



NUMUWAETU NAWAHANA

"Telling the Indian People's News" Pyramid Lake Paiute Tribal Newspaper

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November 2009

MOVING FORWARD: The October Update for the Economic Development Plan

Staff is continuing to work on the Economic Development plan and most recently completed an extensive public outreach process. For the past several months' staff met with Tribal Council Members, Program Directors, Advisory Committees, Special Community Groups and many Tribal Members to solicit ideas that create jobs and wealth for Tribal Members on the reservation. During this public outreach process two open houses were held in Nixon and in Wadsworth to discuss the Economic Development plan. The information and ideas gathered during the public outreach process will be the basis for what is incorporated into the strategic plan of the Economic Development Plan. Included in strategic portion of the plan are six elements that the Tribe will focus its efforts to create jobs and wealth for Tribal Members on the reservation. These elements are; Recreation/Fishing, Tribal Enterprises, Industrial/Commercial Development, Renewable Energy, Agriculture & Ranching and Good Governance/Education.

On October 23rd the Tribal Council conducted a special workshop to discuss the Economic Development Plan with officials from the Federal Government. Staff listened to presentations from officials with the Bureau of Indian Affairs and the Office of the Special Trustee. During this workshop the Tribal Council received information about what it will take to complete and Economic Development plan and to withdraw money from the Pyramid Lake Economic Development Fund from PL-1010-618. Several Tribal Members were also present at this workshop and had an opportunity to listen to the information from the Federal Government and ask questions concerning the Economic Development plan. During the meeting it was discussed that there is a lot of work for both the Federal Government and the Tribe to do in order to complete the plan. At this point all of the money in the Pyramid Lake Economic Development Fund from PL-1010-618 is not accessible to the Tribe until two steps are completed. The first step is the Tribe needs to complete the Economic Development plan. The second step is that the Truckee River Operating Agreement (TROA) needs to be implemented and out of litigation. At this point both of these steps have not been completed.

One important point to make



concerning the plan is that economic development is not just per-capita distribution; it's about creating long term growth and prosperity and improving the quality of life on the reservation. To this effect staff is in the process of drafting the strategic plan for creating jobs and growth for Tribal Members on the reservation. Included in this portion of the plan will be set of goals and objectives focused on creating economic development on the reservation. It is also anticipated that the strategic portion of the plan will be able to be used by the Tribal Government to guide long term economic development on the reservation. Another purpose of this portion of the plan is to create a working policy document the Tribal Council and Tribal Members can use to make decisions concerning the uses of the Pyramid Lake Economic Development Fund from PL-101-618. Staff anticipates the 1st draft of the strategic portion of the plan to be completed by the end of December. Once the 1st draft is completed staff will make the document available to Tribal Members to review and to make comments on. Once the strategic portion of the plan is complete staff will then work with the Tribal Council to determine the specific uses and policy decisions concerning the use of the Pyramid Lake Economic Development Fund.

Staff has instituted an open door policy throughout the planning process of the Economic Development Plan and would appreciate any input from Tribal Members. If any Tribal Members have any questions or would like additional information about the Economic Development Plan please feel free to contact me or stop by my office which is located next door to the Enrollment Office in the Tribal Administration Building in Nixon.

Thank You,
Scott H. Carey, Tribal Planner
775-574-1000

PRESS RELEASE

Primary Contact:
Scott H. Carey, Tribal Planner
Pyramid Lake Paiute Tribe
Phone: (775) 574-1000 ext 116

FOR IMMEDIATE RELEASE 9 AM PDT, 10/26/09

PYRAMID LAKE \$50,000 CUTTHROAT CHALLENGE NOV 27TH & 28TH

NIXON, NV, 10/26/09: The Pyramid Lake Paiute Tribe is pleased to announce the \$50,000 Pyramid Lake Cutthroat Challenge on November 27th & 28th at Pyramid Lake. Fisherman of all skill levels and ages are invited to register to compete to win \$50,000 worth of prize money. **25 Cutthroat Trout** will be tagged with 5 fish being randomly tagged and worth \$10,000 each. The remaining other 20 tagged fish will be worth other prizes. Fishing is no harvest and allowed in all regular fishing areas on the shore and in boats.

Registration for the event costs \$75 and is limited 500 fishermen. Registration will only be accepted online at www.plpt.nsn.us and will open Sunday November 1st and run till Tuesday, November 24th. Participants are reminded that all Pyramid Lake fishing regulations will still be in, effect and that fishing permits are required. Pyramid Lake is a scenic desert terminus lake located on the Pyramid Lake Indian Reservation, about 30 minutes northeast of Reno, Nevada.

For more information and official contest rules, please visit
www.plpt.nsn.us.

GOOD LUCK TO ALL!!



... From the Chairman's Office

It has been a long two months that an article was submitted but it is due to the large amount of work that is before the Tribe. I want to start out by saying that it is important to understand how and why the Tribal Administration operates and functions. The policies and ordinances govern the actions of the Tribe and Tribal Council, and as long as decisions are within the scope of its authority, everything is tolerable. Once decisions are made outside of its scope then it creates a liability.

The Tribal Economic Development Plan is moving forward and is being written to satisfy the requirements of PL 101-618. Work is being done in close conjunction with the BIA to assure the consultation requirement is being met. There are three specific functions occurring: a solicitor's opinion was requested to determine the extent that per capita distribution may qualify as economic development; secondly, the plan is being written to address utilizing the interest and principle portions consistent with any solicitor opinion; and lastly, an effort is being made to request access to the interest portion from Congress. The only thing certain is that the plan will be written to address the manner in which the funds will be used.

On the national level, work is being focused on health services, water rights, consultation and coordination, graves protection and repatriation, BIA budgeting, and land management. Meetings are being attended to address and discuss concerns with these issues. The intent is to show unity in the manner where the divide and conquer approach is prevented. The history of tribal interaction is showing that a united front can achieve goals to improve the conditions from which issues are managed by tribes.

The Administration is here to complete tasks and obligations in accordance with policy, ordinances, codes, contract/grant stipulations, federal regulations and all laws governing activities conducted on behalf of the Tribe. It is apparent that mistrust exists as so much criticism is expressed toward the Administration. Everything is being done by the Administration to comply with all of these requirements; including conferring with federal agency officials to assure that the work is being done properly. Work will continue with the same conviction and application because understanding the responsibility and obligation is a critical principle of the Tribal Administration.

The Administration has turned the Tribe around from the way it used to operate and as long as this Administration can help it; it is not looking to return to the mismanaged, misguided, and disorganized operation. The failures, the cluster of problems, the penalties and sanctions are eliminated. The Tribe as one organization and one collective

unit must not try to isolate the components and divide for the purposes of bringing down successful operations. The credit for success is not the Administration's alone; and in order for the credit to be experienced, support must be evident from everyone involved. As long as the work is being completed successfully it is the entire Tribe that deserves the credit.

The National Indian Gaming Commission has been notified of the disbanding of the Gaming Commission on October 2, 2009. The NIGC contacted the Tribe and informed the Administration that it has begun discussing the issue of Tribal gaming regulation. The decision to not regulate is the primary and central issue; and the Gaming Commission was attempting to regulate up until the decision of disbanding. There are likely consequences if the Tribe is not regulating gaming, and as it stands; gaming is occurring on the reservation absent gaming regulation, and most importantly a license to conduct gaming. The regulations are also intended to provide the Tribe gaming revenues, which the Tribe has been unable to collect.

When leases have gone unnoticed and are expired it leaves the lease in trespass status and when a trespass exists, it is necessary to calculate the fees owed to the Tribe. More importantly it creates a situation where revenues are improperly earned absent a formal lease. The federal regulations state that no revenue can be earned by anyone other than the Tribe absent a lease on trust lands. Revenues are being lost when the Tribe cannot collect revenues that it is owed. Work is being done to assure fair market values are established to meet the interests of the Tribe.

Tribal programs are ended because of the lack of funding or Tribal revenues to support such programming. By the Tribe's inability to collect what it is rightfully owed through the means of revenue generating opportunities; programs like the Language Program, Parks & Recreation, Senior Citizen, and community support programs are left with no program funding support. When hundreds of thousands of dollars are not being collected it is not a matter of taking sides or looking for blame, it is about understanding the responsibility of the Tribe and enforcing collection.

The administration fulfills its responsibilities in accordance with the Tribal Vision and Mission Statement. It is not in the best interest to stop collecting revenues that are due to the Tribe by any business and if businesses refuse to pay the Tribe it is obligated to enforce the proper regulation within its authority. The respect of the regulatory responsibility is present in all discussions with everyone in a business relation with the Tribe. Lessees and vendors are the relations that involve business decisions and using the regulations and

ordinance requirements are important to maximize revenues and minimize losses. If anyone does not know or claims ignorance to the regulations, it is not the fault of the Administration that it does not know or is confused in knowing the regulations and enforcement requirements. The ignorance and confusion should not influence any governing authority to assume that the Administration is the cause or that it does not know what it is doing. The Administration will not subject the Tribe to penalties or sanctions that it once was accustomed to.

The financial accounting is caught up; three years of audits and four years of Indirect Cost rate proposals are done. The enforcement of Generally Accepted Accounting Principles (GAAP) and the Office of Management and Budget (OMB) requirements are the objective and this is the foundation of Tribal operations. Tribal Finance is the heart of the Tribal business operations; so it is being protected by actively applying GAAP. Clean audits are critical for successful business. The entire organization is deserving of the credit for bringing the Tribe from the ruins of where it once stood. This work is the responsibility of the Administration. The criticism from the outspoken few that educated leadership is not a favorable component of the Tribe is unbelievable after all that is being applied to "supporting" the effort to educate tribal youth. It may be accurate to advocate that the Tribe does not need (or want) educated leadership or qualified employees, because no matter how a job is being performed it seems there is always something wrong.

The Tribal Enterprise is expected to be turned around. The Tribal Administration is clear in that understanding. The decisions to complete that task are well in hand and the Administrative decision to accomplish and achieve this objective is being completed. Increasing customers is the key to operating with a profit, appropriate pricing and strong internal controls are important for successful business operations. Customer service is important for everyone; and when respectful interaction is lacking (from any level toward any client or staff) the service should not turn into accusations or blame. The customer must be treated adequately and properly; but so shall the people providing the service.

Promoting education is the key to the future of the tribe. Although there is criticism about the manner in which information is presented, but we cannot lose focus of the Tribe's future. If it is in the interest of the tribal government to discourage educated leadership and qualified tribal employees then it needs to be stated. I will always promote tribal youth and tribal members to gain their education and will advocate that they should consider helping the Tribe. It has never been stated that learning will ever stop; learning is a virtue that will continue for

(Continued on page 3)

(Continued from page 2)

everyone. The humility of not knowing is also a virtue that is not unfavorable to have.

If you have any questions or concerns about anything contained in this article or for anything the Tribe is doing, please contact me at (775) 574-1000 x102. Thank you.

Mervin Wright, Jr., Tribal Chairman

Memorandum

To: Tribal Council Members
 From: Mervin Wright, Jr., Tribal Chairman
 CC: Finance (w/expense report)
 Date: October 31, 2009
 Re: Climate Change Conference travel report

The Desert Research Institute along the University of New Mexico and the University of Oregon are preparing a grant application to address climate change and its effect on minority communities. The primary question for Pyramid Lake was the impact climate change has on the Tribe's water rights and with the implementation of PL 101-618 (TROA).

Good information was shared with regard to the fact of climate change and the impacts to the western United States. The major impact will be the limited water supplies as a result of experiencing less precipitation and increasing demands on those water supplies. Snow levels will be higher in elevation and the snow melt and spring run-off is anticipated to increase with intensity and will be shorter in duration. This could mean that based on the timing of the run-off less water could be captured into storage as a result of the modified river flows under TROA.

Another important fact presented is that frost days are likely going to shorten. This means that frost will occur later in the fall and earlier in the spring. It can be expected that the ecosystems dependant on the water cycle of this region will have to adapt and it is not known what types of adaptations may be required for the plant life and for aquatic species. It is understood that the food web and food cycles of wildlife are likely going to change.

Human interaction will also have to adapt to the changes of the water cycle as ceremonies and traditions will have to adjust. Human causes are being studied and it is not yet completely understood how the behavior patterns may have to change to reduce the suddenness of the impacts that are identified. Pyramid Lake being a terminal lake may have the most impacts and all of the work currently underway will be important for the Tribe to make management decisions that would reduce the impacts.

Continued work will be conducted with the DRI and other institutions that aim to study and address the impacts of climate

change. The Tribe will need to engage with studies and participate so that the tribal concerns are included in research and studies. Public Law 111-11 was enacted this year and it includes the Truckee River as part of the nation-wide effort to study the impacts to river basins.

If you have any questions, please do not hesitate to contact me. Thank you.

/mw

cc: file

PYRAMID LAKE TURNS 30 YEARS OLD

Pyramid Lake High School celebrated its 30th anniversary on October 3, 2009 at Pyramid Lake Jr/Sr High School. Roast beef was the main course at the potluck dinner. A huge THANK YOU to Mrs. D and the girls in the Class of 2010-Nina Christy, Brandy Phoenix and Katrina Paddy for all of their help for this event. After dinner attendee visited, bought t-shirts and raffle tickets, a browsed through and purchased yearbooks.

The program for the event was as follows:

- Prayer Ralph Burn Tribal Elder
- Welcome Randy Melendez, Principal Pyramid Lake Jr/Sr High School
- History Rebecca Harold
Former Vista Volunteer
w/ 1st School Board
- Acknowledgement of the First School Board for their Vision & Current School Board for their ongoing dedication to the Education of our Children
- Thoughts of Pyramid Lake High School by Karen Finlayson Burningham-1981 Teacher @PLHS. Karen traveled from Salt Lake City Utah
- Invited Speakers Mervin Wright Jr., Carolyn Harry, Gaylene Williams, Jenn Villieran (*was unable to attend/Family Emergency*)
- Sports Acknowledgement:
Regional Title Holders
State Title Holders
- Retiring of Basketball Jersey by Randy Melendez/Lady Lakers #4 Jenn Villieran's jersey was retired as she completed her 4 -year degree in Tennessee.
- Reading of Names by MC Jim Plympton and Honor Song by Charlie Johns and Josh Davis
 - Former Students and Staff who are deceased
 - Former Students who served our country
- Announcement of Raffle Winners/ winners listed below.
- Closing Remarks by 30th Anniversary Committee/Cake was served to everyone in the commons area of the school.

Aside from the program, Pyramid Lake Jr/Sr High School honored a dedicated supporter of the School. Leona Collins has been an active member of the community

who has dedicated her time and efforts to support PLHS. She was a booster, a parent, a grandparent, she sat on Tribal Council always watching out for the best interest of PLHS, and current sits on the PL Board of Education. As a devoted LAKER fan she has traveled across the state to support the kids, she shows up with pizza, fruit, Gatorade, water, etc. Pyramid Lake Jr/Sr High School honored her at the 30th Anniversary, because she has been here and actively involved with the school as long as it has been in existence.

