

Pyramid Lake Paiute Tribal Council

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REGULAR MEETING MINUTES

Tribal Chambers ~ Nixon, NV

June 3, 2022

Members Present:

Janet Davis, Chairwoman
Harriet Brady, Councilmember
Nathan Dunn, Councilmember
Natalia Gonzales, Councilmember
Della John, Councilmember

Steven Wadsworth, Vice Chairman
Judith Davis, Councilmember
Edward Ely III, Councilmember
John Guerrero, Councilmember
James Phoenix, Councilmember

Note: This meeting was in-person but zoom conferencing was an option for presenters and audience.

CALL TO ORDER

Chairwoman Davis called the June 3, 2022, Regular Tribal Council meeting of the Pyramid Lake Paiute Tribal Council to order at 6:00 p.m.

ROLL CALL

Brenda A. Henry, Tribal Secretary, took roll call. All Councilmembers were present at roll call and a quorum was established for this meeting. Note Councilmember Ely attended via zoom for safety reasons.

APPROVAL OF AGENDA

Chairwoman Davis requested the addition under Consent Agenda #3. Approval Quarles & Brady May 2022 Invoice #6482055 and under Presentations #3. Burning man Update. Marnee Benson, Burning Man Coordinator. To include Vice-Chairman Wadsworth's request to add under New Business #1. Discussion Numu Inc.

Councilmember Dunn made a motion to *approve the agenda with additions*. Councilmember Brady seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

PUBLIC COMMENT. There were no public comments.

CONSENT AGENDA

Following items were included on the Consent Agenda:

1. Approval Enrollment – Two (2) Regular Memberships with Resolution
2. Approval Ratification Poll Votes (2): PLPT Tribal Facility Building Use Policy & PLPT Facility/Equipment Use Agreement and Elder Energy Request Joann Gates.
3. Approval Quarles & Brady LLP May 2022 Invoice #6482055

Councilmember Brady made a motion to *approve Consent Agenda*. Councilmember Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Ely). **MOTION PASSED**

Chairwoman Davis welcomed the newly approved Pyramid Lake Paiute tribal members: Leija Venice Renae Coleman, Freya Virginia Davis-Johnson.

PRESENTATION

1. Truckee Meadows Regional Planning Agency (TMRPA) Natural Resources Plan. Scott Carey, member Planning Commission and TMRPA

Mr. Carey explained he serves on the City of Sparks Planning Commission and was designated by the City Council to look at zoning and land use planning and to keep tabs on the City's Master Plan. For two years he has been a member for Sparks on the Truckee Meadows Regional Planning Commission, a group comprised of Washoe County, City of Sparks, and City of Reno charged with administering the Regional Plan for the entire region dealing with conformance reviews, track growth and overall level. In terms of policies and goals in the regional plan for protecting the natural resources in the region, there is not really much and since Pyramid Lake is a leader in managing natural resources for a few 1000 years they want to extend a formal invitation to become part of the planning effort and hopefully this will be building a consensus to allow better cooperation between government to government between Regional Planning and the Tribe. Jeremy Smith, Truckee Meadows Regional Planning Agency Director will provide specifics on the Natural Resources Plan update.

Mr. Smith explained TMRPLA was created in 1989 for State Statute to help the jurisdictions of Reno, Sparks and Washoe County to coordinate land issues in the Truckee Meadows. The first Regional Plan was in 1991, and then every five-years there has been an update which is mandated by State law. They just finished a fairly substantive update in 2019 and added some protections into the land use system for an area called the Truckee Meadows Service area, which is the developed area of Truckee Meadows. With the last update they did recognize the need for a map to identify natural resource areas that are worthy of protection concepts. They want to preserve access to nature and natural resources. They know they are facing some unprecedented challenges as humans on planet Earth and with climate change, the area we live in is desert and water resources are always on top of everyone's minds. They recognized they had to do some changes to the plan, they have a regional planning governing board strategy made up of elected officials from the three (3) jurisdictions in the Truckee Meadows, Reno-Sparks and Washoe County and also the Planning Commission. Currently they are doing outreach and engagement, and gathering data, data that will be available for everyone to view through a portal database.

Chairwoman Davis asked how our community and people can participate in surveys? Mr. Smith said they can be found on their website and they also do a lot of blasting on social media and emails. The Tribe can provide emails and they can forward so we can share on our social media accounts.

