

Pyramid Lake Paiute Tribe

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October 7, 2011

Honorable Senator Harry Reid
United States Senate
522 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reid,

I am writing this letter to request your assistance regarding the Pyramid Lake Paiute Economic Development Fund created by Section 208 of the PL-101-618. For the past four decades, The Pyramid Lake Paiute Tribe (Tribe), along with Federal, State, County, and City jurisdictions have worked on this project. Throughout this time, the Tribe has been at the forefront of pressing for the full benefits of the statute for all parties through litigation, consultation, and negotiations.

The Tribe has provided and will continue to provide support for and complete any requirements the Federal Government has directed in completing TROA along with supplemental requirements. In February of this year, Vice Chairman Mervin Wright Jr. and I had a conference call with Department of Interior (DOI) solicitors. During the conversation, the DOI advised that due to an "appeal contingency" as suggested by the Department of Justice (DOJ) TROA was not implemented within the meaning of the statute, regardless of it being signed by all signatory parties. DOI stated that all the litigation had to be completed or settled, and the economic development plan had to be completed and submitted to the DOI. A follow up conference call was to occur with the DOI solicitors and DOJ attorneys, but we are not aware that any forward progress was made there. The Tribe, then, submitted The Pyramid Lake Economic Development Plan to the DOI. Furthermore, the Tribe has repeatedly stated the position that the plain language of PL 101-618 has no appeal contingency or any related requirement.

The Pyramid Lake Economic Development Plan was adopted by the Tribal Council by Resolution PL-33-11 on March 18, 2011. The approved plan consists of two volumes: Volume #1 - the Strategic Economic Development Plan; and Volume #2: the Investment and Management Plan. The purpose of Volume #1, the Strategic Economic Development Plan, is to create long term profit-making opportunities, to create optimum employment opportunities, and to establish a high quality recreation area at Pyramid Lake for the Tribe and its members. The purpose of Volume #2, the Investment and Management Plan is to establish in writing the policy matters concerning the use of the Pyramid Lake Paiute Economic Development Fund in order to maximize job creation and revenue for the Tribe and its members. A copy of the Pyramid Lake Economic Development Plan and Resolution PL-33-11 was officially submitted to the Western Nevada Agency on March 23, 2011 in accordance with PL-101-618.

Letter – Senator Harry Reid
October 7, 2011

On April 8th the Superintendent of the Western Nevada Agency, Athena Brown, wrote a letter to Office of the Special Trustee, Trust Officer Raylene Fawn Swan recommending that *“the Office of the Special Trustee review the plan and forward a favorable response to the Tribe that the Economic Development conditions of the law have been met.”*

As the Tribal Chairman, I have seen the hard work of the many, which has resulted in millions of dollars being spent on legal fees, consultation, and other resources. Throughout the TROA project, so many of our tribal members have passed on, and our elders and community members continue to wait for much needed support and financial relief.

It is an obligation of my office to utilize and seek support from our colleagues and partners in all levels of the Federal, State, and Tribal Governments. Your office, and directly Mary Conelly, has been an amazing support to the Tribe. Ms. Conelly has been more than patient, respectful, and observant to the Tribe’s concerns, and sincerely interested and helpful in aiding the Tribe in achieving its goals.

At this time, I am requesting your assistance and authority in seeking and achieving appropriate administrative support for and, and, if needed, obtaining congressional action in approving the release of the Pyramid Lake Paiute Economic Development Fund and the accumulated very substantial amount of interest, to the Pyramid Lake Paiute Tribe. Your assistance and leadership in this matter is needed and greatly appreciated.

Respectfully,



Wayne Burke, Tribal Chairman
Pyramid Lake Paiute Tribe

Enclosure

Copy w/Enclosure to: Wendy Helgemo, Counsel – U.S. Senate Committee on Indian Affairs
Mary Conelly, NV State Director – U.S. Senate
Ken Salazar, Secretary – Dept. of the Interior
Larry EchoHawk, Assistant Secretary – Dept. of the Interior
Athena Brown, Superintendent – BIA/Western NV Agency
PL Tribal Council Members
Scott Carey, Tribal Planner
File

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RESOLUTION NO.: PL 88-11

RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA

- WHEREAS,** the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C., § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs; and
- WHEREAS,** the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, has the authority to enter into negotiations with the federal government on behalf of the Tribe pursuant to the provisions of Article VI, Section 1 of the Tribe's Constitution and By-laws; and
- WHEREAS,** on November 16, 1990, Congress approved Public Law 101-618, Title II, Truckee-Carson Water Settlement Act; and
- WHEREAS,** Section 208(a) (3) (a) of the Act provides that the principal and interest amounts for the Pyramid Lake Paiute Economic Development Fund shall be made available for the Pyramid Lake Paiute Tribe for tribal economic development only in accordance with a plan developed in consultation with the Secretary of the Interior; and
- WHEREAS,** after a full public planning process and working in consultation with the Secretary of the Interior, the Tribal Council approved the Pyramid Lake Economic Development Plan through the enactment of Resolution No. PL 33-11 on March 18, 2011; and
- WHEREAS,** on April 8, 2011, the Superintendent of the Bureau of Indian Affairs Western Nevada Agency wrote a letter recommending the BIA Office of the Special Trustee to review said plan and forward a favorable response to the Tribe that the Economic Development conditions of the Act have been met; and
- WHEREAS,** on May 31, 2008, the Tribe held an affirmative referendum vote of the Tribal Members which authorized the Tribal Chairman to sign the Truckee River Operating Agreement; and
- WHEREAS,** the Tribal Chairman signed the Truckee River Operating Agreement on behalf of the Pyramid Lake Paiute Tribe on September 6, 2008;

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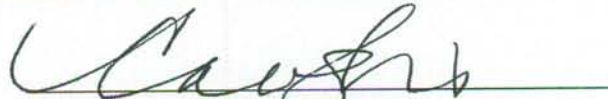
WHEREAS, the Pyramid Lake Paiute Tribal Council feels that the Tribe has fulfilled its duty in good faith and hereby requests assistance from the Honorable Senator Reid and the Secretary of the Interior to make available the Economic Development Funds for use as outlined in the approved Economic Development Plan.

NOW, THEREFORE BE IT RESOLVED that the Pyramid Lake Paiute Tribal Council hereby requests the assistance of the Honorable Senator Reid and the Secretary of the Interior to make available the Economic Development Fund for use as outlined in the approved Economic Development Plan.

BE IT FURTHER RESOLVED that the Pyramid Lake Paiute Tribal Council does hereby authorize the Tribal Administration to negotiate and enter into an agreement with the Secretary of the Interior to release the Economic Development Fund for use as outlined in the approved Economic Development Plan.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members of whom ten (10) constituting a quorum, were present at a meeting duly held on the 7th day of OCTOBER, 2011 was adopted by the affirmative vote of nine (9) FOR and zero (0) AGAINST; with zero (0) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.



Carol Smith, Tribal Secretary
Pyramid Lake Paiute Tribal Council