Lorri Stump Chasing Crow and Shelby Chasing Crow received 30th Anniversary t-shirts for being the best-dressed couple for the evening.

Thank you to Janice Stump, Ramona Darrough, Linda Eben Melero and Carolyn Moore, Leona Collins, Stephanie Collins, Sage Dunn, Myrna Dunn, David Skenandore, Mr. and Mrs. Esposito for all of their help. Thank you to Pyramid Lake Tribal Council, and the Pyramid lake Board of Education for their support.

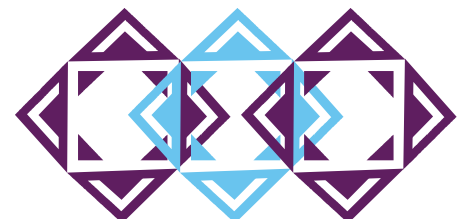
I would also like to acknowledge the Media class who filmed the event and will have DVD's completed later this year. Media Class that were present for the event were: Millie Albright, Rudy Olivas, Alaina Martinez, Raquel Olivas, Rachel Dixon, and Allison Lowery. *Good job, Media Class!!*

The raffle winners were present and they are: Harold Paddy (key chain), Too' a Collins (bath set), Carolyn Moore (bag), Taylor Strawbuck won twice (blanket and a beaded cap), Janice Stump won twice (gift bag and gift certificate courtesy of Charlotte's Salon), Diana Joe (gift bag), Gordon Frazier (bath set and earrings), Jeri Rambeau won twice (gift certificate from Charlotte's Salon and a blanket), Verna Plympton (necklace donated by I-80 Smokeshop), and Diana Joe won a day of fishing at Pyramid Lake with Eagle Eye Charter for 4 people (valued at \$600). The Committee would like to Thank Everyone who donated items for the raffle. Also Thank you to Ava Melendez for pulling the winning tickets during the event.

There are still t-shirts available. The price is \$10 a shirt and can be purchased from Carla at the High School 775-574-1016 ext 1014. Yearbooks from various years are also for sale for \$5.00 each.

Thanks again to Everyone!!!!

Carla Eben
 Planning Committee for the 30th Anniversary Committee;
 775-574-1016 ext 1014 or via email at carlareebonz@yahoo.com



ENVIRONMENTAL DEPARTMENT

John Mosley – Environmental Director • Phone: 775-574-0101 Ext. 13 • Email: jmosley@plpt.nsn.us

WOODLAND PROJECT

In January 2009, the Environmental Department submitted a grant proposal to the Bureau of Indian Affairs Forestry Division to obtain funding to regulate and rehabilitate two miles of the riparian corridor. This area is just south of the I-80 Smokeshop from the reservation line to the Big Bend egg incubation site.

The department was successful in securing a \$60,000 grant. Comprehensive goals were placed into the work plan which included bird surveys, noxious weed abatement, beaver control and management, proper functioning condition assessment, and planting of trees and shrubs.

At this time, we have accomplished a great percentage of the tasks. Initially, we had Richard Frazier, GIS Specialist, map the total acreage of agricultural lands and river corridor to delineate our planning objectives. We then began with assessing how this riparian corridor was functioning with proper functioning conditioning assessment tools.

It was also very important to gain insight on the presence and absence of various bird species. Bird species play a large role as indicator species which allow us to understand how their habitat is supporting their numbers and variety. Perhaps, we decide to conduct a bird survey in five years then we have comparative baseline data to gauge riparian rehabilitation success!

In addition to the increase of noxious weed growth since the 1997 flood, we had Joseph Leyva and Steven Johnson spray purple loosestrife and tall white top. In past years, these weeds have infested prime riparian habitat and choked out native plants. Most areas that were sprayed may need additional spraying due to root

structure, seed dispersal, and time of spraying in contrast to plant life cycle.

Is the Truckee River Beaver a menace to river habitat? The beaver was introduced to the Truckee River in the early 1800's by Peter Skene Ogden and Jedidiah Smith so we know that prior to this date; the river did not support large rodents. We do see enormous evidence of destruction of woodlands, but also are

weighing their environmental assistance in dam building when problems arise from nutrient loading near non-point source sites.

We are currently assisting with the native habitat and recommend conservation practices when seeking firewood. It is not recommended to cut green trees and allow down time for them to dry. We are getting wind that some tribal members need to begin in-depth conservation practices. John Mosley, Environmental Director, also points to the mountains and canyons for alternative firewood resources. Dry Utah Juniper is a great fuel source for your wood stove which burns pretty clean. If additional suggestions are needed, please call our office so we can assist you in obtaining wood resources. This may be in the realm of working with the Roads Department for access and working with the Land & Resource Department. Remember, Utah Juniper is always your first resource so we can rehabilitate for spawning trout and Cui-ui.

In late September, the Environmental



Woodland Project Tree Planting Team

L-R: Chris Katopothis, Joseph Leyva, Tyler Dominguez, Loren Decker, Tamar Tsonetokoy, Josh Dini, and Steven Johnson

Department planted 700 native trees within the two mile stretch. These trees were juvenile cottonwoods, buffalo berry, and coyote willows. Our goal was to get these trees planted within four days. With adequate planting tools and the dedicated work of Loren Decker, Josh Dini (temp), Joseph Leyva, Stephen Johnson, Tamar Tsonetokoy, Chris Katopothis, and Tyler Dominguez we were able to get the trees planted in tough terrain within two days. This work cannot go unacknowledged so I've placed a group photo of our tree planting team.

This work was all so rewarding and beneficial to the riparian habitat.

I hope you all have a great holiday with your families and wish you well on your conservation efforts.

Respectfully submitted,
Beverly Harry
Environmental Manager



AIR QUALITY PROGRAM

For several years, the Tribe has been receiving EPA funding to operate two Air Quality monitoring sites. Recently, the Air Quality department has experienced equipment problems so we are in the midst of getting technical support to allow the staff to troubleshoot problems encountered at the air quality stations. This will help us continue collecting data.

Last week (October 12 and 13), Donna Lamb, our new Air Quality Specialist and Beverly Harry, Environmental Manager were assisted by Glenn Gehring, Institute for Tribal Environmental Professionals (ITEP) who specializes in technical support to advise and assist tribes who are involved with have an Air Quality monitoring programs.

This is a picture of Glenn and Beverly inspecting the intake for the particulate monitor that requires a lot of maintenance and cleaning especially after the dusty

summer. By Tuesday, we were ready to start putting the monitor through its paces, but it was choked with a bad filter plus the data logger was on the fritz. Nevertheless, we got the air quality monitoring system up and running through the rains. At least, we were able to verify that the rain gauge operating with tipping to count each hundredths inch of rain. We were successful in keeping all of the equipment and technical support dry. We



failed to snap a picture of Beverly draping some plastic over Glenn to keep the drops off the computer screen and his head. Our new AQ specialist was innovative in taking some bubble wrap to cover the door to the data logger's electronics to keep it somewhat dry.

It was a good thing we didn't try to go to our second site at the north end of the lake. We would have been lost in the muddy ruts on the road to the site. Sometimes, we have to mark the data as unusable if we stir up too much dust driving out there.

Stay tuned for next month's progress report.

PUBLIC UTILITIES

You may not owe as much as you think!

We have been working with the Finance Department to update the



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PUD accounts, correct billing errors, and accurately post payments. It has been noticed that some accounts are missing information and have been billed incorrectly. Some customers may actually owe smaller amounts. If you have moved and are still receiving a bill for an old address please contact the office. Update forms were sent with the 3rd quarter invoices. You may also call our office or send an email to pud@plpt.nsn.us. Remember to include your customer ID number, current billing and physical address, as well as dates of residency.

WATER RATE INCREASE

The PUD Board voted to postpone the water rate increase that was scheduled. Effective January 1, 2010, the water rate will increase from \$5 to \$10. This increase will only affect Nixon and Wadsworth residents on the tribal water system. Sutcliffe residents will not be affected.



TIPS FOR SAVING ENERGY

- ☼ Set and leave your furnace thermostat at 65 degrees during winter months. Furnaces use more energy to warm your home when turned off all day.
- ☼ Consider air-drying your clothes on clothes lines or drying racks. Air-drying is recommended by clothing manufacturers for some fabrics.
- ☼ Turn lights off in rooms that are not being occupied.
- ☼ Use compact florescent light bulbs (CFL's) in place of regular light bulbs to save about 50% on your power bill. CFL's use only ¼ the energy and last 10 times longer.
- ☼ During winter, open all your curtains to



allow sunlight to enter for warmth. Quickly close them after sundown to keep the warmth in.

TIPS FOR SAVING WATER

- ◆ Shorten your shower by a minute or two and you'll save up to 150 gallons per month.
- ◆ Collect the water you use for rinsing fruits and vegetables, and then reuse it to water houseplants.
- ◆ Run your clothes washer and dishwasher only when they are full. You can save up to 1,000 gallons a month.
- ◆ When washing dishes by hand, don't let the water run while rinsing. Fill one sink with wash water and the other with rinse water.
- ◆ Turn off the water while brushing your teeth and save 25 gallons a month.
- ◆ Take a quick 5 minute walk around your house to check for leaky faucets.
- ◆ Removing hoses from faucets during winter months will keep pipes from freezing.



TRIBAL WATER QUALITY STANDARDS:

What are they and why do we have them?

In December 2008, the Pyramid Lake Paiute Tribe received Environmental Protection Agency (EPA) approval for Tribal Water Quality Standards. Water Quality Standards include physical, chemical, and biological "criteria" for surface waters within the reservation, as well as "designated uses" for those waters. The "criteria" are either narrative or numeric thresholds, such as pH and dissolved oxygen levels, which define limitations on pollutants that can be introduced into the waters. The "designated

uses" describe the ways we use the waters, such as swimming, fishing, and protection of aquatic wildlife. Together, the "criteria" and "designated uses" comprise the Water Quality Standards that serve to help protect water quality in Pyramid Lake and the Lower Truckee River, as well as our ability to enjoy the abundant recreation opportunities provided by these magnificent natural resources.

EPA requires that Water Quality Standards are reviewed and updated as appropriate at least once every three years, referred to as a "triennial review." Public participation is an important part of this process. The PLPT Environmental Department will publish public notices in this newspaper as well as other sources as we begin the review process. Input and participation from community members is welcome and encouraged.

For more information please feel free to contact Chris Katopothis, Water Quality Standards Specialist, at Ext. 24.



ENVIRONMENTAL DEPT. STAFF

- John Mosley – Environmental Director
- Beverly Harry – Environmental Manager
- Russell Cook – Environmental Assistant
- Richard Frazier – Database Specialist
- Donna Lamb – Air Quality Specialist
- Dan Mosley – Water Quality Specialist
- Bonita Natonabah – Water Quality Technician
- Chris Katopothis – Water Quality Standards Specialist
- Eric Ingraham – Water Operator II
- Randy Quintero – Water Operator I
- Loren Decker – Solid Waste Operator
- Patrick "Johnny" Dunn – Solid Waste Operator
- Tamar Tsonetokoy – Solid Waste Operator
- Andrew "Cody" Smith – Solid Waste Operator
- Fannie Ely – Wetlands Specialist
- Sid Kochamp – Range Aide Technician

Little Warriors Learning Center News

Due to lack of need for care the hours at the Nixon Center will change starting October 26th. We will open @ 11:00 a.m. and close @ 5:00p.m. Monday-Thursday and Fridays will stay the same at 7:30a.m.-5:00p.m... If anyone is in need of earlier child care please call us @ 574-1031 and we will be glad to work with you. The hours at our Wadsworth Center are still the same opening @7:00a.m and closing @ 6:00 p.m. Please feel free to stop by either center and check out our program.

Parents Night Out

Little Warriors Learning Center staff is planning our next fund raiser. We are raising money for Christmas parties for children and

for staff. Mark your calendar for December 11th and let your children join the fun. We will provide dinner, snack, crafts, movies, games, and lots of FUN. Cost is \$10.00 for 1 child and \$5.00 for each additional immediate family member. This event will take place at the Wadsworth center from 6:00 p.m. – 10:00 p.m. and is open to all community members and employees of the tribe. We need to have at least 10 families participating in order to make this a success so if you have any questions or would like to sign up please give us a call at 575-2774 or 574-1031. Dead line for sign-ups is Friday December 4th. Please come out and support the Child Care Program.



SACRED VISIONS FLYER & THEME CONTEST

The Sacred Visions Pow-Wow Committee is seeking all artists, photographer's, graphic designer's & painter's to submit a background for the 2nd Annual Sacred Visions Pow-Wow flyer along with a theme based on tradition and culture of the Pyramid Lake Paiute Tribe for the 2nd Annual Sacred Visions Pow-Wow which will be held July 23-25, 2010 at Big Bend Ranch in Wadsworth, Nevada.

The 1st Annual Sacred Visions theme was, *Bringing the People Home* "TE NANUMU MAGODYUKU".

We are seeking a new theme for the 2nd Annual Sacred Visions Pow-Wow flyer that will be sent out to the various tribes across the State.

This contest is open to all ages!!
*The deadline for the contest is **Monday November 30th, 2009 at 4:00 p.m.**

No flyers will be accepted after 4:00 p.m.

*The winner will be selected by the Pyramid Lake Paiute Tribal members on Saturday December 5th, 2009 at the Nixon gym. Everyone is invited.

There will be a Potluck on December 5th, 2009 @ 12 noon.

Winner selected will win a cash prize and will have the honor of signing the flyer and will be honored at the 2nd Annual Pow-Wow.

For more information, please contact **Darrell Garcia at 775-560-6886 or email: rezkat371@clearwire.net.**

PLHS: NATIVE AMERICAN MARCHING BAND

Hello All,

It is with great enthusiasm and excitement that I write to you to let you know that Pyramid Lake Jr/Sr High School has formed their first marching band. We are currently in the progress of raising money for more equipment and uniforms.

I am writing to you to let you know that for a small donation we would be willing to come and play for any type of event. We are able to do the National Anthem, School Song, and a few marching band tunes.

I believe we may be the first primarily Native American Marching Band that Nevada has seen in a long time. If you are interested in booking us you can respond to this email anytime or call Pyramid Lake Jr/Sr High School.

Thank you! We look forward to playing at an event for you.

Sincerely
-Michelle McCauley, Band Director
Pyramid Lake Jr/Sr High School
711 State St, Nixon NV, 89442
(775) 574-1016 x 1205



The Pyramid Lake Jr/Sr High School performing at the Annual Senior Fun Day— Halloween Party. October 29th, Nixon, NV.

We Tell Stories

Through our music, dance, food, and crafts we build who we are. Help celebrate our American Indian culture during Native American Heritage Month by attending the 2nd Annual "We Tell Stories" reception.

November 6, 2009



5:00pm-8:00pm

*University of Nevada, Reno
Joe Crowley Student Union Ballroom*

Purchase A Ticket Today!

\$35.00 per person

Ticket includes:

Entry into the program, catered salmon dinner, entertainment, signing, flute playing, and silent auction.

