

Pyramid Lake Paiute Tribal Council

Post Office Box 256
Nixon, Nevada 89424
Telephone: (775) 574-1000
Fax (775) 574-1054

PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES Tribal Chambers ~ Nixon, NV February 5, 2021

Members Present:

Janet Davis, Chairwoman
Harriet Brady, Councilmember
Edward Ely III, Councilmember
Carolyn Harry, Councilmember
James Phoenix Councilmember

Steven Wadsworth, Vice Chairman
Nathan Dunn, Councilmember
Natalia Gonzales, Councilmember
Irwin Mix, Councilmember
Georgina Wadsworth, Councilmember

Note: Due to COVID-19 Tribal Council meetings are closed to the public to ensure the health and safety of attendees. Councilmembers attended in person, keeping to 6-foot distancing, and via audio conferencing.

CALL TO ORDER

Chairwoman Janet Davis called the February 5, 2021 Regular Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:03 p.m.

ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. Councilmember Harry connected after the approval of the agenda. All Tribal Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

No changes to the agenda.

Councilmember Wadsworth made a motion to *approve the agenda*. Councilmember Brady seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

PUBLIC COMMENT

Chairwoman Davis read Gladys Hicks' comment into record.

Dear Council, I am a Tribal elder living South of Marble Bluff. I am writing to express my concerns about the military helicopters and low belly planes that fly over my home at random times on a regular weekly basis. For some reason they make a low flying turn by the bluff and my home is impacted by the noise my windows shake as well as scaring my son's horses and cattle in the field, this how low they are at times. It seems to have increased more than past months. I respectfully ask the Council to consider stopping this activity as it is very loud and disturbing. I want to live peacefully. Signed Gladys Hicks.

1. Michelle Ruize. Ms. Ruize made a comment regarding the February 3, 2020 Tribal Court Emergency Shutdown. She is an advocate. She has two separate adoptions for tribal member parents which are scheduled for Family Court for this Monday, February 8th, the amount of work that has been put in on these two cases will be lost as they had an advantage which will be lost. The Court Closure is to blame. The Court has been paid, the document served and she as an advocate has been paid. More importantly, the two tribal member children are being denied the right to be adopted into good homes. All people deserve their day in Court. The Court is needed now, not in a week or a month from now. She hopes the Tribal Council will solve the problem just as soon as possible.

2. Mervin Wright Jr. Mr. Wright said he wanted to comment regarding the low flying aircraft. Last week, the Federal Naval Air Station held a listening session. They invited all the Tribes from across the State, he was given notification to the Nevada Tribal Environmental Managers forum. During the meeting he did report about the low flying aircraft here at Pyramid Lake. He did share with the organizer, the Chairwoman's email address and did state that if they are going to reach out to the Pyramid lake Paiute tribe, that your office would be the appropriate connection they needed to contact.

CONSENT AGENDA

Following items were approved on the consent agenda:

1. Approval of Minutes: January 8, 2021 Outgoing, January 8, 2021 Incoming *and* December 31, 2020 Special
2. Approval Enrollment Applications (6) for Regular Membership with Resolution
3. Approval payment of Lewis Roca Rothgerber Christie Invoice #1387236
4. Approval payment of Quarles & Brady Invoice #6329802 (128-3), #6329803 (128-2), #6329804 (080) and 6329805 (128-3)
5. Approval Ratification of POLL VOTE – MOU with UNR Cooperative Extension for the Fund for Healthy Nevada Wellness/Hunger Services Grant and Authorization for Chairman to Sign Letter to Office of Food Security.
6. Approval Ratification of POLL VOTE – FY21 BIA Agriculture Invasive Species Program Grant with Resolution No.: PL 009-21
7. Approval Ratification of POLL VOTE – Declaration of Emergency Atmospheric River Resolution PL 010-21

Councilmember Gina Wadsworth made a motion to *approve the consent agenda*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

Chairwoman Davis welcomed the newly approved Pyramid Lake Paiute Tribal members: **Elizabeth Mae Jackson Black, Lyrah Anne Leyva, Isla Ruby Lindsey, Leland Alexander Melendez, Tyrian Daniel Vanmeter, and Alisia Rosalyn Villalpando-James.**

UNFINISHED BUSINESS

1. **Approval Resolution to Authorize the Chairwoman, Vice Chairman and Comptroller to receive information from the Office of Special Trust (OST) regarding the Tribe's Federal Trust Accounts,**

to authorize disbursements from the Tribe's Federal trust funds, and to provide investment instructions for the Tribe's Federal Trust Accounts and to sign the OST Signature Form.

