

Pyramid Lake Paiute Tribal Council

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REGULAR MEETING MINUTES

Tribal Chambers ~ Nixon, NV

July 2, 2021

Members Present:

Janet Davis, Chairwoman
Harriet Brady, Councilmember
Edward Ely III, Councilmember
Natalia Gonzales, Councilmember

Steven Wadsworth, Vice Chairman
Irwin Mix, Councilmember
James Phoenix, Councilmember
Georgina Wadsworth, Councilmember

Members Absent: Nathan Dunn, Councilmember Carolyn Harry, 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 in Tribal Chambers with limited audience.

CALL TO ORDER

Chairwoman Janet Davis called the July 2, 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. Councilmembers Dunn and Harry were absent. All other Tribal Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Councilmember Ely made a motion to *approve the agenda*. Councilmember Brady seconded the motion.

Vice Chairman Wadsworth commented that items under New Business #1, 8, 9 & 12 are renewals and requested they be placed under the Consent Agenda.

Councilmember Ely restated his motion to *approve the agenda with the movement of New Business Items #1, 8, 9, & 12 to Consent Agenda*. Councilmember Brady seconded the motion.

Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

PUBLIC COMMENT.

Mervin Wright Jr. Mr. Wright commented about the residency clause and the Constitution. During the last election, the Primary Election, he was asked a question by an Election Committee member about how they allow members who live off the reservation to vote. He explained in 2008, he started the process to have a Secretarial Election which they did have in 2011, the clause was in the questions to remove the residency

clause so all tribal members can vote, however through discussions at the Tribal Council level it was removed by the time the questions were approved. He has the original list of questions that were presented, the minutes, and he has the final questions that went onto the ballot during the Secretarial Election in 2011. He is prepared to hand the file over to the Election Committee for their review and hopefully bring forward to schedule a Secretarial Election. The Secretarial Election allows for all tribal members over the age of 18 to vote, this is an inherent right for all tribal members and not for just those that live on the reservation to vote. He hopes the Election Committee reviews and brings back to Tribal Council to request a Secretarial Election and it will have a favorable consideration by this Council. The Bureau of Indian (BIA) was involved and he also had 3-4 public meetings with tribal members.

CONSENT AGENDA

Following items were on the Consent Agenda along with the items moved from New Business:

1. Approval of Minutes: May 19, 2020, Special, February 19, 2021, Special
2. Approval Enrollment Five (5) Applications Regular Enrollment with Resolution
3. Approval Enrollment Acknowledgement of Affidavit of Relinquishment (adult) with Resolution
4. Approval Payment Lewis Roca May 2021 Invoice #1406903
5. Approval Ratification of Poll Vote – EPA Grant Process Resolution (6/4/21)
6. Approval Ratification of Poll Vote – 2021 COPS Hire Grant (6/23-24/21)
7. Approval FY2022-23 EPA Region 9 GAP-RTOC Program Funding Grant with Resolution
8. Approval Streambank Restoration O 'Daye with Resolution.
9. Approval FY21/22 Tribal Wetland Program Development Grant with Resolution.
10. Approval BIA Roads Department Additional Funding with Resolution

Vice Chairman Wadsworth requested to pull the May 19, 2020, minutes.

Councilmember Wadsworth made a motion to *approve the consent agenda with exception of #1*. Councilmember Gonzales seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **MOTION PASSED. RESOLUTION NO.: PL 074-21 ENROLLMENT – REGULAR MEMBERSHIP (5), RESOLUTION NO.: PL 075-21 ENROLLMENT – RELINQUISHMENT (ADULT), RESOLUTION NO.: PL 076-21 EPA REGION 9 GAP-RTOC PROGRAM FUNDING GRANT, RESOLUTION NO.: PL 082-21 STEAMBANK RESTORATION O'DAYE, RESOLUTION NO.: PL 083-21 FY21/22 TRIBAL WETLAND PROGRAM DEVELOPMENT GRANT AND RESOLUTION NO.: PL 084-21 BIA ROADS DEPARTMENT ADDITIONAL FUNDING**

Vice Chairman Wadsworth had corrections to the minutes in regard to salutations.

Councilmember Wadsworth made a motion to *approve the May 19, 2020, Special minutes*. Councilmember Brady seconded the motion. Votes were six (6) **for** and zero (0) **opposed** with one (1) **abstention** (Steven Wadsworth). **Motion carried**

Chairwoman Davis welcomed the newly approved Pyramid Lake Paiute Tribal members: **Andrea Helen Davis, Grayson Alexander Olmstead, Jay Drew Rutherford, Callie Rose Willie and Rhea Lynnee Willie**

NEW BUSINESS

1. Approval Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant with Resolution. Johnny Garcia, Transportation Planning

Mr. Garcia explained the cost to construct the Wadsworth Bypass Road is \$8,888,100. and the Tribe's administrative cost including IDC is \$258,312. They are requesting to submit for the RAISE Grant in the amount of \$6,012,350. to fund part of the cost. They are also requesting to use \$3,134,062 of the existing Pyramid Lake Tribal Transportation funds reserved for the project cost to use as a match.

