

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 - INCOMING Tribal Chambers ~ Nixon, NV January 3, 2020

MEMBERS PRESENT

Anthony Sampson Sr., Tribal Chairman
Janet Davis, Councilmember
Judith Davis, Councilmember
Sherry Ely-Mendes, Councilmember
Carolyn Harry, Councilmember

Alan Mandell, Vice Chairman
William Miller, Councilmember
Irwin Mix, Councilmember
Michel Smith, Councilmember
Georgina Wadsworth, Councilmember

CALL TO ORDER

Tribal Chairman Anthony Sampson Sr., called the January 3, 2020 Regular meeting of the Pyramid Lake Paiute Tribal Council (Incoming) to order at 5:53 p.m.

ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. All Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Chairman Sampson Sr., requested the removal of #7. Approval Reject/Stop Progress Pyramid Lake Pumped Storage Project, Premium Energy Holdings, LLC. Mervin Wright Jr., Environmental Manager under New Business and the addition under New Business #7. Approval for Chairman, Janet Davis and other Councilmembers who wish to attend the Native American Presidential Forum 2020 in Las Vegas, NV, January 14-15, 2020.

Councilmember Harry requested to look at the overall Council Committee representation to understand how appointees are made. If new Council is allowed to select new representatives on different committees. If there's something in writing that allows it, she would like this discussed during the selection of PL Fisheries Board of Trustees under New Business #1. Brenda Henry, Tribal Secretary said that Randy Hunter previously brought a policy before Council but it was never approved. Maybe he can bring back to Council for further review. There are committees who bring requests to Council for posting and there are committees that just request postings, there is no real written procedure. Councilmember Ely-Mendes commented that when new Council comes on board and if it's a Councilmember who is now off Council and if they were on any committees, their position is open. At that point, then the Council appoints someone to fill that

position on whatever board or committee it is and that person will serve on the board/committee for their two-year term and even if they get re-elected they are no longer on the committee and they have to put in for it again. If they are on a committee they are on the committee for the two years they are elected for. It is not in writing, it's a practice. Councilmember Judith Davis said with the Fisheries Board of Directors it's stated in their charter.

Richard Frazier asked why #7 was removed. Chairman Sampson said the Tribe already made the public comments on the issue and they were submitted. It's been taken care of at this point.

Councilmember Janet Davis made a motion to *approve the agenda with the deletion of #7 under New Business and the addition under New Business of #7. Approval for attendance at the 2020 Presidential Forum in Las Vegas on January 14-15, 2020.* Councilmember Smith seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

PUBLIC COMMENT.

Sharon Shaw-Keever. Ms. Shaw-Keever, previous Councilmember and tribal member, congratulated the new Councilmembers. During her time in office she felt the Council made some accomplishments. The controversial issue was cannabis, she was told the reason she received such low votes was because Pyramid LLC didn't get SCS to pay their taxes. She served on the board for a short time and attend only 3-4 official meetings. The first meeting was elect officers and received the overview of LLC, and with the other meetings, anyone who has served on the board knows that all goals and objectives cannot be accomplished within a short time frame. She thanked everyone who supported her while sitting on Council, the last two years have been interesting and informative, she learned a lot and had a genuine commitment.

Leona Collins. Ms. Collins congratulated newly seated members on Council, hoping they will do well and move forward. She commented on how the Tribe shut down from Christmas Eve, for the week of Christmas until December 30th. Regarding the PUD Department, they had garbage pickup on December 23rd in Wadsworth and they did not have a pickup again until the regular pickup, they went 10 days without garbage pickup. It probably did not affect Sutcliffe or Nixon because they have an open dump, whereas in Wadsworth they have the transfer station which is locked. Needless to say everyone had a lot of garbage. She sure everyone enjoyed their time off but it created a hardship for some that needed to get to the transfer station. Maybe in hindsight, the PUD Department should have put up a bin for the Wadsworth area to use.

Mervin Wright Jr. Mr. Wright commented on the removal of the Pumped Storage Project which is understandable, but he wanted to go on record stating that Tribal Council just needs to reject this project. They did submit their comments, they were notified on November 25th that the comments were due on November 29th. They had 2 ½ days to put together comments. The letter they submitted leaves the door open telling Premium Energy Holdings that if they wish to continue proceed with this project they have address all the concerns. Aaron Bill, Water Quality Specialist, he submitted comments on his own to the Federal Regulatory Commission. He did receive a letter from Alejandra Rojas, who is leading the analysis on behalf of Premium Energy Holdings, and he