Councilmember Gina Wadsworth has a question regarding the investment instructions. Will the instructions in consultation be with the Comptroller or with Tribal Council? Chairwoman Davis said it will be in consultation with everyone.

Councilmember Gonzales wanted to confirm that this isn't to allow release of funds from the Economic Development Fund (EDF). Chairwoman Davis responded no, it only allows access for information.

Ms. Mix said this is a standard resolution, removing the old Chairman and Vice Chairman and adding the new leadership.

Councilmember Dunn made a motion to *approve the Resolution to Authorize the Chairwoman, Vice Chairman and Comptroller to receive information from the Office of Special Trust (OST)*. Councilmember Mix seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (SWadsworth). **Motion Passed.** **RESOLUTION NO.: PL 012-21 OST AUTHORIZATION CHAIRWOMAN VICE CHAIRMAN COMPTROLLER**

NEW BUSINESS

1. Approval Business & Liquor Licenses for;

a. Enterprise Stores _ I080 Smoke Shop, Nixon Store and PL Marine.

Councilmember Gina Wadsworth asked if they were still waiting on the Bureau of Indian Affairs (BIA) to approved the Business Licensing and Permitting Ordinance.

Chairwoman Davis said it has been at the BIA for 90 days and they are going to acknowledge and start using it.

Councilmember Gina Wadsworth made a motion to *approve the Business and Liquor Licenses for the Enterprise Stores*. Councilmember Phoenix seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Passed.**

b. BEE FIT USA Ranch and Papa's Ranch House Restaurant.

Councilmember Brady said she had a concern. She said he is operating within the reservation but he is not following, from what she saw, the Governor's order. She saw live music at times and people without masks. If he is coming to the Tribe for permission and the Tribe is in line with following the directive on COVID, he should also. Councilmember Gina Wadsworth said it might be hard to enforce for the Tribe because he is on fee land but he does fall under the Tribe's taxing jurisdiction, but as far as the other laws, not sure.

Benjamin John may be able to explain that. He does pay his taxes. Mr. John said he has talked to him and to Washoe County about looking at his kitchen but Washoe County doesn't want anything to do with it. It is

weird because it is fee land and technically the Tribe doesn't have anything to enforce in that area. Councilmember Harry said the Tribe issues him a business license but what is the Tribe's schedule for inspections. Are we relying on Washoe County for the health inspections? Mr. John said the Tribe relies on Indian Health Service (IHS) for services. Councilmember Harry asked if they schedule the inspections. She's seen comments and concerns about the sanitation of the building, for the record she is going off of hear-say, but want to make sure they do have a schedule or documented a schedule. Mr. John confirmed there is no schedule. Councilmember Gonzales asked there is nobody overseeing the business from the Tribe. Mr. John said nobody is overseeing the sanitation and food inspection of his business.

Councilmember Phoenix said he knows Mr. John is probably working with Washoe County Code Enforcement and the Health Department but what leverage does the Tribe have. Mr. John said Council doesn't have to approve a business and liquor license.

Mr. John said in Washoe County, if you are in violation they would suspend your business license, that is your leverage.

Councilmember Harry said when he was first approved for a business license, he was just opening. He has been in place for a year now. The other part of it, when we first approved this business license, he was just opening. He's been in place for a year now. Now would be a good time to amend the Tribe's policies so that when they come back for a renewal they have to produce the latest health inspection report or the food quality service report. When they do license, they just need the license and insurance, right? That's the minimal requirement.

Chairwoman Davis said she's correct and basically the Tribe follows the HIS guidelines for some of it.

John Guerrero said the jurisdiction on the reservation, HIS has the authority over food and to come onto the reservation or within the boundaries of the reservation to make that jurisdiction.

Mr. John said in order for him to get a business license you could require him to get a food handlers certification through the Tribe that would allow the Tribe to go and inspect or get the IHS to look at a non-tribal facility.

Councilmember Ely said they have a little bit of leverage to approve or disapprove the liquor land business license. Is there a possibility they can ask him to table for 30 days to get a Washoe County inspection?

Brian Eidem, owner of Bee Fit and Papa's connected to the meeting. He said he has been in contact with Donna from the Washoe County Health Department. Pete Allen is doing their food safety and serve safe. The restaurant manager already has her serve safe and bar safety handling. He is a certified bar manager and a master certified food executive and has all the qualification for it. He hired Pete Allen to come out February 22nd to do the certification for his entire staff because he has a lot of students that are working as bussers and prep cooks.

Councilmember Harry said they weren't talking about the qualifications of his staff or their certification as servers. Their main concern is the health reports received through Washoe County to ensure the business is safe, healthy and sanitary. Another concern is the public concern and comments that your practices at the building are not following CDC guidelines, mask wearing and social distancing.