Sponsored by University of Nevada, Reno's :

- The Center for Student Cultural Diversity
- Native American Student Organization
- Native American Alumni Chapter
- Nevada Indian Commission



To purchase tickets contact:

Kari Emm or Kathleen Wright-Bryan at 775-784-4936

Proceeds go toward the UNR, Spring Powwow May 1-2, 2010.

PYRAMID LAKE CONSOLIDATED HIGHER EDUCATION PROGRAM

Well we are again rapidly approaching the deadline date for the 2010 Spring Higher Education Scholarship Applications.

Deadline date for the 2010 spring semester is....
November 30th, 2009 at 4:30 pm.

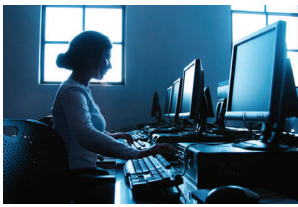
If you are interested in attending school this spring, please sign up! You are able to fill out our applications on-line... Go to the Pyramid Lake Tribal Website, click in Departments, and then click on Higher Education! **It is that simple.**

Please be sure to fill out and send in a complete application. If you do not send in a complete application, chances are you will not receive a tribal scholarship!!!!

Other educational news!!!!!!!!!!
Please read!!!!!!!!!!

Computer usage;

For PLPT on-line students!!! Computers are available in the Higher Education



Office and the PLPT Library. Drop by and set up a time slot for computer usage. Please be advised dates can change as I could be in different locations for meeting and other departmental duties.

Also please use extreme care in site selection. Most online classes are not more than one to two hour classes. Please use your computer time wisely. Also if you want to print your work, bring a Flash Drive to download. Copies are the same prices listed by the tribe.

The Pyramid Lake Library also has computers available for use... Again, they are available but only during staff availability.... Please call to request time usage...

Ethnic Demographic Changes in WCSD, Please read!!!!!!

Also just parents who have students in the lower grades, there has been a change in your students ethnic demographics, please read carefully!!!!

Washoe County School District, in accordance with Federal guidelines, is asking for new ethnic and racial data for WCSD students. There are two questions but only



to count as an American Indian/Alaska Native.

***Select NO on Question 1:**

Is your child Hispanic/Latino?

***Select American Indian/Alaska Native ONLY on Question 2:**

What is your child's race?

By counting as an American Indian/Alaska Native you help to ensure that the achievement data of American Indian/Alaska Native students is properly accounted for. Without achievement data, valuable programs and services targeted towards American Indians and Alaska Natives may be cut.

If you have questions please call your local school district for more information or contact:

Lynn Manning

[lmanning@WASHOE.K12.NV.US] Title VII

Submitted by:

Anthony Sampson

PLPT Higher Education, Director/Coordinator

Telephone number (775) 574-0300

Fax number (775) 574-0302

PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES August 7, 2009

Members Present:

Mervin Wright, Jr., Tribal Chairman
Clayton Servilican, Vice Chairman
Lela Christensen Judith Davis
Johnnie Garcia Elwood Lowery
Sherry Ely Mendes Irwin Mix

Members Absent:

Gordon Frazier Genevieve John

CALL TO ORDER

Chairman Wright called the meeting to order at 7 p.m.

ROLL CALL

Lori Black, Acting Tribal Secretary, took roll call. Councilmembers Genevieve John and Gordon Frazier were not at this meeting. All other Councilmember were present at roll call.

APPROVAL OF AGENDA

Chairman Wright stated the following items can be added to the meeting agenda: a resolution from the Transportation Program; a request from Colleen Williams; a request from Kolby Davis; and a request from the Walker River Paiute Tribe. Councilmember Davis made a motion to approve the meeting agenda as amended. The motion was seconded by Councilmember Christensen. Votes were all in favor, **motion carries.**

PUBLIC COMMENT

Wayne Burke stated he wanted to voice his concerns with regard to the Crosby lease. It was brought to the Tribe's attention that the lease had expired in 1991 or 1992. He received documentation from the BIA and the Chairman and he sent this infor-

mation to Tribal members. In reviewing the documents, it seems the Tribe is going in the right direction but he was advised that the Tribal Council was going to renegotiate an additional lease with Mr. Crosby to the land that belongs to the Pyramid Lake Paiute Tribal people. He said he has nothing against Mr. Crosby or the Tribal Council but he is concerned that the Sutcliffe area is up for lease. The property that belongs to the Tribal people should remain with the Tribal people and that the land belongs to everyone. His other concern is money that is owed to the Tribe since the lease expired and it was reported that Mr. Crosby has been trespassing on the land since 1991. Our ancestors fought hard for the land and he doesn't see that is appropriate for Mr. Crosby to obtain any piece of Indian land. The people want to know the truth and what the Tribal Council is going to do with the land.

Chairman Wright said the Tribal Council did act to renegotiate the lease and conferred with the BIA. The BIA Realty Specialist explained to the Council about the requirements under the CFR. It is clear the Tribe has the authority to exercise consideration for a lease. There were options presented to the Tribal Council and they chose to renegotiate the lease. In the interim, the Tribe will take over management of the property and will work towards achieving a deal that is fair to the Tribe.

Wayne asked what was meant by "being fair to the Tribe" and does that mean his children would not be able to go on that piece of property and that is not fair to the Tribal people. He doesn't know why the Council would negotiate with a squatter; he asked if the Council could address that.

Councilmember Mix said that area has always been the Tribe's land and the Council just asked to look into another lease and come back with a solution. Wayne asked if it was the Council's intention to lease the land and Councilmember Mix stated the Council has not seen the other side yet. Wayne said his concern is what the Council is doing to protect our

homeland. Chairman Wright said the Tribe has not begun the negotiations to lay out the terms and he does not know if there is going to be an agreement.

Councilmember Mendes stated that either way, the land would be under Crosby's lease or the Tribe and people will be living there and paying rent. It won't be property that is going to sit there. The Tribe has a lot of programs and we have people that have to be taken care and that is income to the Tribe to be able to do that. The Council has to look at the options and make a correct decision. The Council has not made a final decision but they did say to renegotiate.

Wayne said he doesn't have anything against Mr. Crosby or his family but his problem is the Council is not getting to the truth. His other question is if Mr. Crosby has been in trespass since 1991 and money is owed, how much money the Tribe is going to receive. Chairman Wright said there are a number of issues that are involved and they have to be taken care of.

Fred Crosby said the area is just the trailer park portion and he is still going to be there. Wayne said he is not here to debate Mr. Crosby's squatter rights, his concern is – a woman interjected saying the concern is whether or not the Tribal Council is going to make a fair decision for the Tribal membership.

Elmira Copeland said the Crosby family used to do things for the Indians and some families had help from them. She said she respects the Crosby family.

CONSENT AGENDA

The following items are on the Consent Agenda: Tribal Council meeting minutes of June 19, 2009; July 2, 2009; July 11, 2009; July 15, 2009; and July 17, 2009. Also included are invoices for Don Springmeyer for May and June 2009 and a resolution for grant funding for Emergency Response.

Councilmember Mendes stated she would like to have the July 2, 2009, July 11, 2009 and July 17, 2009 Tribal Council meeting minutes off of the Con-

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sent Agenda. Councilmember Davis stated she has corrections for the June 19, 2009 Council meeting minutes. She would also like to remove the Emergency Response resolution from the Consent Agenda.

A motion was made to approve the remaining items, Springmeyer invoices and July 15, 2009 meeting minutes, on the Consent Agenda. The motion was seconded by Councilmember Christensen. Votes were all in favor, **motion carries**.

June 19, 2009 Tribal Council Meeting Minutes: Councilmember Davis stated on page 2, third paragraph under Unfinished Business, she would like to include "the Tribal Council discussed the issue of clearing and that does not constitute a priority for a land assignment." Councilmember Davis made a motion to approve the June 19, 2009 Tribal Council meeting minutes with the addition. The motion was seconded. Votes were 7 all in favor, **motion carries**.

July 2, 2009 Tribal Council Meeting Minutes: Councilmember Mendes stated on page 24, regarding the Nixon Store there was a discussion on closing for inventory during the middle of the day. She suggests removing "that was like" and replacing with "and."

July 11, 2009 Tribal Council Meeting Minutes: Councilmember Mendes stated on page 4, change the sentence to read, "...there will be a financial impact to other programs if this program is included under that fund." She wanted people to be mindful that the programs currently under the license plate funding will be impacted if additional programs are added to it.

July 17, 2009 Tribal Council Meeting Minutes: Chairman Wright stated on page 3, the "TAM system" should be "TAAMS" which is Trust Asset and Accounting Management System. The BIA utilizes this system to monitor leases. Councilmember Mendes stated on page 7, she would like to clarify that she abstained because there was nothing in writing about water availability and that there was to be negotiation between Fred Crosby and the Realty Department about water delivery to the park residents and how it was supposed to happen. Councilmember Davis stated on page 5, after the first paragraph, to include, that she had asked Dan Allen if the Tribe could be held liable for accepting money without a lease and whether it was accepting money under false pretenses and he said he didn't know and legal counsel should be consulted. Chairman Wright stated the tape should be listened to regarding this because it is a serious issue.

Councilmember Mendes made a motion to approve the July 2, 2009; July 11, 2009; and July 17, 2009 Tribal Council meeting minutes. The motion was seconded by Councilmember Davis. Votes were all in favor, **motion carries**.

Emergency Response Resolution for Grant Submittal to the BIA: Councilmember Davis said on the resolution, it appears something had been left out on the last Now Therefore Be It Resolved which ends with "the Rural Fire Assistance Program allows the Tribe to complete..." She also wanted clarification on the working copy that is attached to the resolution. Terry Bohl said the working copy was from the BIA which shows the funding is available. His intent was to conduct fire inspections and safety. Councilmember Davis made a motion to table the resolution. The motion was seconded by Councilmember Christensen. Votes were all in favor, **motion carries**.

ENROLLMENT –

Carol Smith: Carol Smith, Enrollment Officer, was present with several items for Tribal Council consideration.

Six (6) Applications for Regular Membership: The Enrollment Committee is recommending approval of six applications for Regular Membership. Councilmember Mendes made a motion to accept the recommendation from the Enrollment Committee for approval of six applications for regular membership. The motion was seconded by Councilmember Christensen. Votes were all in favor, **motion carries. RESOLUTION NO. PL 78-09**

Chairman Wright then read the names of the newly approved members: Alani Serenity Barr, Aalize Lil Star Calvin, Tina Shinning Star Garcia, Maliha Eeve Lowery, David Dante-Darius Robinson, and Anthony Marcellus Ruiz.

One (1) Application for Adoptive Membership: Carol said the application that was submitted is for adoptive membership. The applicant meets the criteria with the blood quantum but a 2/3 vote of the Tribal Council is needed to qualify. The Enrollment Committee recommends approval. Councilmember Mendes made a motion to accept the application for adoptive membership. Councilmember Christensen seconded the motion. Votes were 6 for and none opposed, with 1 abstention. **Motion carries. RESOLUTION NO. PL 79-09**

Schedule Rejection Hearing: Carol said approval is needed on the draft notice of hearing for a rejection hearing. The applicant applied for adoption but doesn't meet the blood quantum. The hearing would not meet the timeline if scheduled for the September meeting and she recommends scheduling the hearing for the regular meeting in October. Councilmember Mendes made a motion to schedule the rejection hearing for the first meeting in October. The motion was seconded by Councilmember Garcia. Votes were all in favor, **motion carries**.

Carol gave an enrollment update stating there are 2,798 members, less 346 deceased, for a total of 2,452 living members.

UNFINISHED BUSINESS

Crosby Lease Negotiation – Fred Crosby: Fred Crosby stated he wanted to apologize for any hard feelings that are going on. He has three options to offer; the first is to enter into a water agreement for three months. The water in Sutcliffe is not really good. Second is to enter into a lease agreement or if the Tribe wants to keep it until the water system is installed, he is willing to enter into an agreement for two years while this is being done. He said this was being handled way too fast.

Chris Henley stated she has lived at the trailer park for 12 years and they consider it their retirement home. She said things have happened that has caused alarm to them and their neighbors. If the Tribe takes over the management of the trailer park they would like to establish a good, working relationship with the Tribe. Their concern with the change is that the services provided to them will be at an acceptable level. Fred said he is willing to work with the Tribe.

Councilmember Mendes asked Gina Sander, Realty Manager, if the Tribe has done the work that is needed to be able to negotiate the lease. Gina replied that they can't start negotiations until a formal survey is in place. We need to determine what is on fee land and Tribal land and once this is determined they will be able to figure out the amount of land that is being negotiated for in the lease. They have signed rental agreements with all of the tenants and the maintenance issues will be addressed. The Tribe will pay for the survey and if a lease is renegotiated, Fred had agreed to pay half of the cost. Fred said he did not agree to that and Gina said they will meet to discuss this.

NEW BUSINESS

North Nevada Rally 2009 – Pete Soper: Pete Soper was present. He stated the rally that was scheduled for the weekend had been cancelled due to lack of interest. The competitors like the roads in that area and they will be working on a rally for next year. He understands that it is outside of the reservation but it is historically and culturally land the Tribe had been on for a long time. Pete said he is aware that the BLM is required to notify the Tribe about any of this type of activity and he wanted to introduce himself and get support from the Tribe when they begin planning next year's event. Chairman Wright said it may be a good idea to have maps available on the different courses and staging areas and parking. Pete said the rally may

be held earlier in the year but they wanted to open discussion with the Tribe.

Eagle Permits and Management Consultation – U.S. Fish & Wildlife Service: Marie Strassberger with the U.S. Fish & Wildlife Service was present as part of the government-to-government consultation process regarding bald and golden eagle take implementation guidance. She wanted to make sure the Tribe was aware what has been happening the past several years regarding the subsequent de-listing of the bald eagle under the Endangered Species Act, however the eagle is still protected under the Bald and Golden Eagle Act. They have been working on the development of permit regulations pertaining to both species of eagles. It would be primarily take being disturbance; this is the non-lethal take. There would be circumstances where lethal take may occur due to human health concerns or instances where eagle nests could be removed if there is a human health safety concern and the activity would otherwise lawful. They are about to issue permit regulations under the Bald and Golden Eagle Act and they are hoping the permit regulations will be final this year. There was a public review process and people were given a chance to comment the proposed rule. They also had guidelines on how "disturbed" was to be defined under the Bald and Golden Eagle Act because it was never defined. In March 2009 they began contacting all tribes as part of the government-to-government consultation process. Marie stated she wanted to introduce this topic to the Tribal Council to get some initial feedback. They are initialing drafting guidelines as to how the permit regulations would be implemented; they would then go out for public review and also request Tribal input at that time. The documents are publicly available on their website. She stated because of the decline of golden eagles, they are anticipating that they may not allow any take of eagles, however, from a religious purposes perspective, that process will not be changing. Individuals will still be able to obtain feathers through the Eagle Repository. Marie explained that they are looking to ensure that whatever the activity, such as construction, that it would not disturb an eagle to the point where it would either abandon its nest and/or otherwise have an adverse impact on reproduction.