Councilmember John asked about planning in regards to the reservation boundary line. The Tribe needs a buffer, nobody has planned to put a buffer between the county and the reservation. When people lose their homes and they come out to the reservation and think it's open land, they park their RVs and we're dealing with encroachment on the southern end of the reservation. If you look at the solar plant, they are right up to

the reservation line. We have to protect the land for the future, if we don't have a place at the table, we can't protect ourselves. When it comes to cultural resources, we have limited protection, limited staff to protect our resources. With the old petroglyphs, the Tribe hasn't advertised it, maybe if there was protection around it maybe it would be different but we don't. Mr. Smith said he understands not wanting to display but is keen to working with the Tribe to figure it out for when a development comes through it triggers them to contact the Tribe.

Councilmember Davis asked if the information is open for review by anyone and where does he sit on the Regional Planning Commission. Mr. Smith said he is the director of the agency which is the staff level for Regional Planning. Scott Carey serves on the Regional Planning Commission, it's made up of three (3) members from Reno Planning Commission, Sparks Planning Commission and Washoe County. Above that is the elected body Regional Planning Governing Board.

Councilmember Brady asked about the willows for the basket makers. If we know about an area where basket makers go to get their willows, how does it work? Mr. Smith said first they will need to know where those areas are, they can sign a nondisclosure agreement for where certain things are and it could trigger a process to indicate there is a concern with a development going into that area. They could create surveys for any of the six categories and have subcommittees that they encourage the Tribe to join.

Mr. Smith said the timeline is 2024, which is the five-year mandated update. They have to do the update in the October timeframe but would like to have it done by June or July, and working on the data this year on the topic areas and trying to refine and correct them, and getting people involved. Once they have that and have it written down, they get it out for feedback and engage on the policy level discussion.

2. Lahontan Audubon Society (LAS) Educational Outreach Program. Alan Gubanich, Chairman Education Committee, LAS Las Vegas.

Mr. Gubanich explained they are located in Reno and have an educational outreach program they have been using for 20-years and would like to see if the Tribe would be interested in joining their program. The core of their outreach program is classroom visits to talk to kids about birds they might see in their backyards. Most of their classroom visits are in Washoe County with preschoolers through high school. They use taxidermy mounts to feathers in their outreach.

Chairwoman Davis said they will be in contact with him for some activities in July.

3. Burning Man (BM) Update. Marnee Benson, Burning Man Government Affairs Director

Ms. Marnee introduced her colleague, Katie Hoffman, Agency Relations Manager. After a two-year hiatus their event will be taking place this summer. It is an eight-day event beginning on Sunday, August 28 and ending on Monday, September 5, 2022. They expect the event to be the same size as 2018 and 2019, the total capacity will not exceed 80,000 people. They also expect the same traffic patterns during build week which is the week before the event and Exodus, which are the day or two at the end of the event. They held their annual cooperators meeting in April and met with all of their cooperating agencies in Reno to discuss operational priorities and public health and safety. They had 60 people attend at the Washoe County Emergency Operations Center, they had 15 or 16 representatives from different agencies and Pyramid Lake Tribe to include their departmental leads. They discussed areas of interest including operations on site

from the airport to their gate and perimeter, and the environmental restoration. They heard from each of the agencies including law enforcement and the State Division of Public, behavioral health, traffic, and road maintenance. The cooperators meeting was important and helpful to make contacts, to make sure the channels of communication are open and that they know who to contact with issues. They also had a tabletop exercise where they practiced agency response in case of an incident on the playa during a rain event. They are also continuing this year with their "Leaving Nevada Beautiful" campaign which is the way they educate the participants in the proper management and disposal locations for trash and recycling and for RV gray and black water. Each person who comes into the event with their welcome packet gets a rear-view window hang tag with information so they can plan their exodus after the event. In regards to the credentials they provide for tribal members for the event, they don't have the dates yet but they did inquire with their ticketing department and they will let them know what the proposed dates are for distribution.