Mr. Eiden said they were in contact with OSHA because he carries medical documentation and physically, medically cannot wear a mask. Nobody has been infected in his place, not once has his place been up on the tracker for COVID? They are 100% sanitized and cleaned. They do employ disable people, he coaches disable people, the profits from his restaurant pays for their entry fees for the disabled community.

They have been harassed, which is the reason they are working so close with the Washoe County Health Department about people calling and harassing them about the mask thing that they have taken them off their list and put it down that they were being targeted.

Councilmember Brady asked if he was telling them that everyone that comes into his establishment has an issue or a health issue with wearing masks because she has personally witnessed it. Mr. Eiden said they have a sign in front that says "if you're not wearing a mask, then we assume that you have a medical condition". They ask everybody when they first walk in to follow the letter they have posted at the front door. Please follow the CDC guidelines. They have sanitation, three different areas of disinfectant and alcohol sanitation and just in the bar area when you walk into the dining area and both bathroom areas.

Councilmember Brady stated they are not following the safe six feet distance.

Mr. Eiden said they are practicing common sense. They are doing half capacity in the restaurant, he's evited everybody and has made more dining areas in the upstairs. They have three different dining areas to go with the half capacity every other table and there are only 4 chairs at each table.

Councilmember Mix said when OSHA site somebody they will they leave a citation, it tells how many sites they have on there. If you don't have any site citations, they write a zero on it, but they leave you a copy of the citation. Mr. Eiden said they didn't get a citation from OSHA, the got a business cared left on the door, he called them and they did it over the phone, he explained to them how the layout and everything was at the place and they referred him over to Scott with the American Disability Act that is handling the OSHA.

Councilmember Gonzales said for a concern for the community, she'd like to see a routine inspection set up, a Health Inspection set up so that it's maintained.

Mr. Eiden was asked if tabling for 30-days, would that hinder his business right now. He stated it is his only livelihood, it would be detrimental because if he had to start the process of getting a business license through the City of Reno, he basically must start all over. He would probably lose his business.

Councilmember Harry said let us get a regular schedule started because with all fairness to this business, it would be unfair to hold someone to a schedule they do not have. She would propose that Mr. John get with Mr. Eiden soon to get what assurances the Tribe needs.

Councilmember Brady still has an issue with the business passing the health code. She thinks they really need to get somebody in to inspect, she has seen where IHS goes through the whole kitchen.

There was discussion about a temporary permits or extensions for 30 days. Councilmember Mix said they should get with Benjamin John, the Business Officer and bring back within 2 weeks.

Mr. John said he just contacted one of the engineers at the Indian Health Service and he's going to check and see if they are able to come and inspect the place.

Chairwoman Davis said another concern is the masks for the protection of the community. Is there anything he can do about it? Mr. Eidem said he will tell his customers if they don't have any papers saying they have a medical condition that says they have an issue with wearing masks, they will be causing issues with his license.

Councilmember Ely said they need to approve it and then get the Tribe's policies in order.

Councilmember Ely made a motion to approve the liquor and business license for Papa's Restaurant.

Councilmember Harry asked if he could separate the Business and Liquor licenses.

Councilmember Ely said he rescinds his motion and will make a motion to approve the business license for Papa's Restaurant. Councilmember Dunn seconded the motion.

Councilmember Brady said there is a concern for him not coming sooner and he knows he should keep those up to date.

Vice Chairman Wadsworth said they need to get their approval process in order because this is a special circumstance being on fee land. Just like gambling with the Crosby Lodge because it was on fee land and w issues with the regulatory authority, it is not clearly defined.

Chairwoman Davis said she would like to remind Council, those are things that they need to think about to update the Tribe's ordinances.

Vote was four (4) **for**, with five (5) **opposed** with zero (0) **abstentions**. **Motion failed.**

Chairwoman Davis asked Mr. John to work with him as soon as possible. Mr. John said he just heard back from Indian Health Service and they told him the decision from the Phoenix area office was because its fee land and he pays taxes to Washoe County that Washoe County should be the one doing the inspection. He also said they would come out if the Tribe requested it. Chairwoman Davis said she would request it if she needs to. She asks if the owner could provide some kind of documentation that would suffice as well.

Mr. John will follow up with Mr. Eidem on Saturday morning. Councilmember Wadsworth said Mr. John will be meeting with him so they can move on. Mr. John said the Business Licensing Ordinance has a temporary license for 4-5 days. The business office can issue a temporary business license under the new Business Licensing and Permitting Ordinance, pending the information and getting everything set up to get everything together and even schedule an inspection, he just has to pay the fee.