Chairman Wright thanked Ms. Strassberger for the presentation.

Request to Post Information on Internet – Ryan Wahrenbrock: Ryan Wahrenbrock was not present, but he had submitted a request for permission to place geological phenomenon information on the internet. The area is located on a dirt road heading toward the Big Horn Ranch. Chairman Wright asked if there was any Council action. Councilmember Mix made a motion to deny the request and the motion was seconded by Vice Chairman Servilican. Votes were all in favor, **motion carries**.

Request to Access to Adobe Springs – Mike Ahlgren: Mike Ahlgren submitted a request for permission to cross the reservation to hunt. The road runs from Zenobia west towards the Adobe Springs. Councilmember Mendes asked if there was another way to get to that area. Chairman Wright stated there may be access through the Fish Springs area. Councilmember Mendes suggested getting clarification from the rangers about the concerns they may have had. She then made a motion to table the request. The motion was seconded by Councilmember Garcia. Votes were all in favor, **motion carries**.

Transportation Planning Department – Johnnie Garcia: Chairman Wright stated the resolution was provided to the Tribal Council tonight. Johnnie Garcia, Transportation Planner, stated the resolution is regarding inventory update and to start the long range transportation plan. The funding is available. He included the 3-bid procurement process and the proposed budget. He has been in contact with the BIA office in Phoenix. Councilmember Davis asked what the amount was for the contractual cost and Johnnie stated it is the \$79,477 amount. Councilmember Chris-

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tensen made a motion to approve the resolution. Councilmember Mix seconded the motion. Votes were all in favor, **motion carries. RESOLUTION NO. PL 80-09**

Colleen Williams Request: Vice Chairman Servilican read the request from Ms. Williams. She is requesting permission to camp on the east side of Pyramid Lake. The request is for August 15-16, 2009 and there will be three or vehicles with 10 adults and children. She is willing to pay any fees the Council may assess. Councilmember Davis made a motion to deny the request. Councilmember Mendes seconded the motion. Votes were all in favor, **motion carries.**

The Tribal Council discussed the Pyramid and Stone Mother areas due to concerns of vandalism and disrespect in those areas. There was discussion about closing the areas to non-Tribal members. Councilmember Mendes made a motion to have a natural barrier installed around the Stone Mother to inform people that the area is not a camping or picnic area. Councilmember Christensen seconded the motion. Votes were all in favor, **motion carries.**

Kolby Davis Request: Chairman Wright stated Kolby Davis submitted a request for a donation. Councilmember Christensen made a motion to donate the individual rate to Kolby Davis. Vice Chairman Servilican seconded the motion. Votes were 6 for and 1 abstention. **Motion carries.**

Walker River Paiute Tribe Request: A letter was submitted requesting a donation for the Pinenut Festival. Councilmember Christensen made a motion to donate the group rate to the Walker River Paiute Tribe. Councilmember Mix seconded the motion. Votes were all in favor, **motion carries.**

COMMITTEE/DEPARTMENT ACTION REQUIRED

Regulation Amendments – Della John: Della John, Tribal Administrator, was present regarding the fishing regulation amendments. There were eight recommendations and they did not meet any comments during the posting period. At the last meeting the Rangers and Pyramid Lake Store owners submitted comments.

The first recommendation is to not change the opening day for fishing season. The date will remain October 1. Second, remove the take limit on Sacramento Perch. Three, eliminate the three-day permits for camping and fishing because they are not selling. Four, increase the closed area at Marble Bluff to 1,000 to make it consistent with the other closed areas. Five, change the fish pens closed area dates from March 15-May 16 to March 15-May 15. Six, change fish pens closed area from Sutcliffe Marina up to and including the South Nets Beach area out 250 feet from the shore. This will open the south nets for fishermen. Seven, change the definition of boat to exclude kayaks, canoes, and single person pontoons. Eight, add fines to violation of not having a day use permit.

Councilmember Davis asked what the cost would be by eliminating the three-day permit. Della said these permits are not being purchased. She doesn't know the dollar amount. Councilmember Davis asked if the fines had to be added into the Law & Order Code and Della explained that the amendment would be made in this ordinance.

Bob Burns asked where the changes are posted and Della stated she didn't know. He said it should have been posted off the reservation since most of the people are from off of the reservation. Della said it is a Tribal law. Bob clarified that the closure of Marble Bluff is going to be extended to 1,000 feet and Della replied yes, so that it is consistent around the Lake. He said the fishermen had said a lot of the prime fishing areas are being closed. The survey he conducted states that the fly fishing groups won't be coming back to Pyramid Lake because the North and South Nets are closed. Della asked if that survey was shared with the regulations working group and Bob replied no because it was done in a short time frame.

Councilmember Mendes suggested the working group review the survey information that Bob Burns has. Chairman Wright stated last year's financial report should also be reviewed. Councilmember Lowery agreed with the suggestion because it would show what the impacts would be in relation to the restrictions on the net pens area. Della said the recommendation is to open up the South nets area. They are trying to protect the big spawning fish.

Councilmember Davis made a motion to table this request until all of the information has been reviewed. Councilmember Christensen seconded the motion. Votes were all in favor, **motion carries.**

Committee/Commission Vacancies:

There was a question regarding the Parks & Recreation Committee and if they were included. They have not been getting a quorum at the meetings. Chairman Wright stated that the individuals who have not attended three consecutive meetings are automatically taken off of the Committee. Della stated the vacancies on this Committee have not been posted. Chairman Wright stated he would follow up with the Tribal Secretary.

Law & Order Committee: There is one vacancy on the Law & Order Committee and there were two interested individual however one has withdrawn his name. The individual who is interested is Norman Duncan. Vice Chairman Servilican made a motion to appoint Norman Duncan to the Law & Order Committee. Councilmember Davis seconded the motion. Votes were all in favor, **motion carries.**

Land & Resource Committee: There is one vacancy on the Land & Resource Committee with one individual interested in serving on this committee. The individual is Karole McQueen. Councilmember Mix made a motion to appoint Karole McQueen to the Land & Resource Committee. Vice Chairman Servilican seconded the motion. Votes were all in favor, **motion carries.**

Pyramid Lake Gaming Commission: There is one vacancy on the Pyramid Lake Gaming Commission and there are two persons interested in serving on this Commission. The individuals are Anthony Sampson, Sr. and Fran Barron. The Tribal Council then voted by ballot. Fran Barron was selected to serve on the Pyramid Lake Gaming Commission.

TRIBAL CHAIRMAN REPORT – Mervin Wright, Jr.:

Chairman Wright said he included the land assignment in his report and no information had been received from Wes Williams, Jr. and he would like to have this item tabled. Councilmember Davis made a motion to table any action on the land assignment that was previously discussed. Councilmember Christensen seconded the motion. Votes were all in favor, **motion carries.**

Chairman Wright stated he would like permission to post the draft code of ethics. The draft had been presented last year and not action had been taken. This code of ethics would cover all elected and appointed officials of the Tribe. No legal review has been taken yet. He did review the code of ethics for the Reno-Sparks Indian Colony for information. Councilmember Christensen made a motion to approve the posting of the draft code of ethics. Councilmember Davis seconded the motion. Votes were all in favor, **motion carries.**

The other item he had included in his report was a resolution regarding the BIA budget. He did attend the Tribal Budget Advisory Council (TBAC) meeting that was held in Anchorage. This resolution was adopted by the Inter-Tribal Council of Nevada and given to the Larry Echohawk, Assistant Secretary of Indian Affairs. The TBAC is responsible for conferring with the Department of Interior, BIA to formulate the 2011 budget. The resolution is requesting the Tribally Centered Budget Initiative for 2011 to include three elements: a general increase for all TPA programs, at least 10%; full funding for contract support; and full funding for Tribal fixed costs. When these issues were

discussed, the co-chair suggested that the TPA funding be recommended at +5% over. The tribal caucus did not agree with that. The resolution has already been adopted by other tribes throughout the country. The resolution had been presented to the ITCN and they unanimously supported it. Councilmember Christensen made a motion to approve the resolution and Councilmember Davis seconded the motion. Votes were all in favor, **motion carries. RESOLUTION NO. PL 86-09**

Chairman Wright reported that the High Desert Recreation appeal at the 9th Circuit Court supported the Tribe's decision and dismissed the appeal. High Desert Recreation has an opportunity to appeal it to the Supreme Court however it may not be considered by that Court.

Chairman Wright reported that he was appointed to the NAGPRA Review Committee. This is a 4-year term. He reported that the BIA is concerned about the Tribe's intention to distribute 100% of the interest as per capita. According to PL 101-618 it includes the interest, along with the principal, to be distributed for economic development. The Western Nevada Agency became aware of the Tribe submitting the 10-34 form and they questioned the distribution of the interest as 100% per capita and does it qualify as economic development. The Western Nevada Agency did request an opinion from the Interior Solicitor to clarify that. Last month, the Tribal Council enacted a resolution to request the Solicitor to render its decision on that same question. The Tribal Council also approved a letter to Senator Reid's office for congressional consideration on language to allow the Tribe access to the interest.

VICE CHAIRMAN REPORT –

Clayton Servilican: Vice Chairman Servilican stated he didn't have any Council action items. He has been working on the community center in Wadsworth. He said Duane Florez is working on a plan for the Smokeshop. He and the Tribal Planner have been soliciting comments from the Tribal Council and other programs for the economic development plan. Public meetings will be held to inform the membership. There have been questions about the money that was raised during the car auction and nothing had been located about the money being dedicated to the Emergency Response program.

ADJOURNMENT

A motion was made and seconded to adjourn the meeting. Votes were all in favor, **motion carried.**

Submitted by,
/s/ Lori Black, Acting 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 day of September 4, 2009, having 8 members present, constituting a quorum, by the vote of 6 for and 0 against, with 2 abstentions.

Minutes attested and concurred by:
/s/ Mervin Wright, Jr., Tribal Chairman,
Pyramid Lake Tribal Council
/
/

PYRAMID LAKE PAIUTE TRIBAL COUNCIL SPECIAL MEETING MINUTES August 19, 2009

Members Present:

Mervin Wright, Jr., Tribal Chairman	
Clayton Servilican, Vice Chairman	
Lela Christensen	Judith Davis
Johnnie Garcia	Elwood Lowery
Sherry Ely Mendes	Irwin Mix
Gordon Frazier	Genevieve John
	Gordon Frazier

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CALL TO ORDER

Mervin Wright, Jr., Tribal Chairman, called the August 19, 2009 special meeting of the Pyramid Lake Tribal Council to order at 6:05 p.m. in the Tribal Chambers, Nixon, Nevada.

ROLL CALL

Gina Wadsworth, Tribal Secretary, took roll and all Council members were present. Also present were Don Springmeyer, Bob Pelcyger, and Ali Shahroody.

APPROVAL OF AGENDA

Chairman Wright stated he has a travel request and Don Springmeyer submitted an invoice to the Tribal Council. Councilmember John stated these items should be held off until the next meeting which is scheduled for Friday and Chairman Wright said that was fine and removed the items for consideration. A motion was made by Councilmember John and seconded by Councilmember Davis to approve the meeting agenda. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

NEW BUSINESS

Water Resources Department – John Jackson: John Jackson, Water Resources Director, was present with several items for Tribal Council consideration.

Approval of Resolution for Department of Water Resources Annual BIA Contract: John stated the first request is approval of a resolution for the annual BIA contract for the Department of Water Resources. The request is the same amount of funding that is requested each year and covers his standard staffing for the department. The amount being requested is \$474,393. Councilmember Davis made a motion to approve the resolution for requesting the annual funding for the Department of Water Resources. The motion was seconded by Councilmember John. Votes were 9 for and none opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 81-09**

Numana Dam Project: John said he received the pre-award letter for the Numana Dam Project and asked Stetson to submit a contract. Councilmember Mendes stated this is a process to go through and once the studies are complete, the Council will have options on the Numana Dam project. Ali Shahroody, Stetson Engineers, said this is collecting data for the baseline and data collection for the environmental impact report. She said there had been concerns from the farmers/ranchers about the options for water transfer which they believe won't be viable. Chairman Wright said the primary objective is to maintain irrigation delivery and the mutual objective is to analyze the most feasible fish passage past the Numana Dam. Councilmember Frazier asked why this can't be decided first. Chairman Wright said the Tribe needs the money to conduct the studies. Councilmember Mendes clarified that the money will not have to be paid back and John replied right. Chairman Wright said if it is not dam removal then it would be modification of the fish passage facility. Ali said this project is adaptive and you have to go step-by-step. Integrity of the irrigation system has to be maintained. Chairman Wright said he would like to advocate to the Council that if there are assumptions or rumors are made, the people have to know that the intentions are not to hurt anyone with this project.

The Tribe did receive the pre-award contract letter and John would like approval of a contract with Stetson Engineers for the beginning of the project. Councilmember John said even though the agreement is for May to September 30, 2009 and there are pre-award costs, she asked if it ties together. John said he originally submitted a 12-month budget but then he was asked for a three month budget for their fiscal year. He thought he would receive an award letter for the entire year, but he hasn't received that letter yet. He will probably be back with another budget for October 1, 2009 through September 30, 2010. Although

the project will be contracted for five years, the funding agency wants annual budgets.

Councilmember John made a motion to approve the contract with Stetson Engineers. The motion was seconded by Councilmember Garcia. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

Request for Field Office in Sparks: John said he is requesting permission to open a field office in Sparks. He sent the Tribal Council a list of properties located in Sparks and he is recommending approval of the property on I Street. This was budgeted and approved by the Bureau of Reclamation. Councilmember Mendes asked who would be working there and John said it would be the employees who are working on the Numana Dam project which would be himself, Ric Frost and Donna Noel and other departments could use the office for meetings. She asked John if he would be working there full time and he said no. The need is because all of the agencies they work with are in the Reno-Carson area. This is a 12-month agreement with two year extension at the end of one year. Councilmember Davis asked what Ric's title is and John said Ric is the specialist and assigned to the Numana Dam project. She thought Ric was the irrigation person and John said irrigation season is almost done, then Ric will be working with TROA/MOA and other water issues and will be involved with the Numana Dam project. Councilmember Davis asked how the Water Resources Board felt about this and John said they were in support of the idea. Councilmember John said Nixon is the headquarters and everything should be based here; that money could be used elsewhere. Councilmember Frazier also agreed with Genevieve. Councilmember Mendes asked what would be John's availability to the water users on the Reservation if they are located in Sparks. John said they will be available by email or by phone. She asked if there will be a regular schedule that John will be here for the community. The programs should be available to Tribal membership and users of the water system. She suggested a schedule of the timelines and availability be developed so the Water Resources program remains a function of the Tribe. The public needs to know he will be available.

Chairman Wright suggested no action be taken on this request just yet. As we begin to experience some of the things that have been discussed and put in writing to take a look at it from that perspective and bring it back in two months for more information for justification for this decision. Councilmember Mendes said she is asking for a commitment for his presence in the Nixon office for the Tribal membership. Councilmember Davis would like to see the chain of command in the event of an emergency and how it will be taken care of. She also agrees with Councilmember John that we are the Pyramid Lake Water Resources and it should be here for our Tribal members and if she has to respond to the Tribal members, she would like to be able to answer any questions. No action was taken on this request at this time.