Councilmember Brady noted the designation of Chairperson needs to be changed on the resolution.

Councilmember Wadsworth requested review of the 7th whereas "project totals".

Vice Chairman Wadsworth made a motion to *approve the RAISE Grant with changes*. Councilmember Phoenix seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 077-21 RAISE GRANT**

2. Approval Right-of-Way (ROW) Wadsworth Complete Streets Multi-Use Path Resolution. Sherry Ely-Mendes, Transportation Assistant

Ms. Ely-Mendes explained this is one of the final steps to get construction started, a resolution saying Tribal Council approving the right-of-way to put a path on the land that is set aside. Both BIA Phoenix and Western NV Agency (WNA) has said that all tribal rights-of-ways are now approved by the individual tribes.

Councilmember Wadsworth asked to include in the resolution, that Tribal Council is the governing body according to the Constitution...which is included in all standard resolutions.

Councilmember Brady had grammatical corrections on the temporary easements.

Councilmember Phoenix made a motion to *approve the ROW Wadsworth Complete Streets Multi-Use Path Resolution*. Councilmember Mix seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried** **RESOLUTION NO.: PL 078-21 ROW WADSWORTH COMPLETE STREETS MULTI-USE PATH**

3. Approval EPA Office of Transportation & Air Quality 2021 Diesel Emissions Reduction Act (DERA) Tribal & Insular Area Grant Resolution. Mervin Wright Jr., Environmental Manager

Mr. Wright said this is the second phase of this funding available to tribal governments. This is the grant where they want to replace engines and vehicles that exceed the diesel standards. They identified the backhoe and the Roads Department grader for replacements. There is no cash match.

Councilmember Gonzales made a motion to *approve EPA Office of Transportation & Air Quality 2021 DERA Tribal & Insular Area Grant Resolution*. Councilmember Ely seconded the motion. Votes were seven (7) **for**

and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried** RESOLUTION NO.: PL 079-21 EPA OFFICE OF TRANSPORTATION & AIR QUALITY 2021 DERA TRIBAL & INSULAR AREA GRANT

4. Approval Autumn Harry Request to Waiver Camping and Day-Use Fees for Attendees at the Journey of a Water Protector Event on August 13-15, 2021. Autumn Harry

Ms. Harry is requesting a waiver of camping and day-use fees for attendees at the Journey of a Water Protector Event. They are expecting approximately 100-120 people. They will be providing their own trash and Sani-huts for the event.

Vice Chairman Wadsworth said he would like to see a better plan for trash and Sani-huts for 120 people. Ms. Harry said they already put in a request for extra Sani-huts from a company in Reno and she will be coordinating with PUD for a dumpster.

Councilmember Brady would like to see a preliminary list of the number of attendees instead of guessing on an amount. Provide a list to administration before the event. Ms. Harry said she would be able to provide one after the people fill out the paperwork. She is capping at 120 people.

Councilmember Phoenix made a motion to *approve the request to waive camping and day-use fees for attendees at the Journey of a Water Protector Event. Capping attendance at 120 people. Provide the Tribe with a preliminary number of attendees.* Councilmember Mix seconded the motion. Votes were six (6) **for** and zero (0) **opposed** with one (1) **abstention** (Brady). **Motion Carried**.

5. Approval Lahontan Cutthroat Trout Memorandum of Understanding (MOU) with Nevada Department of Wildlife (NDOW) and US Fish & Wildlife Service (USFWS) with Resolution. Dan Mosley, Pyramid Lake Fisheries Director

Mr. Mosley said the MOU comes up every five years. The Pyramid Lake Fisheries Board put in stipulations in the resolution that states the USFWS and NDOW apply measurable goals of eliminating future stockings of Rainbow Trout in the Truckee River to reduce interspecific competition with LCT and they request that all involved parties work toward reducing the risk of LCT hybridizing with naturally occurring Rainbow Trout in the Truckee River. The USFWS and NDOW are aware of these stipulations and approve of it.