Councilmember Harry said this is no longer at the Council level. It'll be processed through the Business Office in accordance with the ordinance.

- c. **1st Response Towing (The Tow Truck Company).** This request will be forwarded to the Business Office.

2. Approval Fishing Derby Application for Cast Hope. Matt Heron

Mr. Heron explained they are seeking approval for their 5th Annual Cast Hope Tournament which is mostly for fun. All proceeds directly benefit Cast Hope. He's the Regional Director and Cast Hope is a 501C3 non-profit organization. His territory is Reno, Tahoe, and Northern Nevada. They are looking to put over 200 kids on the water through fly fishing and other outdoor programs this year. Last year they were approved for a group of 24, this year due to COVID, they are doing smaller groups of 12 the 3rd and 4th week of March. This year they are including tribal youth between the ages of 10 and 18 years who are interested in fishing and as a thank you to the Tribe for allowing them to come out. They would also like to request a waiver of the fees for the tournament since they are non-profit. They have no administrative costs, 100% of the proceeds goes directly to the kids. They are willing to get backgrounds for the Tribe if it is requested. Going forward because this event has been so successful and they would love to do it again, they are partnering with Pyramid Fly Company, an approved Fishing Guide on Pyramid Lake.

Councilmember Harry made a motion to *approve the request for the Cast Hope Fishing Derby, a non-profit event with waiving of the fees for 24 people.* Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions.** **Motion Passed.**

3. Selection Pyramid Lake Health Board (1 vacancy)

There were three applicants: Elena Chavez, Karen Shaw and Sherry Ely-Mendes.

Karen Shaw was chosen to serve on the Pyramid Lake Health Board.

4. Selection Pyramid Lake Tax Commission (2 vacancies)

There were three applicants: DaNelle Smith, Denise Shaw and Sherry Ely-Mendes.

Denise Shaw and Sherry Ely-Mendes were chosen to serve on the Pyramid Lake Tax Commission.

5. Selection Personnel Committee (1 vacancy)

called bioengineering which is using existing resources on site like tree stumps, they can bring in rock, or riprap a preferred alternative. It is like what they did in 2017 in Wadsworth at the James Ranch Road site, also at Big Ben site. It is a series of developments that are set about 50 feet apart which are two different types of designs.

Councilmember Gonzales said she was excited to hear about it since she asked Ms. Noel about it a few weeks back about the land being lost into the river.

Mr. Wright said it took a while, they received the award last year but he was busy with other projects. The grant award goes through June 2022.

Mr. Patton said one thing that was mentioned was 13 sites, the \$210,000 will allow them to get them through 10 sites depending on the lidar data, and approval of the format for one report which they will replicate throughout the other sites. If they can get cost savings, they may be able to extend through the rest of the sites.

Councilmember Wadsworth asked about the total amount of fund, the \$221,680, yet the bid cost came out more than that amount. What is he doing about the cost difference.

Mr. Wright said yes that is the total amount and the reason the contract was for \$210,000.

Councilmember Harry asked about the TERO, are there any positions for tribal members and if so, what are they.

Mr. Wright said not on the engineering part but there will be for the construction part. CP was awarded the contract for the Numana Dam Pipe Project where they had to install 1200 feet of pipe. They employed two tribal employees.

Councilmember Phoenix made a motion to *approve the CP Construction Group Contract*. Councilmember Ely seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Passed.**

Councilmember Wadsworth asked that the Tax Department be invited to the pre-con meetings.

Councilmember Brady wanted to know when Mr. Wright mentioned Simon Harris, was that for historical or is that one still under his name? Mr. Wright said no, it is just the name, like the Warwick and Paulina sites, those are the former owners but with Simon's, everyone knows it is in Little Nixon and it is the big bend that was exposed. Where Warwick is downstream and Paulina is Marble Bluff. They are just names they use because those were properties that existed there.

7. Approval of City of Fernley Beautification Grant – Native American Themed Metal Banner Artwork. Daphne Hooper, City Manager, Fernley

There were three applicants: Molly Hernandez, Debbie Barlese and Carol Smith

Carol Smith was chosen to serve on the Personnel Committee.