gave him the boiler plate response to all of Aaron's concerns about the impacts, that they will address all the impacts. As we all know, LA Water and Power was out here in the summer doing analysis out at the north end, on the northeast side of the lake looking to construct this hydro power project. He submitted comments to our water team, telling them we need to stop this project. Dan Mosley, Fisheries Director, submitted comments to the water team addressing water quality as well, the food web and the impacts this power plant is going to have on our fishery. Since the 1950s, every Tribal Chairman that has served the Tribe has made a claim to protect our fishery. We went through negotiations through TROA to get the Tribe secured. Newlands Project destroyed much of the fishery. LA Water & Power destroyed Owens Valley. There is no interest, if you look at the web page, for this project, there's nothing that's going to benefit the lake, the Tribe or the Fishery. We've worked too hard to restore our Fishery and still have a long way to go. The recovery plans for the LCT plan and the Cui-ui recovery plan still has a number of criteria that have not been met. The status of the threatened and endangered species will cause this to be competed. Premium Energy Holdings had already filed their permit with the Energy Regulatory Commission without permission with the Tribe. This deserves a letter from the Tribal Chairman stating they did not have permission to proceed with this project and close the door. He's talked with Ms. Noel and Mr. Mixson who are stating assurances this isn't going anywhere but it's already in the process. We know they have to get permission but they've already completed the process up to this point. This federal administration cannot be trusted, there's nothing that can hold the White House from issuing an Executive Order, as they did with Standing Rock, basically removing any stops for it to be continued and complete. He urges this Tribal Council to issue a letter rejecting and stopping this project. Chairman Sampson Sr. commented that he agrees, they do need to reject and stop this project. He also spoke to Ms. Noel and Mr. Mixson with his concerns.

CONSENT AGENDA

The following items were approved under the Consent Agenda:

1. Approval Resolution for Wells Fargo Signature Authority.

Vice Chairman Mandell made a motion to *approve the Consent Agenda*. Councilmember Miller seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Mix). **Motion carried.** **RESOLUTION NO.: PL 004-20 WELLS FARGO SIGNATURE AUTHORITY**

OLD BUSINESS

1. **Approval Film Request Documentary for Bighorn Sheep.** Emily Hagler, Natural Resources

Ms. Hager and James Hill, requester for the film request is requesting approval for the filming of the big horn sheep capture. This will be airing on Animal Planet along with the Nevada Department of Wildlife. This is for the reintroduction of the big horn sheep to the lake range in January, this is an opportunity to film and have it aired on national television. This has gone through the Inter-Disciplinary Team (IDT) and was approved with stipulations. Suzie Albright will be available through the process to serve as the Cultural representative. The stipulations are: in the film Pyramid Lake Conservation Efforts should be listed before Nevada Department of Wildlife,

the permit for the filming of the designated areas for the big horn sheep release in Pyramid Lake and other locations are prohibited, unlawful to remove anything from the reservation (rocks, plants, artifacts, etc.), follow all tribal regulations, final film production must be reviewed by the Tribal Council and the use of drones is allowed for the documentary. Councilmember Harry asked what the film will be focused on. Mr. Hill said the film will focus on the Nevada Department of Wildlife (NDOW) and will be 12 episodes and they would like to highlight the Tribes work with NDOW and the reintroduction of a historic species into an area where they once lived and haven't lived and the history of it. They want to document this historic event and to do it properly. Ms. Hagler said there will be a tribal elder present to provide a prayer and to ensure cultural integrity. They are also asking for any fees to be waived.

Councilmember Ely-Mendes made a motion to *approve the Film Request for the Documentary of the Bighorn Sheep Release and to waive the fees*. Councilmember Harry seconded the motion. Votes were eight (8) **for** and one (1) (Mix) **opposed** with zero (0) **abstentions**. **Motion carried.**

Councilmember Mix said the reason he opposed was because over the years we've had a lot of our mountains burn and a lot of feed is gone. There's deer, antelope and mustangs competing for a little amount of food. Bring in the big horn sheep is a good idea but they should wait a couple more years to do it, but for now they've lost a lot of range. Mr. Hill said for his part it's to tell the whole story and part of it is to revisit the difficulties to other habitat and new species in an area. They would like to highlight the struggles going forward and the work that will be needed to keep it going.

NEW BUSINESS

1. Selection of Tribal Representative to the Pyramid Lake Fisheries Board of Trustees. Dan Mosely, Pyramid Lake Fisheries Director

Councilmember Georgina Wadsworth volunteered to be the Tribal Council representative on the Pyramid Lake Fisheries Board of Trustees.

Councilmember Judith Davis made a motion to *appoint Councilmember Wadsworth as the Tribal Council Representative to the Pyramid Lake Fisheries Board of Trustees*. Councilmember Ely-Mendes seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Wadsworth). **Motion carried.**

Vice Chairman Mandell made a recommendation for Randy Hunter, Programs Officer, to bring the Committee Policy back to Council.