Water Team: Don Springmeyer present, along with Ali Shahroody and Bob Pelcyger. Don then reported on the activities that occurred during the past month.

TROA-related Litigation: The potential negotiation between the TROA parties (primarily the Bureau of Reclamation) and TCID has ended, therefore all litigation goes forward. There was a motion to amend Orr Ditch Decree to add TROA; the court has heard arguments twice and is expected to issue a written ruling regarding how notice will be distributed about the proposed change to the Orr Ditch Decree.

State Engineer Ruling 5823, Dayton Valley: The 9th Circuit oral argument was held on July 15 in San Francisco and we are waiting a ruling and opinion. In the State Court, all briefing is complete in the Nevada Supreme Court on the narrow point of what county an appeal can be filed in.

State Engineer Ruling 5791, Carson Valley: The state district court in Douglas County has ordered briefing to proceed and the Tribe's opening brief is due

at the end of this month. The proceeding is continuing on parallel tracks; one in State court and the other in the 9th Circuit.

Unappropriated Water: No new developments since the last report.

State Engineer Ruling 5826, Appeal Regarding Public Interest Argument on Fernley Groundwater Basin: No new developments since the last report.

Recoupment: The 9th Circuit appeal briefing is complete and it appears that the oral argument has been set for October 8.

Petition Claims: No new developments since the last report. All briefs have been filed by all parties.

State Engineer Ruling 5840, Smoke Creek I: No new developments since the last report; the matter is pending before the Washoe County judge for a ruling.

Smoke Creek Basin Adjudication, Smoke Creek II: The Tribe and numerous other parties have filed protests against the continuing barrage of transfer applications presented by Jackrabbit/Jaksick. In the meantime, the State Engineer has ordered that his office will undertake a general adjudication of the surface and groundwater in the Smoke Creek Basin. No deadlines or timelines have yet been set. The water team has prepared the supporting materials to file a claim for reserved groundwater rights in the Smoke Creek Basin. The legal status of reserved rights to groundwater is not clear in Nevada. They tried to make this point with the appeal of Ruling 5079, which is the Dodge Flat issue and is pending in the Supreme Court. This may result in something helpful with regard to reserved rights of groundwater.

Ruling 5747: Oral argument was held in San Francisco on July 15 and we are awaiting the ruling and opinion by the Court. Combined with Ruling 5823.

Fernley Negotiations: The Fernley/Tribe exchange agreement is being implemented by the delivery of water to the lower River/Lake. TCID filed a motion to try to stop the delivery of the water and Fernley and the Tribe opposed that motion. Oral argument was presented to Judge George on that motion on August 10. There is no ruling yet.

Claims 1 & 2: TCID has filed an appeal of the State Engineer permits allowing the temporary change of the Tribe's Claims 1 and 2 to wildlife use in the River/Lake. TCID also filed a motion asking the Court to stop the water delivery while the appeal is underway. This just recently happened. The Tribe's opposition is due to be filed September 1. The U.S. Department of Justice will support the Tribe in opposing TCID's efforts.

Ali reported that the Tribe received a call from the Army Corps of Engineers (ACE) with regard to changes in the Truckee Meadows project. This was a result of the 1997 flood and the project cost is approximately \$1.2 billion. Previously there was a model for the 50-year flood event and then the 100-year flood event. The ACE made an analysis called the national economic determination (NED) which strictly goes on a cost benefit basis. The local governments are more interested in not having high flood walls in the Truckee Meadows but this doesn't have a good impression. They have developed what is referred to as Locally Preferred Project (LPP). In the past local people wanted to make sure they had protection from a flood and they weren't getting an answer. It was finally determined to be a 117-year flood and that would cost more. The ACE is making an analysis – in terms of lands that need to be protected – which showed a net benefit for different sizes of flood events. The next one showed that there would be a benefit for the 117-year flood.

The telephone call was about all hydraulic and land analysis that had been turned over to a department of net benefit of the ACE. An analysis had been done and the benefit for the 117-year flood disappeared because it couldn't be justified. They could only justify the 50-year flood event. Ali said he asked the Washoe County staff what they are going to do and

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they replied they will have to speak to the local people to let them know they couldn't do the 117-year. They know the 50-year has a definite net benefit and they want to do an additional analysis. They will have to determine a 70-year and 75-year benefit. This would be the only project level they could support to move forward. In order not to have the high flood walls they have to increase the amount of water capacity with the 117-year plan and will have to do benching. The Tribe objected to that. The ACE is in the process of redoing this which won't be done until January or February. There are a lot of other nationwide projects based on NED and this is now completely on new territory. The Army Corps of Engineers has been good enough to share their technical material with us.

John said the negotiations have been put on hold until Truckee Meadows makes a determination of what level they want to keep their local preferred plan. The modeling is also on hold for awhile. Ali said he wanted to report this to the Tribal Council.

A motion was made by Councilmember John and seconded by Councilmember Davis to move into an executive session. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

The Tribal Council then moved into a closed session at 7:45 p.m. and reconvened in an open session at 8:04 p.m.

ADJOURNMENT

A motion was made a seconded to adjourn the meeting. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

The meeting adjourned at 8:07 p.m.

Submitted by,

/s/ Gina Wadsworth, 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 4th day of SEPTEMBER, 2009, having 8 members present, constituting a quorum, by the vote of 6 for and 0 against, with 2 abstentions.

Minutes attested and concurred by:
/s/ Mervin Wright, Jr., Tribal Chairman
Pyramid Lake Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL SPECIAL MEETING MINUTES August 21, 2009

Members Present:

Mervin Wright, Jr., Tribal Chairman	
Clayton Servilican, Vice Chairman	
Lela Christensen	Judith Davis
Johnnie Garcia	Elwood Lowery
Sherry Ely Mendes	Irwin Mix
Gordon Frazier	Genevieve John

CALL TO ORDER

Mervin Wright, Jr., Tribal Chairman, called the August 21, 2009 special meeting of the Pyramid Lake Tribal Council to order at 6:35 p.m. in the Tribal Chambers, Nixon, Nevada.

ROLL CALL

Gina Wadsworth, Tribal Secretary, took roll. Councilmember Mix arrived at 6:38 p.m. and all other Council members were present during roll call.

APPROVAL OF AGENDA

Chairman Wright stated the Gaming issue can be moved under Committee/Department Action Re-

quired as Fred Crosby wanted to be included with the discussion. He said to add his travel request and Don Springmeyer's invoice under Unfinished Business. Councilmember Frazier made a motion to approve the meeting agenda with the changes. The motion was seconded by Councilmember Garcia. Votes were 8 for and none opposed, with no abstentions. **Motion carried.**

PUBLIC COMMENT

There were no public comments at this time.

CONSENT AGENDA

The following two items are on the Consent Agenda: Wes Williams, Jr. July 2009 invoice and approval of a higher education scholarship. Councilmember Frazier made a motion to approve the Consent Agenda. The motion was seconded by Councilmember Davis. Votes were 8 for and none opposed, with 1 abstention. **Motion carried.**

UNFINISHED BUSINESS

Resolution to Accept Rural Fire Assistance Grant – Terry Bohl: Terry Bohl, Emergency Response Coordinator, presented the resolution that had been tabled from the last Council meeting. He said some additional language had been needed on the resolution. Terry said he left off a portion of the third line which should read, "to allow the Tribe to conduct ongoing emergency response operations." Councilmember Davis made a motion to approve the resolution. The motion was seconded by Councilmember Mendes. Votes were 9 for and none opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 82-09**

Don Springmeyer Invoice for July 2009: Councilmember John made a motion to approve the July 2009 invoice for Don Springmeyer. The motion was seconded by Councilmember Mix. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

Travel Request: Chairman Wright stated he received notice of a tribal outreach for consultation meeting that will be held in Washington, DC. He did ask for more information from the organizers, but as of today he received no information. The meeting is between the President and tribal leaders to discuss consultation.

Councilmember Mendes asked for an agenda of the meeting and what is going to be discussed; especially with Pyramid Lake needs and if any of the Council has any input they can let him know. Chairman Wright said he will be trying to set up other meetings while he is there.

Elmira Copeland stated that this type of travel should be offered to a Tribal member or a Council member and not just the Chairman. She believes they have not been getting true information from the Tribal Chairman. Chairman Wright stated the invitation is for two people and if anyone from the Council would like to attend, they have to reply by August 28th. Councilmember Mendes stated it is appropriate for the Tribal Chairman to attend because it is part of his duties. If there is a Tribal Council member who would like to attend, they can inform the Secretary.

Councilmember Mendes made a motion to approve the travel to Washington, DC for the Tribal Chairman. The motion was seconded by Councilmember Christensen. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

Councilmember John stated that there should be a standing rule that trip reports be published in the Tribal newspaper.

COMMITTEE/DEPARTMENT ACTION REQUIRED

AT&T/New Cingular Wireless Lease Agreement – Gina Sander: Gina Sander, Realty Manager, stated she would like approval of a resolution for a lease agreement with AT&T/New Cingular Wireless. Councilmember Mendes asked who the subsidiaries are and Gina said they include Cingular Wireless and AT&T. Included in the lease is a 5% increase in pay-

ment after two years. This is a 25-year lease. The appraisal was done and the amount being paid is above fair market value. Councilmember Mix asked if they were in trespass and Gina said they had continued making payments but the payments were supposed to increase after every five years by 25% and this wasn't done but they did make up the difference. Councilmember Mendes clarified that the other lessors who had been paying and if there had been no increases in the lease, they are all good and this clears them of the trespass and Gina replied yes. Councilmember John made a motion to approve the resolution for the AT&T/New Cingular Wireless lease agreement. The motion was seconded by Councilmember Mendes. Votes were 8 for and 1 opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 83-09**

Councilmember Christensen asked if the sewer problems at the trailer park had been resolved and Gina replied yes. Councilmember Mendes stated that she would like to request that the expenditures be included in the reports that are given to the Council. This would be for each property. Councilmember Davis asked Gina about the building that was dedicated to the Environmental Department and if it included the area behind the property. Gina responded that she didn't know if it was included as it wasn't her request. Councilmember Davis said she would like to have this clarified.

Payment of 2008 BIA Attorney Fees – Robbin Scholl: Robbin Scholl was present. She informed the Tribal Council that in February 2008 the BIA sent an award letter for additional money to the attorney contract funding and the money would be transferred to the Tribe's account. The BIA did not make the transfer because it was not entered into their system. It was verified the money that was received but found that the \$70,000 had not been transferred to the Tribe's account. Marilyn Bitsilly of the BIA informed her the Tribe would be sent a letter informing us that we would not receive the money. Robbin did speak with Fred Drye who suggested the Tribe send a resolution to the BIA to request the funding. Chairman Wright stated this is a mature contract and it is just a matter of renewing it by signing the forms. Councilmember Mendes made a motion to approve the resolution to request the funding from the BIA. The motion was seconded by Councilmember Davis. Votes were 9 for and none opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 84-09**

Robbin distributed the draft 2008 audit from the CFO Group. She informed the Tribal Council she received an email from Susan Chiu of the EPA that if they do not have the approved 2008 IDC rate by September 9, the Tribe will not be able to receive the IDC for 2008, 2009 and 2010. The 2007, 2008, and 2009 proposed IDC rates are at the National Business Center and there are some questions on the proposal and Doug Coleman will be reviewing the drafts to answer the questions. She asked if the Council can meet to discuss the audit with the CFO Group. This would help to complete the audit. The Tribal Council discussed dates to meet. Councilmember Davis made a motion to schedule the meeting for August 27, 2009 at 5 p.m. The motion was seconded by Councilmember Christensen. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

Councilmember Mix asked about the 264A grant and if it has been resolved. Robbin said the Department of Justice will be auditing that program along with two other programs. Councilmember John asked if the Tribe will need Tribal funds to supplement that grant and Robbin stated yes, by the end of 2009 and she has been planning for that.

Resolution for Amendment to the Gaming Ordinance – Steven Wadsworth: Steven Wadsworth, Pyramid Lake Gaming Commission Chairman, was present to request approval of a resolution for the amendment to the Gaming Ordinance. Fred Crosby had also requested to be included in the discussion, along with his attorney Gordon Depaoli. Chairman

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Wright stated the Tribe received a letter from Gordon Depaoli today and had been given to the Tribal Council. There were a number of concerns with regard to the ordinance provision. The ordinance amendment had been posted and there is nothing new that is being presented. There were some changes made after the last Gaming Commission which also took into account the issues brought up by Mr. Depaoli and Mr. Crosby.

Chairman Wright said if the Council would like to review the letter with regard to what is being proposed in the Ordinance. Councilmember Mix Irwin said he had requested a copy of original ordinance. Chairman Wright stated the original ordinance that was approved in 1997 can't be located. Councilmember Mix stated he is talking about the one approved in 2005 or 2006 and Chairman Wright stated that would be the minimum control standards and this would be put into place when the Tribe developed their own casino. The ordinance regulates the gaming activity within the boundaries of the Reservation. This particular amendment is what is being challenged in the litigation. In conferring with the National Indian Gaming Commission (NIGC), they felt it would be necessary to adopt this ordinance provision.

Councilmember Christensen said at one time it was mentioned that the NIGC had not approved the 60/40 split. Chairman Wright said that was in 2007 when they negotiated a formula that they felt was agreeable with Fred Crosby and it was sent to the NIGC for their review but it was rejected. Section 31 is more of procedure in implementing and enforcing the revenue sharing fee. Councilmember Christensen asked what the reason for the rejection was and Chairman Wright said the calculation, based on the information that was provided, the Tribe was collecting less than the 60% of the net gaming revenues. Councilmember Mendes asked for a copy of that letter and Chairman Wright said it had been previously provided to the Tribal Council.

Councilmember Christensen asked Steven if he had received the letter and he said he did and a lot of it is contained in the letter is in a similar letter they received about three weeks ago which they did review on Monday during a Gaming Commission meeting. They have had about four or five meetings on the ordinance and every time Fred and his lawyer were present, they were asked for some form of information and nothing had been provided. The information would be used to determine the shared expense for the indirect, but they can't develop a formula based on any of that because they have no tangible information. Everything they base the figures off of is from Crosby's 2005 audit. Chairman Wright said when they developed the determination in 2006, the indirect cost was the difficult part of the agreement because there was a number of items that Fred insisted had to be considered to deduct. At that time they used a percentage basis.