Councilmember Phoenix made a motion to *approve the Lahontan Cutthroat Trout MOU with NDOW and USFWS.* Councilmember Brady seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Carried**. RESOLUTION NO.: PL 080-21 LCT MOU WITH NDOW AND USFWS

6. Approval Grant Application for Phase II American Recovery & Reinvestment Act of 2009; US Fish & Wildlife Act of 1956; Sikes Act of 1974 for Upstream Fish Passage at Herman Diversion with Resolution. Mervin Wright Jr. Environmental Manager, Natural Resources

Mr. Wright was assigned this project in January; the Natural Resources Department received a grant to remove the Herman Diversion Dam in Wadsworth. The first grant was to design a pump system and a design for how the rock dam would be removed. This was the first phase. He was notified by Donna Noel, Natural

Resources Director, they received a second award for phase II which is the construction. The intent is to put in a pump system by the former Pearson Dam site, there was a rock dam there which diverted water in the Pearson ditch. This dam was washed out by the 97 flood and the ditch hasn't been in operation since then. Phase II funding is \$177,000. The phase I funding was \$189,000. This phase is for project construction, dismantling the rock dam, put in a phase III power for meter supply for an irrigation pump and to stabilize the bank area. Phase I also included getting the permits from the Army Corps of Engineers to work in the river and 401 water quality permits.

Councilmember Brady made a motion to *approve the grant application for phase II at the Herman Diversion with resolution*. Councilmember Ely seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Carried** RESOLUTION NO.: PL 081-21 PHASE II AMERICAN RECOVERY & REINVESTMENT ACT 2009 UPSTREAM FISH PASSAGE HERMAN DIVERSION

7. Approval Film Application – Trail Running Film Festival/Trent Banks. Betty Aleck, THPO

Ms. Aleck said the Cultural Committee met on this and they recommended denial because they didn't have enough information to vote on it.

Trent Banks, film maker, is requesting to film Kailani Harry while she is running to show how running affects her and connects her to the land. They will only be filming on the west side of the lake. They will be showing at the film festival.

Ms. Harry is hoping to bring running to more people for healing through movement. She has always been a runner. She has run from the top of the hill down towards the Stone Mother about 4 times on the east side.

Councilmember Wadsworth said she doesn't think it's appropriate to mention the area at the Stone Mother, it'll only invite non-members to go out there.

Councilmember Phoenix made a motion to *approve the film application request for Trial Running Film Festival but no access into closed areas*. Councilmember Brady seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Carried**

8. Approval Request to Allow Non-Tribal Members in Closed Area for Spreading of Relatives Ashes. Betty Aleck, THPO

Ms. Aleck said the Cultural Committee recommended denial of spreading the ashes. They were opposed to spreading of ashes into a living lake and for non-tribal members getting access to the closed areas.

Councilmember Ely made a motion to *deny the request to allow non-tribal members in closed area for spreading of relative's ashes*. Vice Chairman Wadsworth seconded the motion. Votes were six (6) **for** and zero (0) **opposed** with one (1) **abstention** (Mix). **Motion Carried**

9. Approval ARP Emergency Native Language Funding Grant Kooyoee Tukadu Project. Shellay George-Kawich

Ms. Kawich said this was for the Language Program under Heidi Barlese.

Councilmember Brady made a motion to *approve the ARP Emergency Native Language Funding Grant (Kooyooe Tukadu) Project*. Councilmember Wadsworth seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Carried**

10. Approval Victim Services Family Violence Prevention and Service/Domestic Violence Shelter and Supportive Services Grants with Resolution. Mary Dodd, Victim Services

Ms. Dodd said this is the first time they are applying for this grant, usually Inter-Tribal Council of NV (ITCN) is the one applying for it. Usually, they go through the State but it usually half the amount and more reporting criteria. Reporting for this is much easier for finance. It provides for 50% of victim advocates wages, covers operational costs, provides for utilities and R&M, hygiene and cleaning supplies, outreach supplies, and storage costs for victims.

Chairman Davis commented at one of the last meetings, Council tabled ITCN's request to apply for this grant, this was a part of that grant.

Councilmember Brady asked if this covered the director's salary and Ms. Dodd responded no.

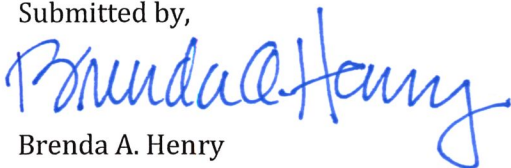
Councilmember Gonzales made a motion to *approve the Victim Services Family Violence Prevention and Service/Domestic Violence Shelter and Supportive Services Grant*. Councilmember Ely seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion Carried** **RESOLUTION NO.: PL 085-21 VICTIM SERVICES VIOLENCE PREVENTION AND SERVICE DOMESTIC VIOLENCE SHELTER AND SUPPORTIVE SERVICES GRANT**

ADJOURNMENT

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

The meeting adjourned at 8:05 p.m.

Submitted by,




Brenda A. Henry
Tribal Council 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 1st day of October, 2021, having nine (9) members present, constituting a quorum, by the vote of eight (8) FOR and zero (0) OPPOSED, with zero (0) ABSTENTIONS.

Minutes attested and concurred by: _____



Janet Davis, Tribal Chairwoman
Pyramid Lake Paiute Tribal Council

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