Councilmember Brady said they need to stress to people who are dumping their trash clear to Reno along the I-80 corridor, they know it's Burning Man because of the dust. What can they do? Ms. Benson said they are working closely with NDOT. They have a standing agreement with NDOT where Burning Man has a three-week long trash cleanup operation that is permitted by NDOT and extends from the event to I-80 and covers all the areas in the vicinity of 34 and 447 and parts of 446 and 445. She will provide a map after the meeting. They begin those operations on the Wednesday after the event after the vast majority of vehicles have left and departed where it is safe for their crews to get out and clean up the trash. They work closely with tribal departments to map out the trash and recycling collection operations on tribal lands that are permitted. To be clear, NDOT does not permit anyone to be in the NDOT right of way doing any kind of trash collection operation. They have been working closely with the Tribe to ensure everyone understands the mapping of the folks that the Tribe permits to receive trash and collect money. They also work with NDOT to respond to car crashes or car breakdowns if someone has to like abandon a trailer or if there is an accident. NDOT removes anything larger than a person could carry, so they remove vehicles and any large pieces that might have broken down. The NDOT team covers the I-80 corridor and collects trash from dumpsters or rest stops. There was a time in 2019 where there was unpermitted trash collection operation on tribal lands and trash ultimately got dumped illegally on tribal lands. They were made aware of it through social media and coordinated with Chief Parsons to investigate and were able to assist with cleaned up with tribal permission. Councilmember Brady asked if they educate the participants to not remove anything from the reservation? Is it posted on their website? She had an incident where she had a couple of people who were taking things from the reservation and she asked them what they were doing and they said they were taking it to Burning Man. She stopped them from taking the items and waited until they left. Ms. Benson said she never heard of that but they are very clear in their communications. They have what is called their survival guide, it's a booklet of information for the participants. Will have Ms. Hoffman follow up with a digital copy for review. They do post and communicate each year to the participants referencing items like this. In 2019, they interviewed the Chairperson and posted on their website which included reference to the same topic. Chairwoman Davis said they have had interdepartmental meetings with Burning Man and Ben Aleck has been involved with providing a lot of the information that is being talked about to put on the website to educate the people. They are also working with them on the trash. Ms. Benson said during the pandemic when they cancelled the event in 2020 and 2021, their environmental restoration manager who oversees the stewardship on the playa and the highway restoration efforts, organized an event where he walked the distance from I-80 to the eight-mile

entrance to the playa and cleaned up trash that had been strewn in the year that the event didn't happen. They do consider themselves to be good stewards and try to go over and above and beyond to leave no trace evidence. In most years from the trash that is collected they leave the area a cleaner than they found it.

Councilmember Dunn asked how many credentials will they be giving this year for tribal members. Ms. Benson said the same as 2019, somewhere between 250 and 350.

Councilmember Guerrero asked if the funds still went to EMS or were they going to be held back because of their contract. Chairwoman Davis said they had a hard time agreeing on the grant which was approved at that time. This is the year they pay the whole cost of the grant. They specifically asked the EMS to pay back the Tribe with any revenue collected before approving the grant to be submitted. Councilmember Davis said they need to be reminded, this was when they applied for a grant but at the end of that four-year grant, after it was presented, they had a deadline to get it through. At the end of the four-year grant, the Tribe had to pay the wages for x amount of employees. So, in return when they would get their Burning Man funds that was supposed to come back to the Tribe because it was not a part of the explanation when it came forward to Council.

UNFINISHED BUSINESS

1. Request for Approval Film Application Josh Franks Walmart Creative Filters for Filing Andrea Gishie.

Ms. Gishie presented on behalf of Walmart and Creative Filters. She read her proposal which she submitted in May. "My name is Andrea Gisha, I'm from the Walker River Paiute Tribe. I'm eager to share information about my reason for reaching out today. I'm currently an associate with the Walmart Distribution Center, number 7048, located in McCarran Nevada, off USA Parkway. In April of this year, I was nominated by my company to be included in a documentary capturing the importance of diversity, equity and inclusion within Walmart. Later on that month, I received the news that I was chosen to take part in this project. This would mean that I would get the opportunity to showcase my upbringing roots and, in my case, the beautiful land and areas that have been a staple in my life since childhood. I'm here today asking for film authorization on behalf of Walmart and Creative Filter, which will accompany me in capturing one of the biggest parts of my roots. We are here hoping to get footage of the lake, gym and if possible, the museum. As of right now the only thing that we really want to go for is the lake, they want to condense their footprint. So, moving forward, although I'm not a tribal member of the Pyramid Lake Paiute Tribe, it's always been a second home and since childhood, I attend Natchez Elementary School all the way through the sixth grade before moving to Fernley Intermediate School, and still living in Wadsworth, those years with my family. I feel this is a huge opportunity for our people to be seen and appreciated in such a big network. And I feel like my story and my upbringing would be an amazing highlight to what our people bring to this nation. I would greatly appreciate the chance to show how deep the love for our culture and the land speaks volumes, even in our little corner of Mother Earth. All my Relations, Andrea Gishi".

