for the months of June, July and August, and once a month thereafter.

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READING OF THE MINUTES

Ms. Nelson stated that the April 16, 2011 Council meeting minutes were handed out at the May 21, 2011 meeting. A first draft of the May 21, 2011 Council meeting minutes has been distributed to Department Directors for review. Once their edits are made, a second draft will be distributed to Council.

Council Secretary/Treasurer Barlese handed out draft minutes for November 13, 2010, December 11, 2010, December 12, 2010, December 18, 2010, and January 15, 2011.

CONSENSUS: Council will review the minutes that have been transcribed and discuss at the upcoming Finance meeting to be determined at a later date.

ADJOURNMENT

MOTION: Council Member Jerry Barr introduced a motion to adjourn. Council Vice-Chairman Ernie Barlese seconded the motion. Vote called. Vote: 3 For, 0 Against, and 0 Abstaining. Council Chairman Warner Barlese, who did not vote because there was no tie vote, declared the motion had passed and the meeting was adjourned at 5:11 p.m.

CERTIFICATION

I, JERRI LYNN BARLESE, Secretary/Treasurer of the Summit Lake Paiute Council, hereby state and affirm that the above Minutes of the July 16, 2011 General Meeting of the Summit Lake Paiute Council were approved by the Council during a duly called meeting of the Council on September 17, 2011 by a vote of 4 For, 0 Against, and 0 Abstaining, and that Council Chairman Warner Barlese refrained from voting.

September 17 2011
Date

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