Gordon Depaoli said their position is that the Tribe is not required, by the Indian Gaming Regulatory Act, to charge 60% of net revenue to non-Tribal Class III gaming. They believe it is up to the tribes and the States to negotiate by compact and that this Tribe and Nevada have negotiated a compact that deals with that and basically the compact requires that the Tribe charge not less than what the State of Nevada charges. They recognize that under the compact the Tribe can impose a tax at whatever level they choose. But in a state like Nevada, if you impose something that is too high, you make it non-competitive for non-tribal gaming within a reservation. He knows the National Indian Gaming Association (NIGA) has taken the position it has to be charged and in his analysis of what the Gaming Commission has done and he has come up with alternatives that could be acceptable to the Tribe and make economic sense to Crosby and hopefully the NIGA could approve it. In one of their alternatives they have suggested it involves payment of 60% of the net revenues to the Tribe. It has to be acceptable to the Tribe and economically sensible to Crosby. Gordon

stated that if they have to continue to litigate with the NIGC over whether the Tribe is required to charge that much, they will continue to do that.

As far as Fred providing actual receipts for the shared expenses, they are trying to deal with an ordinance to have some type of formula that would allow Fred to deduct for his gaming related operating expenses and the information is not needed to come up with a formula. It is a matter of which expenses are going to be included and the formula that would be used for imposing the amount of shared expenses one can charge from a business where gaming is incidental to an operation. He said they have given comments on each of the pieces in Section 31 that is proposed. The problem they have is related to calculating net revenue so that Fred has an opportunity to deduct gaming related operating expenses. That is the area they have had disagreement with the Gaming Commission.

With Fred's operation, it is what goes on within the four walls. There are a lot of things that are shared and other things that are required for gaming. The best example is the bartender who makes change, makes payouts, and provides complimentary food or beverages for the players. The proposal states that only 5% of that bartender's salary could be a deduction of an indirect expense and that 5% was based on the 2005 information and a comparison of the indirect expenses allowed to the total direct expenses. This is not a fair way to allocate those shared expenses. Gordon said they propose an allocation of those shared expenses based on the comparison of the revenue that is generated by the business activities. This was the methodology used in 2005 although it encompassed everything including the trailer park and permits. They believe the 5% of shared expenses is not enough.

The other disagreement is on the calculation of the net revenue is on direct expenses. The Gaming Commission said you can't have license fees that are paid to Washoe County as a direct expense. There are other issues but this is the main one. They don't believe the formula in the ordinance gets to net revenue and does not give Fred the benefit of deducting his gaming related operating expenses. They respectfully ask the Council to not approve the resolution.

They suggest three alternatives. One is similar to the Gaming Commission's proposal but a different way of allocating shared expenses that is more appropriate based on revenues that are going on in the bar, the store and the gaming expenses and with the ability to deduct other direct expenses, such as what has to be paid to Washoe County and if there is going to be an annual audit, to be able to deduct that.

The other alternative they suggest is much simpler and would save money for the Tribe. The alternative is that the only direct expense they would take off is the license fees that is paid to the Tribe and everything else, whether direct or indirect, be eliminated and allow \$350 per machine, per month. This would substitute all the direct and shared expenses and it would eliminate the need for an audit. This is less than the other alternatives, but in the long run it would save the Tribe and Fred money. They would like to be able to work with the Council's attorney to draft an ordinance and to have an opportunity to work with the Tribe to sell it to the NIGC.

Gordon said the last alternative they have suggested is for Fred to lease space inside the Crosby Lodge to the Tribe. The Tribe would then collect all of the revenue from the gaming, but this means the Tribe would have to purchase the machines and have an employee to maintain the machines. Gordon again stated they would ask the Tribal Council to not approve the resolution but to give direction on how to approach this with one of the alternatives they suggested. They will work with the Tribe in getting the NIGC to buy into the approach.

Councilmember Mix asked when the Gaming Commission met with them, was it their way or no way, that what it sounds like to him. Gordon said they could not reach an agreement. Chairman Wright said the shared expenses have always been an issue since

2005. Two payments had been received but then the litigation started. When it came to indirect expenses, they used the 13%. Gordon said they did not agree with the amount of the revenue and there were a number of shared expenses that were not considered. Councilmember Mendes clarified that they are asking the bartender salary be considered a direct expense and Gordon said no, it would be a shared expense at a higher percentage based on a comparison of the total revenue from the bar and gaming. Gina Sander stated the Commission was enthused to look at the difference if Fred had provided the financial data for the building because they don't agree with that it should include everything, but Fred has not provided the commission with any data for the building. The only thing they had been able to use was the 2005 audit. Gordon stated once the commission has the formula they would need the information to apply the formula, but to develop the formula, only the categories would be needed. Councilmember Mendes stated in order to be in agreement, the Commission would probably need to see the information to have an example of what amounts would be paid. We need to work together in developing the formula.

Chairman Wright stated that the Tribal Council has not had the opportunity analyze the proposal that was submitted in the letter and instead of denying the resolution for the amendment to the Ordinance, he suggested the Council review and analyze the proposals that were included in Gordon's letter.

Councilmember Mix said he remembered a while back when Norm Harry was the Chairman and Mervin was the Gaming Commission chairman, Norm Harry was told he could not get involved with gaming and what has changed to allow Mervin to be involved with the gaming. Chairman Wright stated he meant the Tribe; he has not been to any of the Gaming Commission meetings or met with any of the Gaming Commissioners. He is trying to find the middle ground that is being presented based on the letter submitted by Gordon Depaoli. The Tribe's legal counsel can work with Mr. Depaoli to analyze this letter and examples to see how it would apply to the ordinance and make it work and amenable to the NIGC.

Councilmember Mendes stated this is an opportunity for the Tribe to develop an idea to send to the NIGC for feedback. Steven said they have been trying to meet Crosby halfway but the Commission is not receiving any type of information and the only thing they did receive was the letter the Council received.

Councilmember Christensen stated that they have to keep in mind that this will also affect any other business that wants to come to the Reservation. There will be different scenarios and the Tribe will have to be competitive if we want to attract other business. We can't be basing anything solely on what Crosby does.

Councilmember Davis made a motion to table the ordinance amendment and to ask the attorneys meet to review the proposals that could be submitted to the NIGC. The motion was seconded by Councilmember Christensen.

Discussion: Steven stated the Tribal Council had mandated the commission work with the lawyers, which they did, and now, the Tribal Council just received this information today and it is stalling for time. Be aware that they have been working on this for three months and it's going to be tabled again. Chairman Wright clarified that in May there was action taken by the Council to have a proposal done by June 4 and this issue is complex. Councilmember Garcia said as far as the attorneys rehashing this, it has already happened and maybe the Council can review the information and perhaps make a decision after reviewing all of the information. Councilmember Mendes said tabling it is a good idea as she has other questions.

The votes on the motion to table the ordinance amendment were 8 for and none opposed, with 1 abstention. **Motion carried.**

Councilmember John said she would like to

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see a copy of the formula that was submitted in 2007. Councilmember Mendes asked about the letter from Depaoli and if the Council had discussed each of the points, could they have had a decision tonight. Chairman Wright stated the motion was to have the attorneys meet and Councilmember Mendes clarified that if the intent of the letter was to stop the approval of the amendment. Gordon said the intent was to see if they could reach common ground and put together an ordinance.

REQUESTS

NCAI Membership: Chairman Wright stated the request is for approval of a resolution for membership dues for NCAI and the amount is \$1,100. Councilmember Christensen made a motion to approve the resolution for NCAI membership. The motion was seconded by Councilmember Davis. Votes were 9 for and none opposed, with no abstentions. **Motion carries.**

RESOLUTION NO. PL 85-09

Alternate Delegate for NCAI membership: Councilmember Christensen nominated Councilmember Judith Davis who accepted the nomination.

NCAI Event Sponsorship: No action was taken on the request for sponsorship for the NCAI Embassy at Tribal Nations Gala Event.

TRIBAL CHAIRMAN REPORT –

Mervin Wright, Jr.: Chairman Wright stated he has two action items included in his report. The first one is to schedule a training session with Fred Drye on the roles and responsibilities of the Tribal Council and boards and committees. Councilmember John stated she would like to first schedule the meeting regarding economic development. Councilmember Mendes suggested a schedule be done for January or February for Tribal Council training. Chairman Wright stated he will contact Fred about the economic development meeting.

Chairman Wright stated he would like to also request approval to travel to San Francisco regarding working effectively with Tribal governments. The request was made from Dan Mosley and EPA may pick up the expenses. Councilmember John made a motion to approve the travel to San Francisco. The motion was seconded Councilmember Davis. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

I-80 Smokeshop: Chairman Wright he reported last week that a recommendation would be forthcoming on changes of I-80 management. In April the Tribal Council had requested that the profit/loss margins have a turn-around and it was recently reported there was a loss. On Monday, supervision of the manager was transferred to the Tribal Chairman. An Enterprises Manager will be appointed temporarily. The Finance Department has been managing the book-keeping portion of the operations. Robbin distributed the financial report and explained the cash flow statement.

Robbin reported the Nixon Store is doing very good. Chairman Wright said administration is doing what they can and moving forward with both the Nixon Store and I-80 Smokeshop.

Barlese Land Assignment – The information was just received from Wes Williams, Jr. today. Chairman Wright had thought about the suggestion about bringing in another person but decided against that. He asked the Tribal Council to read the information. Wes suggested getting information on the amount of the acreage that was on the original land assignment. Councilmember Davis said the survey still has to be done in order to determine whether or not it was included on the assignment. Chairman Wright said the old map could be compared to what we currently have.

Councilmember Davis stated she would like to request the minutes from the Water Resources Committee meeting where they approved the Sparks field office.

Chairman Wright reported that two cases

against the Tribe had been decided on. These were the two cases in Tribal Court and one in the 9th Circuit. The two cases in Tribal Court had been dismissed and the decision talked about tribal government and the ability to function without a lawsuit. He read a portion of Boice versus Washoe Tribe, “We conclude that the tribe, no less than the state, must be free of unwanted interference in the process of government. The tribal governments cannot be subject to, and controlled by judicial tribunals, without their consent. We will not find a waiver of tribal sovereign immunity in order to permit a suit for damages by a tribal employee even if the result is to leave the employee/plaintiff without a remedy. Tribal government or the Congress may waive the tribe’s sovereign immunity to suit but it is not the place of the courts to create the waiver. We hold that the Washoe Tribe may not be subjected to suit for damages based on the sovereign immunity of the tribe.” It is important for the people to understand the Tribe is doing the best they can.

The 2008 election challenge was also dismissed. Chairman Wright stated the 9th Circuit Court of Appeals was also dismissed. This was the High Desert Recreation lawsuit.

VICE CHAIRMAN REPORT –

Clayton Servilican: Vice Chairman Servilican stated he has one action item regarding the car auction monies. He thought the Tribal Council had already decided to give the money to the Emergency Response program and he had asked the Secretary to see if the Council had approved that request but she was unable to locate any approvals. Councilmember Christensen said when the auction was first discussed she thought the Maintenance Department should receive the funds that were raised. Vice Chairman Servilican stated approximately \$2,800 was raised. Councilmember Mendes made a motion to split the car auction revenue between Emergency Response and the Maintenance Department. The motion was seconded by Councilmember Christensen. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

Josh Davis (in the audience) reported to the Tribal Council that one of the Tribal vehicles had broken down during a field trip with the children from the Day Care center. Councilmember Mendes stated it was the JOM van which had been recently serviced. The decision to take groups of children on field trips should be reconsidered. Vice Chairman Servilican said he had been contacted by the director and he was informed everything had been taken care of.

Vice Chairman Servilican said the community center working group met and decided to pursue a new building for the community center and to not use the Nevaco building.

Councilmember John stated the vehicle problem has been identified and something needs to be done. Chairman Wright stated some programs have a repairs and maintenance line item for their own department vehicles. She asked about the Tribal vehicles and which vehicles are old. Della John stated it would be the JOM van. Councilmember Mendes stated the programs that provide services to children are usually under-funded. She suggested that those programs be limited to travel on the reservation and for off-reservation travel, they could rent a van. Della stated that she did have concerns with that field trip and she did contact the Tribe’s insurance risk management department, but they had approved the trip. She will be contacting the insurance company again. Councilmember Christensen suggested that the vehicle should be a priority during the budget process.

Councilmember Davis asked about the emergency response coordinator position that is currently being advertised and if the position will only be hired until September. Robbin explained that she did a budget modification on the program budget and was able to move money into the salary line item which should last until October. Terry Bohl stated that notification on the EMPG funding should be received in October but the Tribe won’t receive the funding until

January or February. Councilmember Mendes clarified that the position is still going to be posted and the Secretary stated that Terry Bohl had resigned from the position. Councilmember Davis again asked why the position is being posted for a position that will only be for 30 days. Robbin stated she was not prepared for this question and she would like to get the paperwork together to show where the funding stands. Chairman Wright stated the personnel requisition was done and the position was posted and at this point, it is being suggested that we will only be hiring for one month then the position could be pulled. He will analyze the budget again on Monday. The Council doesn’t have the information available and Robbin suggested getting the information by the meeting on the 27th. Chairman Wright stated he will be reviewing this on Monday.

ADJOURNMENT

A motion was made by Councilmember Frazier and seconded by Vice Chairman Servilican to adjourn the meeting. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

The meeting adjourned at 10:25 p.m.

Submitted by,

/s/ Gina Wadsworth, 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 2nd day of OCTOBER, 2009, having 8 members present, constituting a quorum, by the vote of 6 for and 0 against, with 1 abstentions.

Minutes attested and concurred by:

/s/ Mervin Wright, Jr., Tribal Chairman,
Pyramid Lake Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL REGULAR MEETING MINUTES September 3, 2009

Members Present:

Mervin Wright, Jr., Tribal Chairman

Clayton Servilican, Vice Chairman

Lela Christensen

Judith Davis

Johnnie Garcia

Elwood Lowery

Sherry Ely Mendes

Irwin Mix

Gordon Frazier

Genevieve John

Members Absent:

Sherry Ely Mendes

CALL TO ORDER

Mervin Wright, Jr., Tribal Chairman, called the September 3, 2009 regular meeting of the Pyramid Lake Tribal Council to order at 7:00 p.m. in the Tribal Chambers, Nixon, Nevada.

ROLL CALL

Gina Wadsworth, Tribal Secretary, took roll. Councilmember Sherry Ely Mendes was not present at the meeting. All other Council members were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Chairman Wright stated to include the following two requests under New Business: Sierra Youth Football League and Sheri Hunter. Christine Juarez stated she would like to talk about the water in Sutcliffe and Chairman Wright stated she could make her statements under Public Comment. Della John, Tribal Administrator, stated she did not receive the information that had been previously requested and would like to remove the fishing regulations amendments. Councilmember Davis asked for a follow-up on discussion regarding temporary food stands. Councilmember

(Continued on page 15)

(Continued from page 14)

Frazier made a motion to approve the meeting agenda with the changes. The motion was seconded by Councilmember Davis. Votes were 8 for and none opposed, with no abstentions. **Motion carried.**

PUBLIC COMMENT

Christine Juarez stated her concerns with the water in the Sutcliffe area. She also had three bottles of water to show the Council. She has lived in Sutcliffe for 16 years and the Tribe has continuously said they would do something about the water. Chairman Wright asked how often the water is tested and John Mosley said it is tested quarterly. Councilmember Mix asked how often the system is drained or flushed out and John stated the well is drained once every year. Councilmember Mix said it should be done more often and John said he didn't know if it would make a difference. Christine said this needs to be fixed. Councilmember Christensen asked the status of the grant and John said if there is available funding and if we qualified it may be by 2011 if all goes well. Councilmember Mix asked if a study had been done to install a pipeline from Nixon to Sutcliffe. In the long run it may be better to have the pipeline. John said the Tribe would need to have a lot of money to do that because the federal government won't pay for a pipeline.