Councilmember Mix said he would like to have a copy of the contract for the cannabis project. Councilmember Harry said she would also like the by-laws and articles of operation that should have been filed with the State of Nevada for the LLC as well. Vice Chairman Mandell said those are tribal ordinances, not the State. Councilmember Harry said LLCs are generally listed with the Secretary of State. She would like to schedule a meeting to see what has been done, what hasn't been done, what's legal, what's not, what's been presented or not, and to meet with our legal to

update this new Council. Chairman Sampson stated they are already planning a workshop on January 16, 2020 at 6pm for an update the Council

2. Approval Business License. Alan McCahill/Michelle McCahill

Mr. McCahill has a music and production business and composes songs on his computer lab/laptop. He's requesting a tribal business license and has provided a copy of articles of incorporation for his business, FOE1000ENT. His point of sale is off the reservation or through social media. He needs a business license to register his music. He went through the Business Office but was told since it wasn't a difficult license was told to bring it before Tribal Council for approval.

Vice Chairman Mandell made a motion to *approve the Business License for Alan McCahill*. Councilmember Harry seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

3. Approval Matt Barnes Memorial Fishing Derby. Travis Wilmoth

Mr. Wilmoth said this is the 7th Annual Matt Barnes Memorial Fishing Derby that he's coordinated for a friend who passed away. This is a catch and release derby put on every spring which funds a scholarship at North Valleys High School. In years past they've had 25-50 participants. Participants will purchase their own fishing permit.

Councilmember Judith Davis made a motion to *approve the 7th Annual Matt Barnes Memorial Fishing Derby and waive the special event fee*. Councilmember Miller seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

4. Approval Cast Hope Fishing Derby Request. Matt Heron

Mr. Heron is the regional director for a non-profit called Cast Hope, they support at-risk and under-privileged youth in the region through fly-fishing and other out-door programs. He's asking for approval to host their 4th Annual Cast Hope Fishing Tournament but it's more for fun, scheduled for April 3-4, 2020. They would also like to offer a youth from the Tribe the opportunity to join the Cast Hope Program. They are asking to have a waiver of the day use fees and are looking at 24-25 participants. This is actually a fundraiser to raise funds to support kids that attend this event. All participants will be purchase a fishing permit to participate in this event.

Councilmember Judith Davis made a motion to *approve the Cast Hope Fishing Derby Request and coordinate with the Parks and Recreation Director for a tribal youth to participate in Cast Hope and to waive the Special Use Permit Fee*. Councilmember Smith seconded the motion. Votes were eight (8) **for** and one (1) (Harry) **opposed** with zero (0) **abstentions**. **Motion carried.**

5. Approval Project Healing Waters Program Event & Photography Request. Brian Miller

Mr. Miller is a volunteer with the Project Healing Waters Program out of California and a leader for the Healing Waters Fly Fishing Program. They would like to have an event at Pyramid Lake for disabled veterans. David Lipscomb provided an overview of the Healing Waters Program. It's a national 501 (c) (3) nonprofit organization dedicated to the physical and emotional rehabilitation of disabled active military service personnel and disabled Veterans through fly fishing and associated activities, including education and outings. Mr. Miller is asking for approval of their organization to fly fish at pyramid lake, their guides Doug Ouellette and Glenn Lemon, both approved Pyramid Lake Fishing Guides, will be volunteering their services to this event. They are also requesting to photograph the event which they will ultimately will publish in "Catch" magazine. They will get prior approval before publishing of the article. They will be staying at Ash Ranch located between Sparks and Pyramid Lake. Vice Chairman Mandell asked that with publications the Tribe has credit noted and for them to work with the Tribe.

Vice Chairman Mandell made a motion to *approve with all comments made*. Councilmember Judith Davis requested confirmation if this was for all 3 requests. Councilmember Ely-Mendes asked if the photography request went through the Inter-Disciplinary Team (IDT) which approves photography requests and forwards recommendation to Tribal Council. Confirmed it did not go before the IDT. Brenda Henry, Tribal Secretary, will forward the photography request to IDT for recommendation. Councilmember Mix seconded the motion. Votes were seven) **for** and one (1) **opposed** (Janet Davis) with one (1) **abstention** (Ely-Mendes). **Motion carried.**

There was discussion on the IDT, who is on the team, what their purpose is and what is forwarded to them for recommendation to Tribal Council.

Councilmember Ely-Mendes said the Photography Policy was sent to the Law & Order Committee and they made comments and sent it back to Donna Noel, Natural Resources Director and contact for the IDT for their review.

Chairman Sampson Sr. said if a request is for research, photography, cultural, and access to closed areas it will automatically go to IDT.

Vice Chairman Mandell stated the Film Request will go to Donna Noel, for the Inter-Disciplinary Team agenda and recommendation to Tribal Council.