Councilmember Brady asked where the Historic Preservation Office (THPO) stood on this because even though it's not checked as a commercial, it really is a commercial. Ms. Gishi said they are trying to condense the footprint and will be just doing it at the lake instead of everywhere else. Councilmember Brady asked

about the Red Rafter Drone, how far can it fly up and how far away. Vice-Chairman Wadsworth said Federal law says the drone can't go above 1,000 feet and depending on the drone, could have a range of five miles. Ms. Gishi will confirm the drone height and distance and get the information back to Council.

Ms. Gishi asked if the \$1,000 fee could be waived. Councilmember Dunn said it is a corporate video that will be used through out the Walmart industry.

Councilmember Brady made a motion to *approve the film request to include payment of the \$1,000.00 fee and to have the film reviewed by Council before putting out to public.* Councilmember Dunn seconded motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Ms. Gishi said they plan on filming June 11th or 18th.

Councilmember Brady asked if they would ensure there is a message included for when people visit Pyramid Lake to please follow tribal laws. Ms. Henry, Tribal Secretary will include all stipulations in the approval letter to Ms. Gishi.

NEW BUSINESS

1. Discussion NUMU Inc.

Vice-Chairman Wadsworth said this is in reference to the emails that were going back and forth and he would like to call for a Special meeting with Numu Inc.

Vice-Chairman Wadsworth made a motion to *approve a Special meeting be scheduled with NUMU Inc on June 15th, 6pm, in-person with zoom connection for those not able to attend in-person.* Councilmember Davis seconded motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **MOTION PASSED**

Vice-Chairman Wadsworth said the subject would be primarily the Lodge. It has nothing to do with the management of the Lodge so Justin Greenberg doesn't need to be in attendance. It is an open meeting.

Councilmember Gonzales asked when he said they didn't answer the emails was he referring to Justin Greenberg. Vice-Chairman Wadsworth said yes because the only one responding should be the Chairwoman. His reasoning for the meeting request is an overall general update and not specific to the liquor license.

There was discussion regarding the land and it was stated it will be discussed at the meeting. Chairwoman Davis said they will research and find what is in our files and get to Council before the meeting.

Councilmember Ely asked if they will invite Numu Inc and their whole team including their attorney and the Tribes because reading some of the emails it sounds like Mr. Greenberg is threatening a lawsuit or some type of legal action. Vice Chairman Wadsworth said he didn't have an issue with the liquor license and the process it was going through now, it's the overall ownership.

Councilmember Guerrero commented some of the property was bought with land acquisitions and some of it was bought with Economic Development. Is the guy in there now leasing it?

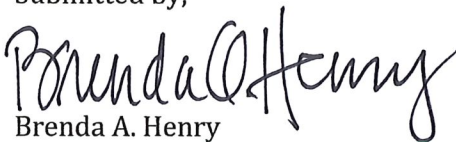
Councilmember Brady said the funds were funneled through his group, he signed, he was supposed to have signed a promissory note saying that the Tribe is going to give him the funds and he will purchase the property. The promissory note says he will pay \$55,000 of interest on the funds he used to purchase the property. One of the things that failed to happen was Drew did not get the title signed and that is causing issues now. She has been trying to educate Council on this whole process that he is not paying the promissory note, it has lapsed for a year and a half. He was behind on his rent but has since caught up. His rent went from \$6,500 a month to \$7,500 a month and he didn't pay, he blamed it on COVID. He has not signed over the conveyance and is like what everyone saw in the emails. He is dragging his feet and Ray Bear has been trying to talk to him. His excuse was he needed a lawyer in Indian law. What is the worst-case scenario? She asked Ray Bear if he could sell it and he said yes and the Tribe wouldn't even know, it could be a private sale. And he could even get a loan off the property and not pay it back. The way the agreement works is if there is anything above \$300,000 in profits, then it starts to have residuals that go back, but he claims he hasn't made that much because of COVID. But he did take out the loan, he hasn't admitted it, but back in August, Brian Wadsworth pulled it up in the State records. It was the ARPA business loans, small business loans that were basically forgiven where he got an additional \$44,000. This shows his credibility that he is not forthcoming on information.

ADJOURNMENT

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

The meeting adjourned at 7:45 p.m.

Submitted by,

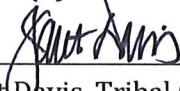


Brenda A. Henry
Tribal Council Secretary

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 July 2022, 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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