Councilmember John asked if this item could be included on the agenda to discuss a plan. Chairman Wright stated this item can be included under Unfinished Business.

Christine also talked about the Health Clinic and the need for a pediatrician. Councilmember Mix said the Health Board did recommend a pediatrician be hired and they would locate funding and the pediatrician will be hired in the near future.

Norman Clark stated he applied for two jobs with the Tribe; one at the Pyramid Lake Housing Authority and one for the facilities manager. He stated he meets the requirements but received a letter from Human Resources that stated he was not selected and was not offered an interview. Councilmember Christensen asked what the pre-selection process is and Chairman Wright said the supervisor does the pre-screening of the applicants. He does not know what happened in this situation. Councilmember Christensen said the Council has to know how the applications were screened and what criteria were used.

CONSENT AGENDA

There are two Tribal Council meeting minutes on the Consent Agenda: August 7, 2009 and August 19, 2009. Vice Chairman Servilican made a motion to approve the Consent Agenda. The motion was seconded by Councilmember Davis. Votes were 6 for and none opposed, with 2 abstentions. **Motion carried.**

ENROLLMENT –

Carol Smith: Carol Smith, Enrollment Officer, had several items for Tribal Council consideration.

Approval of Three (3) Applications for Regular Membership: The Enrollment Committee is recommending approval of three applications for regular membership. Councilmember John made a motion to approve the Enrollment Committee's recommendation for approval of three applications for regular membership. The motion was seconded by Councilmember Mix. Votes were 8 for and none opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 87-09**

One (1) Application for Regular Membership/Membership Only: The Enrollment Committee is recommending approval of one application for regular membership/membership only. Councilmember John made a motion to approve the Enrollment Committee's recommendation on this application for regular membership/membership only. The motion was seconded by Councilmember Mix. Votes were 8 for and none opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 88-09**

Chairman Wright then read the names of the newly approved members: Lena Singing geh Blindman,

Baby Boy Doe #1, Ariel Amber Torivio, and Chelsie Lynn Eben.

Acknowledgement of Conditional Relinquishment: Carol stated the applicant has already been accepted by the other Tribe. Councilmember Christensen made a motion to accept the Enrollment Committee's recommendation for acknowledgement of the conditional relinquishment. The motion was seconded by Councilmember Davis. Votes were 8 for and none opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 89-09**

Carol gave an enrollment update stating there are 2,801 members, less 347 deceased, for a total of 2,454 living members.

UNFINISHED BUSINESS

Temporary Food Stands: Councilmember Davis asked that this item be included on the agenda as a follow-up from the discussion at the August 27, 2009 meeting. There was a question if the Tax Administration was asking for food handlers cards for temporary food license and the Tax Administrator had stated it was mandatory and part of a resolution that was approved by the Tribal Council. The Tax Administrator was asked who would be doing the inspecting and she replied that the Tax Department would be doing that. Councilmember Davis said she asked for a copy of the resolution that was approved along with the minutes of August 17, 2007. In the discussion of the approval of the temporary food stands, the minutes stated that the criteria belonged to IHS and the Council discussed it. Her question is where the Tax Administrator gets her authority to start regulating when that isn't what the Council approved. Chairman Wright stated the Council would enact the policy or rule and in this instance it would be the criteria that would be followed. It was about four years ago when a lot of the food stands popped up along the highway and accusations of spoiled food were being made. The Tribe was contacted to check on people to see how food was being handled and IHS had been contacted about how food is to be handled or managed. Over time the Tribe looked at establishing criteria. When there are ordinances or policies in place there is an enforcement mechanism. The Tax Department issues the temporary seller permit and they assume the authority to regulate the criteria. Councilmember Davis said it was her understanding that the Tax Administrator had said she did not have the authority or the knowledge to be a food inspector and was only making sure that only Tribal members could sell. She would like to know where it changed from 2007 to two weeks ago and who made the authority change. She asked Chairman Wright to read the August 17, 2007 minutes.

Approval of Basic Criteria for Temporary Food Stands: Della said food handler cards were discussed during Appropriations. She said she received a copy of basic criteria for food handlers from the Indian Health Services. There is a section for temporary water use from community systems for those people who wanted to hold car washes. Currently there are no basic standards to follow. The county does the same kind of training, but people are charged a fee. The criteria were posted for comments and classes were scheduled. There were 21 signed up for the Tuesday class and 38 attended and took the test and all passed. There are 16 people scheduled for the Saturday class. Councilmember Mendes asked if a person wanted to hold a taco sale, would that person need a card and Della said as long as one person has the card, there can be up to 6 people under that one card. Councilmember Janet Davis asked if we are going to offer periodic training. Della said once a person has a card, it's good for two years. If a person misses a training, they can go to the county, but they will be charged. Training is also provided by Indian Health Service. Councilmember Mendes asked if this is a suggested rule or will somebody be fined. Della said there is nothing in place to do that. We are only encouraging people to get this training. Jolyne asked who will be doing the monitoring and who would be collecting the fee. Della said there is

nothing in there that punishes a person. Councilmember Mendes said that it should state that it is recommended that each food stand may show proof. When something like this is written, it appears to be regulatory. Councilmember Judith Davis said she spoke with Gina Pahona of Indian Health Services about the criteria. Gina told her that the criteria was a sample sent to the Tribe. She said any time there was a food stand, she would be conducting the inspection. Chairman Wright clarified the changes are to change "must" to read "may" and also under number 9, change "must" to "should" and as we move forward with the criteria, it could be amended. Chairman Wright asked if there were any action on the criteria. There was no action taken by the Tribal Council."

Chairman Wright stated that if someone has a food handler's permit, the operation of the food stand is okay. Councilmember Davis said she understands that but in reading the minutes, the Tribe is not regulating those and the Tax Administrator is only supposed to be making sure the individuals are Tribal members. At the last meeting the Tax Administrator stated she would be doing the inspections. She wanted to clarify that the Tax Administrator does not have that authority and if she does, she doesn't know who gave her that authority.

Sutcliffe Water: Councilmember Christensen asked about status of the grant. John Mosley, Environmental Director, said the funding cycle for the IHS sanitary deficiencies is now underway and it is estimated that the Tribe would not be funded considering the funding levels and the amount of need that is on their list. The list comprises Arizona, Nevada and California tribes. Although our circumstances are dire, they are overwhelmed by the Arizona tribes and they have top priority because a lot of the tribes don't have water in the homes. Chairman Wright said part of the problem we have in Nevada with IHS is the funding because there is such a disparity in the distribution of the funding. Christine said she understands that but it has been 16 years.

Councilmember Lowery said for the kids that are drinking it, they may have trouble in the future. Christine said there needs to be a plan. He stated that he believes the well is in the wrong location. John said based on a feasibility study, of the 21 wells that were sampled, none of the wells had the capacity to supply the whole community. Individuals could tap into their own well source but there wouldn't be enough. Chairman Wright said the capacity of the well at Hard Scrabble Creek was not enough. John said an option could be to use a point of source system but this would be a major undertaking and a lot of staff with plumbing experience would be needed. The cost would be around \$150/unit. This could be a feasible interim fix. A reverse osmosis system could be used. Councilmember John asked if the Environmental Department and Housing Authority and IHS could develop a plan and report back at the meeting on the September 18th. Vice Chairman Servilican asked the cost of installing a pipeline from Cold Springs to Sutcliffe versus the filtration. John replied that in 2006 the cost for pipe would be approximately \$3 million. Chairman Wright said there is another well located at Monument Rock and for 13 miles of pipe the cost would be an estimated \$8 million. John said there is another opportunity through the EPA Clean Drinking Water grant which is recommended for this funding cycle and he will be applying for the grant. Councilmember Mix asked about the infrastructure money and perhaps that funding could be used for the Sutcliffe system.

Councilmember John made a motion that a plan be developed for the Sutcliffe water system in conjunction with the Environmental Department, Pyramid Lake Housing Authority and the IHS and come back to the Tribal Council at the September 18th meeting. The motion was seconded by Councilmember Davis. Votes were 8 for and none opposed, with no abstentions. **Motion carried.**

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*(Continued from page 15)***NEW BUSINESS****Pyramid Lake Suicide Prevention Task Force**

– Kim DesRoche & Cassandra Darrough: Cassandra Darrough present for the Walk in Memory Walk for Hope. The Task Force is committed to the establishment of a suicide-safer community because they believe the loss of one community member to suicide is one too many. The Task Force consists of Yvonne Allen, Gina Pahona, Veronica Gephart, Ima Scott, Della John, different community members and herself, Cassandra Darrough. Cassandra stated she has just recently been appointed as the Tribal Youth Prevention Coordinator for the State of Nevada. They have conducted training and worked with the communities of Hungry Valley, Reno-Sparks, Fallon, Fernley, and Wadsworth to address the issue of life preservation for the youth. Cassandra said she has been a suicide intervention/care giver for the last four years. The Task Force is coordinating and cooperating with the State and the Nevada Coalition for Suicide Prevention on the Walk in Memory Walk for Hope in Nixon. The walk will be a safe place, a gathering and a reconnection of our people to honor the memory of the people that ended their life. She has incorporated the round dance into the walk. At the beginning of the walk they will dance with the flowers and sage to honor the memory. They will then take a short walk to the River to release the flowers and sage. Cassandra said the Tribe has been recognized on a national level as a model community for suicide prevention. She would like to invite everyone to speak of it and to spread the word.

ITCN Annual Convention Donation Request:

Chairman Wright stated the Inter-Tribal Council of Nevada will be having the annual convention on November 16-19, 2009 at the Circus Circus and the raffle committee is requesting a donated item or cash donation. Councilmember Christensen made a motion to donate the group rate of \$100. The motion was seconded by Vice Chairman Servilican. Votes were 8 for and none opposed, with no abstentions. **Motion carried.**

Wildcat Fire Rehabilitation – Bureau of Indian Affairs:

Chairman Wright clarified with John Mosley that the resolution goes with the presentation and John replied yes.

Chris English of the Bureau of Indian Affairs distributed copies of photos that were taken of the Wildcat fire and the rehabilitation efforts. The fire began on August 1, 2009 and there were firefighting resources until August 5. Matt Spaulding with the Western Nevada Agency recognized the value of the resources in that location and he called the Western Regional Office of the BIA and requested the Burn Area Emergency Response team. This team evaluates damaged resources and makes recommendations. The fire encompassed 2,665 acres. The team evaluated how the burn occurred and measured how severely the soil was burned. They found soil temperatures at above 1,100 degrees and about 85% of the area was burned highly to moderate. The team made five recommendations that directly affect the land. There is a huge amount of horse damage in the area. There is an antelope population that moves in and out of the area. During the first evaluation, 256 horses were counted.

The first recommendation is to remove the horses from the Lake range. The proposal would be under a 638 contract. The initial discussion was to construct a fence to keep the horses out of the canyon. The area will be reseeded with a mixture of wheat grass, native grass, and a Siberian crusted wheat that is drought resistant and a plant with a high forage value and one that is resistant to grazing. The total amount of money is approximately \$652,000. The plan has to be approved by the approving officials for fire rehabilitation activities within the Department of Interior. Councilmember Christensen asked if the Tribe does not receive the funding who would be able to assist. Chris asked John Mosley if the NRCS would be to assist and John replied yes.

Councilmember Christensen asked what the

plan is to get it done and who will be heading the project; one component will be a Tribal effort and the Western Nevada Agency is looking at the re-seeding aspect. The contracting office in Phoenix said they may be able to get the two contracts completed. A decision may be received in ten days.

Councilmember John stated that the Now Therefore Be It Resolved doesn't really convey what they want the Tribe to do. Grammatical changes were suggested which will be incorporated into the resolution.

Councilmember Mix made a motion to approve the resolution for the stabilization plan for the Wildcat fire area. The motion was seconded by Councilmember Christensen.

Discussion: There was a question of whether this will come back to the Tribal Council for the 638 contract and Chairman Wright said the application would come back to the Tribe. Councilmember Christensen said the calculations will have to be reviewed because they are not adding up.

Votes on the motion to approve the resolution for the stabilization plan were 8 for and none opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 90-09**

Sierra Youth Football League: A donation request was received from Damien Figueroa for the Sierra Youth Football League. Councilmember John made a motion to donate the individual rate of \$50 to the Sierra Youth Football League. The motion was seconded by Councilmember Mix. Votes were 8 for and none opposed, with no abstentions. **Motion carried.**

Sheri Hunter Request: Sheri Hunter submitted a request for a donation to assist her with fees associated with costs for testing for the Nevada Certified Public Accountant exam. Councilmember Davis made a motion to donate the individual rate of \$50 to Sheri Hunter. The motion was seconded by Councilmember John. Votes were 8 for and none opposed, with no abstentions. **Motion carried.**

COMMITTEE/DEPARTMENT ACTION REQUIRED**Approval of Resolution for Grant Submittal** –

Contracts & Grants: Phoebe Brow, Social Services Director, presented the resolution for Tribal Council consideration. There is a HUD grant available to fund salary and fringe benefits for a service coordinator position that will work with residents for self sufficiency. There is a 25% match and the grant will accept an in-service match and the 638 contract could be used for the match. Councilmember John asked how this ties in with the Pyramid Lake Housing Authority resident services officer. Phoebe said she understands that the grant notice was sent to different departments and Christine John, Housing Director, indicated she is not interested in the grant. Della John, Tribal Administrator, said it is a 447 grant program. The position could help tenants locate other resources with different things such as GED. Councilmember Davis said the position could provide in-home care for elders and the PLHA does not do this. Councilmember John said when grant proposals are submitted, the Council should be provided with the budget and any type of salaries of the positions that are being proposed.

Councilmember John made a motion to approve the resolution for grant submittal; however, in the future, that the Tribal Council receives the budget and any job descriptions for future grant submittals since it is policy. The motion was seconded by Councilmember Christensen. Votes were 8 for and none opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 91-09**

TRIBAL CHAIRMAN REPORT –

Mervin Wright, Jr.: Chairman Wright reported that the Tribal Council approved the 2008 audit at the meeting on August 27th and we are currently working to get the IDC rate proposal completed. Councilmember John asked for the final copy of the audit. He stated that getting the three audits and four indirect cost rate proposals completed in one year is an

amazing accomplishment. With regard to the audits, we are completely caught up. With the improved financial status we hope to establish better leverage with the bank including an opportunity to have a basis for financing. Once we get the enterprises included with this year's audit, hopefully we can get a credit line for the stores. The proposed code of ethics has been posted and he couldn't recall if the Appropriations Committee and Inter-disciplinary Team were included but they are not appointed or elected and are governed by the personnel policy. This will be addressed. Councilmember John said they should be included since they deal with the Tribe's finances. He said it will have to be defined on how they will be handled. He is almost complete with the pros and cons for the proposed Constitutional amendments.