6. Approval CP Construction Group Contract – FEMA PDM Grant Lower Truckee River Preliminary Engineering Reports. Mervin Wright Jr. Environmental Department

Mr. Wright said the CP Construction Group is a contract under a FEMA pre-disaster mitigation grant on the Lower Truckee River on the reservation to complete preliminary engineering reports. He did the 3-procurement bid process for the Tribe and reached out to five local engineering firms in Reno and Carson City. This goes back to the 2017 flood event and the number of exposed stream banks that exists and still exists today in the lower river. It was Randy Hunter who went to a meeting in Carson City and he got together with the Economic Development administration, they wanted to give the Tribe \$10 million. He put together a cost estimate to do construction on all of the 27 stream banks that they identified in 2017 and the amount came up to \$8.4 million. The application required preliminary engineering reports for the stream banks. They didn't have the preliminary engineering report so they had to forego the grant application. Then the Federal Emergency Management Administration came out with a pre-disaster mitigation notice of federal funding, they applied for it and was awarded \$199,000. They did have to negotiate the cost share which was at 90%, they got it down to 10% and used the license plate funding for the match. The total project award for this program is \$221,681 but they set a ceiling amount for the contract at \$210,000. When they put in their request for proposals, they included LIDAR Imager, it needed for the modeling when they start doing engineering and designs for the steam bank restoration projects. It creates a 3d dimension model, in their case for the river terrain, to understand the depth within the flow of water. When the bids came in the cost of the LIDAR was so high they had to take it out so they can focus on the preliminary engineering reports to be completed. He reached out to the Desert Research Institute (DRI) in Reno and contacted a former professor, Ken Adams. There were a couple of staff members who reach back, and they will be providing the Tribe with LIDAR data for the Lower Truckee River. Very fortunate to get the support from DRI. They will be able to utilize it with the Tribe's GIS capabilities. There were two firms who submitted their proposals, and they chose CP Construction Group for the contract. He has Lowell Patton from CP Construction on-line for Council if they had questions. He did complete the TERO forms required, tax forms and the system for award management which is the background component for checking status on companies. The only were awarded half of the funding that they originally applied for and they have 13 stream banks listed as priority. The 13 stream banks are: Paulina, Harris, O'Daye, Lowery-Frazier, Barlese, Barlese 1, Copeland, John, Henry, Warwick, Hunter, MBFF 3 and MBFF2. They are looking to restore the river habitat. The erosion causes turbidity for the river which is a water quality concern. It deposits sediment at the delta which causes spawning concerns by covering the spawning beds. They are interested in getting these first steps completed with the preliminary engineering reports so they can apply for construction dollars to get the stream banks completed.

Councilmember Harry asked what is the process for the stream bank enhancement, what is the limit, and is it RAM? Mr. Wright responded no, the preliminary engineering or parts basically are going to be a design that will include types of construction they want to build for the protection of the stream bank. The term

Ms. Hooper explained the City of Fernley received CDBG funds for downtown Fernley beautification. Things they will be improving or adding are bike racks, trash receptacles, welcome signs and other things on main street. They will also be installing 16 metal banners, currently they have 3 designs representing different areas or things in the region. The banners are metal cutouts and will be placed on light poles down main street. Some designs are wild horses, bighorn sheep and they want to include the native culture. She is asking for Council's input on the design. The artist is Jim Moffit, he's a local artist in the Fernley area. He provided designs including fish, the pyramid and an eagle for Council to consider. She would like Council to consider the designs, once they are okay with it they will draw them up and bring back for final approval.

Council had a consensus for design Option B, which was a design of an eagle, cui-cui (they wanted the cui-cui to look more like a cui-ui than a trout) and an outline of the Pyramid. Ms. Hooper will take back and have the design modified and send it back to Chairwoman Davis for review. They will also get to work on the banners and will invite Council to review them also.

8. Approval/Discussion Concern of Helicopters Flying Over Reservation. Sheri Hunter, Tribal Member

Ms. Hunter said she had a concern regarding the helicopters that fly over, including jets which sometimes come in pairs. She asked Council if there is a reason they are flying solo over the reservation, what's their purpose and do they have the Tribe's permission.

Chairwoman Davis said she invited Tony Burton, Tribal Liaison for the Tribal Relations Coordinator.

Ms. Burton introduced herself. She is a member of the Fallon Paiute Shoshone Tribe. She has a colleague on the call with her, Kish Lapierre, Tribal Liaison for the NAS Fallon and Michael Claypeck, Installation and Environmental Program Director. It is her job to be a contact to all Nevada Tribes on behalf of NAS Fallon. She explained they do have a hotline and a process to address the noise complaints in the low flying aircrafts. They do share the same route as the Air National Guard so it is possible some of the complaints can be coming from them. They are working on a public flyer with specific descriptions of aircraft for public use. This will assist in calling the right aircraft along with the date and time. They have even had Tribes bring copies of videos to help in their descriptions. The number for the hotline is 775-426-2419 for the noise complaints. In the future, if Council is agreeable they can provide a more comprehensive presentation. She provided her contact information to Chairwoman Davis and she can forward to anyone who would like to get a hold of her.