6. Approval Business License Bee Fit USA Fitness Ranch. Brian Eldem

Mr. Eidem purchased the property at 100 Main Street in Wadsworth and is requesting a business for BEE FIT USA FITNESS RANCH and Ranch House Restaurant. Mr. Eidem is also a personal trainer and his fitness ranch will offer free training for youth and physically challenged athletes and community. The Ranch House Restaurant will be used to fund free fitness classes along with raising entry fees for athletic sports. They will offer pizza, subs, limited beer, wine and liquor. He spent a week at the property observing the tenants that were living there and determined there were some that weren't a right fit. He formerly owned a business called Papa Joe's Kitchen with his father and he has a masters degree in culinary. The garage was converted to a gym. He was told by the previous owner the property is on Washoe County but is legally governed by the Tribe. It was

recommended the property have a safety inspection by either the Tribe's EMS Department, which they confirmed they can do, or by Indian Health Service, along with a health inspection of the kitchen. Mr. Eidem also stated they would like to sell beer and wine so he would like to have a liquor license.

Councilmember Ely-Mendes made a motion to *approve the Business License for Bee Fit USA Fitness Ranch and Ranch House Restaurant with follow-up of a safety and health inspection*. Councilmember Judith Davis seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Mix). **Motion carried.**

Councilmember Mix said the reason he abstained was because of the need for the safety and health inspections.

7. Approval for Tribal Council to attend the 2020 Presidential Forum in Las Vegas, NV on January 14-15, 2020.

Councilmember Janet Davis said she had received an invite for the Presidential Forum in Las Vegas put on by Four Directions. Chairman Sampson Sr. is attending and they would need a veteran as well. Councilmember Janet Davis is also requesting to attend so she can learn more about the Tribe's polling location on the reservation. At the event is presidential candidate, speaking panels and teaching caucuses. If any Councilmember is interested in attending coordinate with Councilmember Janet Davis. Chairman Sampson Sr., will also be bringing the Tribal flag.

8. Approval to Submit Application for State Matching Fund Grant with Resolution. Michael Guss, Contracts and Grants and Greg Gardner, Technology

Mr. Guss provided an overview of the grant. The State of Nevada passed AB 489 and SB 528, which together, created a Grant Matching Fund Pilot Program and appropriated \$1 million to that program. The State of Nevada, Department of Administration, Office of Grant Procurement, Coordination and Management has been developing regulations to implement this program over the past five months. The State will open applications on January 6, 2020, they are on a first come first serve basis so long as applications meet a minimum score threshold. He attended a meeting where state staff said that this program pays Indirect Costs according to the Federal Award at an overview meeting on December 6th. USDA allows for Indirect Costs to be paid on this project, meaning the State will allow a portion of its award to cover the Tribe's Indirect Cost Rate. The application is ready to be filed immediately on the open date of January 6th. On December 11, 2019, USDA issued a ReConnect NOFA for second round funding. Our application filed in May was rejected due to USDA rejecting a SUTA match waiver. USDA requires that 100% of the match provided on the project be cash match; USDA also requires that any funds for match be placed into a segregated account upon award, and that all match funds be expended before any federal funds can be drawn down. This makes this NOFA a good fit with the State's rules. If this project is partially funded he will bring it back to Council with options to move forward. Matching funds requested is \$879,574.

Councilmember Harry made a motion to *approve the resolution authorizing the submission to the State of Nevada to provide potential application of the USDA ReConnect funds through the Grant Matching Funds available through the State.* Mr. Guss said in the resolution it states they will provide an update to Tribal Council once a decision is made and that a separate resolution will be required before a USDA ReConnect application can be submitted if they receive an award letter. At this time they will be able to review the contract.

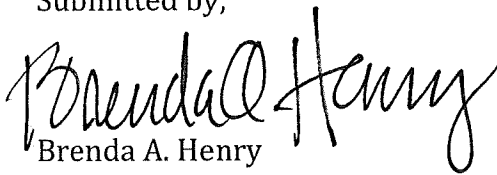
Councilmember Harry rescinded her previous motion and made a new motion to *approve an application to the State of Nevada's Grant Matching Fund program with Resolution.* Councilmember Ely-Mendes seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions.** **RESOLUTION NO.: PL 005-19 STATE MATCHING FUND GRANT**

ADJOURNMENT

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

The meeting adjourned at 7:28 p.m.


Submitted by,


Brenda A. Henry
Tribal Secretary

CERTIFICATION

The foregoing minutes were adopted by the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, at a meeting duly held on the 7th day of February, 2020, having nine (9) members present, constituting a quorum, by the vote of seven (7) FOR and zero (0) OPPOSED with one (1) ABSTENTIONS.

Minutes attested and concurred by:


Anthony Sampson Sr., Tribal Chairman
Pyramid Lake Paiute Tribal Council

//
//
/