Mr. Claypeck, the Environmental Program Director, explained the meaning of his title, he is the head of the Environmental Division which the Tribal Relations Program is a part of. The Navy is dedicated to improving the relations between the 13 Tribes of Northern Nevada.

Ms. Lapierre, Tribal Liaison, Naval Air Station, Fallon said she was happy to be working with Tony Burton and building the program and to bridge the connection with the Navy. They are here to assist and do the research to see what is causing this disturbance, be it Navy or National Guard. Especially, now is a good time due to the modernization, they just renewed our land agreement and they are still looking at acquiring

more lands for training for the Navy. She hopes they can be in good communication with the Tribe to address the issues. They hope to be included in regular meetings to bridge the gap with DC, Fallon, San Diego and respective Tribes.

Councilmember Brady said she would like to know how Fallon is going to work with the tribes in regards to sacred lands, particularly when they're using key places of prayer as bombing sites or using their tactical weaponry there. She knows they sometimes cite Homeland Security. For herself, it's frustrating hearing about it, in addition to witnessing low flying at Pyramid Lake. She's called into the Navy to complain about it and given them the tag numbers and then to have them outright deny.

Ms. Lapierre said they should sit down and address it with leadership and address the maps where their airspace overlaps with the reservation. To address direct and indirect effects to the lands to include the existing lands and the proposed modernization which is the acquisition of more land.

They need to look at that and they must address the direct and indirect effects to these lands. Then they have the proposed modernization, which is the acquisition of more land. They are going to be looking at separate sets of maps. They do have the support of Nevada representatives; the senators are very pro-environmental and being an archaeologist, she understands. They are looking at conducting a new archaeological and ethnographic studies. They need to congregate and discuss the issues right away.

Chairwoman Davis asked what would it take to designate the reservation area a no-fly zone? At one done it was already done here but it continues to happen.

Ms. Lapierre said it would start with individuals above her, she assumes it would start with Commander Morrison to begin these discussions. Is it possible for the Navy to consider alternatives, compensation, negotiation, the movement of airspace, the proposal for the modernization an adjustment, there is much detail, they will need to have a meeting? They had a meeting on January 27th which included the US Secretary to the Navy, Assistant on Environment, he is supportive of Tribes. He's willing to listen and he's got invested interests and a passion for tribal perspectives and issues, so now is the time to get this in motion since they're building the program.

Councilmember Ely said they mentioned airspace overlap maps. How does the Tribe get those?

Ms. Lapierre said ye, they can get those to the Tribe, they show military flight paths in relation to commercial airspace. It can show who is impacting the lands with noise in direct/indirect effect, she will add for action item to share with the Tribe. They also need to bring in the National Guard who is also using the airspace.

Councilmember Gonzales stated the Tribe had someone that is working with and just called the Natural Guard, the Tribe should follow up the next day. Okay, great.

Councilmember Harry asked former Councilmembers on-line that she thought the Tribe had our own airspace, she remembers hearing that nobody can go below 3000-5000 feet. Can anyone add to that?

Ms. Lapierre said that is the requirement and often the pilots don't listen, and yes, there needs to be repercussion and it needs to be stricter.

Mr. Claypeck said these are all great questions, and they are going to take them back. At this is the point of having Kish and Tony on board is to get all these questions so they can keep an open dialogue and get the questions to the experts. They are on missions, they are a training base after all, there is airspace north of Pyramid Lake that is designated for training and also areas between Fallon and bases in California. They are on missions and should be following protocol the minimum height restrictions and maximum height restrictions for commercial aircraft. The airspace that Kish is talking about are rules published in documents either published by the FAA and the Navy which they can get those to the Tribe. They are committed to improving the relationship and answering the questions for the Tribe.

Ms. Hunter said she thinks her questions were answered, that these fly overs are for training purposes. Her next question, did they seek the Tribes permission to do this, to make the airspace a part of their training because she feels strongly about tribal sovereignty. If they didn't get the Tribe's permission that is a starting point. Another question, what type of training do they do at the north end of Pyramid Lake within the reservation?

Mr. Claypeck said he was involved in the EA when it was done and the training that is done in the special use airspace is for mock air to air combat, refueling and other training. In regards to getting permission, he's not sure but he will get answers to the questions.

Councilmember Brady asked since they do refilling in the area, are they required to have environmental impact studies on the key areas?

Mr. Claypeck said yes, every activity the Navy does, have been covered in an environmental document at some point more than likely and was probably done. He thinks it was completed in 2015. The aviators know that if there is any change to be made an environmental study/review has to be done.

On the timeline, they can give the Tribe updates at the next Council meeting, if Council would like.

Ms. Burton said it is a big project to get approval for the modernization. However, there are programmatic agreements and managed access agreements that is being completed, and they want the Pyramid Lake Paiute Tribe to be involved. They just had a meeting this week with the tribes regarding an ethnographic and archaeological survey they are going to be starting within the next couple of months. That will be a great opportunity for tribal members to be employed to participate and to be involved in those cultural studies, along with the archaeologists. The Tribe is welcome to attend those meetings which are via zoom. The Chairwoman has her contact information.

Ms. Hunter said she's been coming to Council for five years about the helicopters and the jets. She would like an answer to her question on whether they received permission from Tribal Council, if they are a part of their airspace in their training grounds, they fly over the Wadsworth Community, through Hill Ranch and

over the Nixon Community, plus she has a concern of the North end of the lake. How did that get classified as special use airspace? If the environmental impact study was done and if it was given to the Tribe for review and acceptance, she would like to see the information. She would like to see it stopped because it impacts her quality of life, they are over her home six-times a day, back and forth, 10am to 10pm.

Councilmember Brady asked if a drop site for uploading videos and pictures and things for our tribal citizens can be created so that it's immediate and on the spot. And then it's going to be documented all the time. That way Claypeck, Lapierre and Burton can see it immediately.

Mr. Claypeck said that is an excellent idea, they can do an immediate drop box for their program for all Tribes who may be having noise issues.

9. Approval Crown Castle Lease Agreement with Resolution. Pilar Thomas, Quarles & Brady LLP.

Councilmember Mix left the meeting at 8:59 p.m.

Ms. Thomas said this is a new lease with Crown Castle, which is an AT&T company. They have an existing cell tower south of Sutcliffe, 2500 square feet and their lease has expired and this to renew the lease. They have completed negotiations. Along with Benjamin John, Business Officer, they completed negotiations to finalize the terms of a new lease, including rental payments, monthly rental payments, additional compensation to the Tribe, in the event they use their leased area for unrelated purposes. If they have another company come in and attach equipment to their tower, which happens often in the telecommunications industry, the Tribe would be compensated as well, for that additional use. They have buffed up the some of the provisions related to taxes, to tribal jurisdiction, and consent to tribal jurisdiction, as well as giving the tribe some inspection rights there. The lease would be for 99 years, which is what the federal law allows the Tribe to lease its property up to. There are termination provisions. the Tribe can terminate if they don't use the property for a certain period of time, and if there's a breach of the lease, then there are termination provisions in the breach. If Council approves the resolution, the written resolution is required under the under the Tribes Constitution for the Tribe to approve any conveyances and land is also required, because the lease has to be sent to the BIA for approval as well. And the BIA requires a resolution showing the Council has agreed to the lease and consents to the terms and conditions of the lease. The council has before it a resolution which lays out the background on the lease, the necessary language that shows consent to approve the lease, including the lease terms and the compensation are in the best interest of the Tribe. There is no waiver of sovereign immunity in this lease. There are some dispute resolution processes, but there is no waiver of sovereign immunity.

Councilmember Wadsworth made a motion to *approve the Crown Castle Lease Agreement with Resolution*. Councilmember Harry seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Passed.** **RESOLUTION NO.: PL 013-21 CROWN CASTLE LEASE AGREEMENT**

10. Approval NV Energy Service Agreement Right of Way with Resolution. Jill Mix, Comptroller

Ms. Mix explained this is a service agreement which Nevada Energy requires for the EMS building and the state yard. It was reviewed by legal counsel, Wes Williams.

Councilmember Wadsworth made a motion to *approve the NV Energy Service Agreement Right of Way with Resolution*. Councilmember Ely seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Passed**. **RESOLUTION NO.: PL 014-21 NV ENERGY SERVICE AGREEMENT RIGHT OF WAY**

11. Approval of Law & Order Ordinance – Government Enterprise Oversight with Resolution. Diana Mitchell, Law & Order Committee

Ms. Mitchell said this ordinance was posted for 30-days and received no comments. This was recommended by the committee to be forwarded to Council for the next step in forwarding to BIA.

Councilmember Brady asked if legal counsel, Ms. Thomas reviewed the ordinance.

Ms. Mitchell said yes, there was legal review along with the Business Office.

Councilmember Wadsworth made a motion to *approve the Law & Order Ordinance – Government Enterprise Oversight with Resolution*. Councilmember Brady seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Passed**. **RESOLUTION NO.: PL 015-21 LAW & ORDER CODE TITLE 3 CHAPTER 19 GOVERNMENT ENTERPRISE OVERSITE**

12. Approval of Law & Order Ordinance – Trusted Land Business Leasing with Resolution. Diana Mitchell, Law & Order Committee

Ms. Mitchell said this went through the same process, was posted for 30-days. They did receive one comment which they forwarded to the Land Manager and they received a response from Richard Frazier, Land Manager and it was reviewed by legal counsel. This was recommended by the committee to forward to Council for the next step in forwarding to BIA.

Mr. Frazier said his comment was since the Land and Resource Committee does not deal with any leases per se for the Tribe, they agreed with what was written. The leases are all handled by Council or property leases through Realty.

Ms. Thomas commented this leasing ordinance has been drafted consistent with the federal Hearth Act, as a reminder for Council. Under that federal law was an amendment to the long-term leasing act, and under that federal law, it allows for the Secretary to approve leasing regulations or leasing ordinances from a tribe. If the Tribe, if the Secretary approves those leasing ordinances, then the Secretary, the Tribe will not have to submit future leases to the BIA for approval. As an example, the Crown Castle lease that the council just approved, once this leasing ordinance goes into effect, you would not have to send this on to the BIA for approval. There is an additional process for the Secretary to approve this leasing ordinance, it will have to go straight to Washington DC for review and approval, it doesn't go to Carson City, which is your usual process. Because the leasing ordinances are approved in Washington DC under their process, it is possible Washington DC may have some additional edits. It is also possible the leasing ordinance will have to come

back to Council for another approval if the Washington DC BIA office asks for changes. If there are edits, it will come back to Council to approve the additional changes that may be required from Washington DC BIA.

Councilmember Ely said Mr. Frazier mentioned is covered Realty and other business items, does it cover residential land leases?

Mr. Frazier said no, his comment was that since the land and resource committee does not handle any leases, they just agreed with what was written in the ordinance.

Ms. Thomas said she thinks the leasing ordinance does cover residential leases.

Councilmember Ely said sits on the housing board and they have a program called the 184-home loan program and certain banks will loan to tribal members, if they qualify, but they will not loan on an assignment, it must be a land lease, a residential land lease. They need to get the infrastructure in place which is leasing of the land of the assignment, they will not loan to a land assignment. It's the legal language, it's a hang-up and there are members that could qualify.

Ms. Pilar agreed with Councilmember Ely, in fact the acronym for the Hearth Act is for helping expedite residential. The purpose of the Hearth Act, which was sponsored by the National American Indian Housing Council. The whole purpose of it was to expedite residential leases and to allow tribes to approve their own residential leases. So tribal members could borrow money for a mortgage to build a home or to buy a home on tribal lands. That is the basis for this federal law change. The way the law was drafted is that it covers all of the leasing purposes, it's business leases, residential leases, agricultural leases. The law covers everything, the Tribe should be able to use this for residential purposes. The Tribe can now start up a residential leasing program and you would not have to send those residential leases to the BIA. That's a big reason why a lot of tribes don't do private home ownership on tribal lands is because the residential leases have to go to the BIA and then they sit there for years. Now the Tribe will be able to control that if the BIA approves this ordinance, which they should because it's patterned after ordinances they've approved in the past. There is still a requirement the Secretary has to approve the mortgage.

Mr. Frazier said a portion of the assignment has to be converted to the residential lease before that is accepted which is another component the individual has to work out.

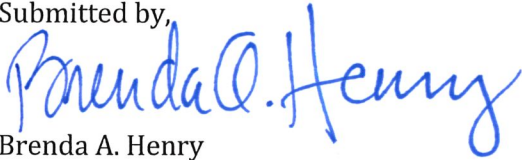
Councilmember Harry made a motion to *approve the Law & Order Ordinance – Trusted Land Business Leasing with Resolution*. Vice Chairman Wadsworth seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Passed.** **RESOLUTION NO.: PL 016-21 LAW & ORDER CODE TITLE 3 CHAPTER 18 TRUSTED LAND BUSINESS LEASING**

ADJOURNMENT

With no further business before the Tribal Council, Councilmember Ely made a motion to adjourn the meeting. The motion was seconded by Councilmember Dunn. Votes taken were all in favor, **motion carried.**

The meeting adjourned at 9:30 p.m.

Submitted by,




Brenda A. Henry
Tribal Secretary

CERTIFICATION

The foregoing minutes were adopted by the Pyramid Lake Tribal Council, governing body of the Pyramid Lake Paiute Tribe, at a meeting duly held on the 2nd day of April 2021, having ten (10) members present, constituting a quorum, by the vote of eight (8) FOR and zero (0) OPPOSED, with one (1) ABSTENTION.

Minutes attested and concurred by: _____


Janet Davis, Tribal Chairwoman
Pyramid Lake Paiute Tribal Council

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