The meeting at the White House was called by the Domestic Policy Council who institutes Presidential Executive Orders to facilitate implementing federal agency responsibilities in communicating with Indian tribes. The meeting focused on Executive Order 13175 enacted by former-President Clinton. For the last eight years the government has failed to uphold trust responsibility. It was important for the White House staff to hear that the federal trust responsibility has been neglected and that the federal government has failed to enforce agencies to follow that trust doctrine. Conducting the meeting were Kimberly Teehee, Senior Policy Advisor for Native American Affairs and is on the White House Domestic Policy Council, Yvette Roubideaux, Director of IHS and Larry Echohawk, Assistant Secretary for Indian Affairs. They are looking to revise Executive Order 13175 and a follow-up will be done with the tribes.

He did meet with John Hay of the National Indian Gaming Commission and they discussed the 60% net revenue status and the proposed negotiation with Crosby Lodge. Basically, they are trying to determine how to regulate gaming on the reservation. He did meet with Mike Conner of the Bureau of Reclamation. They did have a conference call with the water team and focusing on the Newlands Reclamation Project and the failures that have occurred with the Canal, indictments, and their inability to support TROA. Mr. Conner was aware of all that has happened. Don Glazier, the Regional Director, was also there and he mentioned they would be initiating a study on the future of the Newlands Project. We are hoping to get information on how that is going to be done. He did invite Mr. Conner to visit Pyramid Lake.

Chairman Wright said he also met with the National Park Service regarding the NAGPRA Review Committee to discuss the roles and responsibilities of the committee members. They gave updates on the database and with the new Administration, there is hope that more repatriation activities are going to happen. The next review committee meeting is scheduled for October 30 and 31 in Sarasota, Florida and expenses will be paid.

A memo regarding the hay land lease with Ralph Dunn was distributed to the Tribal Council. The lease is currently expired and Ralph wants to renew the lease under the same terms. He did speak with Ralph about this and the Tribe is responsible for water delivery. The Tribe has to improve and increase efforts to improve the delivery system on the Herman Ditch and the diversions. The Tribe did apply for stimulus funding through the USDA but it was denied. He talked to Ralph about working with the USDA with the EQIP program. Because of the lack of irrigation, especially Depaoli North, the willows have dried as did the roses along the highway and there is a lot of white top in that area. Ralph is interested in subleasing the area for cattle which would be good for the control of the white top. This would be a 15-month lease until December 2010 and he is hoping that the Tribe would be able to provide the water delivery and positive and constructive support. John Jackson had reported that if the Tribe was to rehabilitate the ditch from the original turnout in the River would cost about \$8-10 million.

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(Continued from page 16)

The lease is not before the Council but wanted to give the Council the principles of the lease.

Councilmember Christensen said clarified that there is no current lease with Ralph and Chairman Wright replied right and John Guerrero's lease terminates in 2010. She asked if Ralph is still cutting and Ralph said yes because he has an extension for 2 years, but he would like to have it official. They are receiving a little bit of water and the stack on the south side contains about 19 loads but it is all white top and weeds. Every year production is getting worse. He thought that grazing it year-round with minimal animals would keep the white top and willows down until the delivery system is repaired. He doesn't want to replant it right now with a year-to-year lease and with the investments he has made, he doesn't want to throw it all away. He told Chairman Wright that he would agree to pay \$2,000 per year because he is making a little bit off of the land.

Councilmember Christensen asked if John Jackson has a plan for the ditch and Chairman Wright replied that he is sure there is a plan. She said the Tribe has to have a plan for the ditch before the lease is considered so there is an estimate of how it is going to be repaired. Chairman Wright said the extension would address the grazing portion. This will allow the Tribe some time to address the ditch issue.

John Guerrero said he has already put in \$98,000 and is ready to re-seed, new head gates were installed and his lease is coming up. He came to Water Resources for help and administration is saying they can't deliver water because it isn't in the lease. He doesn't want to lose the place because of his investment and needs help. Chairman Wright said water delivery is not specified in the lease but doesn't know who is saying we can't deliver the water. That doesn't mean we are not responsible. He explained those lands have decreed water rights and right now we are using Claims 1 and 2 on the reservation including the acreage on Proctor and Olinghouse 1 and 3. Claim 1, as it was written into the decree, was for the Indian Ditch but because of the nature of the acquired lands in Wadsworth in 1951 on Hill Ranch Road, those decreed water rights became part of the River system. Claim 1 is being used on all reservation land and there is no question that those water rights that used to be associated with Herman Ditch were sold to the power company before it was sold to the Tribe. Whoever is saying we can't deliver the water because it is not in the lease, he doesn't support that. He said he did discuss including that in the renewed leases to assure that the lessors have the support for productivity of the lands.

Ralph stated there is another concern with regard to hunters that travel into that area. The hunters drive through there and they use high-powered rifles. The trailer park is in the area and if the hunters are not careful, there could be an accident. The rangers were informed. Chairman Wright stated there are laws about congested areas and he did inform the Tribal Police about it also. John Guerrero stated wood cutters have also been going through the area without permission. Councilmember John suggested publishing an article in the newspaper informing Tribal members about getting permission to cross a land assignment or go around the assignment.

Chairman Wright said on emergency response, he did speak with the captain today about the program and he also spoke with several of the volunteers. The immediate need is for training, fuel, supplies, and vehicle repairs. The captain suggested meeting with the active volunteers to establish priorities with the funding. He said younger people are expressing interest but the one issue is training and certification. Sutcliffe is trying to reorganize and they have three active volunteers and are working to get the station up and running. Wadsworth has reorganization efforts going on. It was reported that the Nixon team usually responds to calls in Sutcliffe and Wadsworth.

He talked with Clayton about the insured drivers list and for some reason none of the volunteers are

listed. Josh Davis said they did submit the forms throughout the years and the papers are lost at the administration level. A lot of the volunteers are upset. A couple of the vehicles aren't registered properly. Personally, he will not be responding to any calls if he is not insured.

Councilmember John said it is crucial that the volunteers are provided the workers comp coverage. She asked who is responsible for the coordination of the drivers list and Chairman Wright stated it is under the Vice Chairman. It was stated that the insurance issues should not be overseen by an elected position but it should be managed by someone in Tribal Administration.

The Tribal Council directed that the management of the insurance be done by the Tribal Administrator.

VICE CHAIRMAN REPORT –

Clayton Servilican: Vice Chairman Servilican distributed the correct copy of his report. He informed the Tribal Council that he has been working on the assisted living center and he did meet with the seniors which went well. Scott Carey will be holding meetings on the economic development plan. He attended the IDT meeting and met with the Ruby Pipeline representatives who would like to meet with the Tribal Council. He asked the Tribal Council if they would like to schedule a meeting to talk about the different issues. He said he doesn't know if the Council wants to do this but he would like to know. There was no response to the suggestion.

ADJOURNMENT

A motion was made by Councilmember Frazier and seconded by Councilmember John to adjourn the meeting. Votes were 7 for and none opposed, with no abstentions (Councilmember Davis was out of the room during the vote). **Motion carried.**

The meeting adjourned at 10:25 p.m.

Submitted by,
/s/ Gina Wadsworth, 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 2nd day of OCTOBER, 2009, having 8 members present, constituting a quorum, by the vote of 6 for and 0 against, with 1 abstentions.

Minutes attested and concurred by:
/s/ Mervin Wright, Jr., Tribal Chairman,
Pyramid Lake Tribal Council
/
/

PYRAMID LAKE PAIUTE TRIBAL COUNCIL SPECIAL MEETING MINUTES September 18, 2009

Members Present:

Mervin Wright, Jr., Tribal Chairman	
Clayton Servilican, Vice Chairman	
Lela Christensen	Judith Davis
Johnnie Garcia	Elwood Lowery
Sherry Ely Mendes	Irwin Mix
Gordon Frazier	Genevieve John

CALL TO ORDER

Mervin Wright, Jr., Tribal Chairman, called the September 18, 2009 special meeting of the Pyramid Lake Tribal Council to order at 6:30 p.m. in the Tribal Chambers, Nixon, Nevada.

ROLL CALL

Gina Wadsworth, Tribal Secretary, took roll. Councilmember Irwin Mix arrived at 6:35 and Council Member Sherry Ely Mendes arrived during the Megaflorea Tree Presentation. All other Council members were present.

APPROVAL OF AGENDA

Chairman Wright stated Enrollment is requesting to be placed on the agenda and can be included under New Business as item #3. Duane Wasson submitted an agenda request form and Chairman Wright asked Duane if this was regarding any of the items that are currently on the agenda. Duane replied yes, it would be under Unfinished Business. Steven Wadsworth of the Pyramid Lake Health Clinic would like to be included under Committee/Department Action Required. Chairman Wright stated the Pyramid Lake High School has a request for a donation and can be included under New Business as item #4.

Councilmember Davis made a motion to approve the agenda as amended. The motion was seconded by Councilmember Christensen. Votes were 7 for and none opposed, with no abstentions. **Motion carried.**

PUBLIC COMMENT

There were no comments made at this time.

CONSENT AGENDA

There are three items on the Consent Agenda: Wes Williams, Jr. August 2009 report and invoice; Foster home regulations and resolution; and seller permit for Hokey Spokes, Carole and Richard Barnes. Councilmember Davis would like to have the foster home regulations removed from the Consent Agenda. Councilmember Mix stated he would like to have Wes Williams report removed. Chairman Wright stated this leaves the one item remaining on the Consent Agenda. Councilmember Davis made a motion to approve the Consent Agenda with the one item. The motion was seconded by Vice Chairman Servilican. Votes were 8 for and none opposed, with no abstentions. **Motion carried.**

Wes Williams Invoice: Councilmember Mix stated the Council never hears a response or solution for any of the items that Wes has reviewed. He would like to see any of the solutions in writing and get back to the Tribal Council. Councilmember Mix then made a motion to table Wes Williams, Jr.'s invoice for August 2009. The motion was seconded by Councilmember Garcia. Votes were 8 for and none opposed, with no abstentions. **Motion carried.**

Foster Home Regulations: Councilmember Davis said in reading the comments from Wes Williams, some of the comments and the language in the regulations could remain the same or could be changed to reflect the Tribe. Phoebe Brow, Social Services Director, said she would agree with changing some of the items, including the title but the changes have not been done yet. She had been out of the office and did not have the time to make the changes. Councilmember Davis made a motion to table the regulations until changes are done. The motion was seconded by Councilmember John. Votes were 8 for and none opposed, with no abstentions. **Motion carried.**

PRESENTATIONS

Sacred Visions Pow-wow Committee: Darrell Garcia, Karen Williams and the Sacred Visions pow-wow royalty were here on behalf of the pow-wow committee. The committee is currently planning for next year's pow-wow and expressed their gratitude to the Council and the community. They presented pictures and certificates of appreciation to the Tribal Council.

Megaflora Tree and Full Circle Energy Presentations: Vice Chairman Servilican introduced Brian Thomas who in turn introduced Manuel and Ernie and Michelle Valdez from Central Valley, California. Full Circle Energy designed a plant to burn solid waste including household trash. They would like to build a plant on a reservation and Mr. Thomas said he did think of Pyramid Lake. He did meet with Councilmembers Lowery, Frazier, and Garcia along with Vice Chairman Servilican.

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The name of their company is Kajavic Industries which is an alternative energy company that develops a fuel cell generator utilizing fuel cell technology coupled with other technology and air to create power. They expanded into other industries and have been very selective with who they work with. A Power Point presentation was then shown.

Raising the Megaflora Tree starts with the purchase of high quality saplings that have been cultivated in a specialty greenhouse environment. The tree will need sufficient water in the first 12 months of planting to ensure that there is mature root and tree development. Once the tap root has located the water table, the tree will only need approximately ½ acre foot per year. The tree can grow in elevations of up to 3,600 feet and can be harvested in approximately 3-4 years for biomass depending on various factors such as weather, soil and water conditions. The Megaflora tree is fast growing and considered to be one of the fastest growing trees in the world. Once the trees are harvested, they will regenerate from the remaining stump. The seeds from the trees are sterile; the tree is a hybrid and is a non-invasive product. The Megaflora also produces a bloom that is good for honey production. Root farming is the current revenue stream along with honey production and lumber.

A presentation was then given on Full Circle Energy. This process involves several phases for a safe, clean and efficient conversion of waste and/or coal into electricity or high octane ethanol. The first phase is the process of raw waste material or coal into solid fuel blocks. Phase two is the conversion of these solid fuel blocks into a clean fuel gas called synthesis gas or syngas. Phase three is the extraction of heat energy from several points from within the system for the production of steam. Four is the utilization of syngas and steam in a combined cycle system with gas and steam turbines for the production of electrical power or the syngas can be refined into a high octane ethanol. Phase five is the safe treatment of the gas turbine exhaust to ensure no pollutants enter the atmosphere.

Chairman Wright stated the group will be invited back to meet with the Interdisciplinary Team to continue the discussion.

Finance Department: Chairman Wright stated this item can be removed from the agenda. Councilmember Mix asked if the Tribe is switching plans. Chairman Wright said it could be because of the investment service that is being provided. Councilmember John asked if a bid had been put out for this. Chairman Wright said this has been an ongoing process with Human Resources and the Finance Department. Councilmember John said the Tribal Council should have been made aware of this because the decision rests here and the Council could possibly provide direction. Councilmember Davis said she would like to see the employees' input on this. Councilmember John asked who reviewed the firms to make the selection and Chairman Wright said he didn't believe a selection had been made. She said the Tribal Council should have been made aware of this if there are problems.

UNFINISHED BUSINESS

Sutcliffe Water – John Mosley: Chairman Wright said the Council had directed the Environmental Program, Housing Authority and Indian Health Services to meet and develop a plan for the Sutcliffe community. There are three options resulting from the meeting.

John Mosley, Environmental Director, said it is a difficult area and he is presenting the three most viable options that could be done and that are low in cost. The feasibility study was good however there was a drawback in that the proposed options are not feasible. The \$2 million pipeline was proposed, but the IHS would not accept it as an alternative. Chairman Wright said the feasibility study was complete in 2005 but the Tribe didn't move on the alternatives and the IHS con-

tinued its process in developing the alternatives. When it came to discussing the alternatives, their focus was on the treatment plant as being the most viable option. John said he would be submitting a grant to the EPA for the Tribal Drinking Water Set Aside program in November. He did speak with the EPA staff and they will be putting a high priority on arsenic treatment plants which would help us out.

Councilmember Christensen asked about the time frame for IHS to install the treatment plant and John said it would be about one year and they would work with the EPA. EPA has an interest in this as the enforcement agency and also as the funding agency. John said in his consultation with the IHS, they said they could put it on their SDS list and the Tribe could be potentially funded through that. Their recent update is that it may not be funded because there are too many projects on the list that have a higher priority. Councilmember Mendes asked who the Tribe could talk to about that because the IHS is supposed to be looking at the health of native communities. She asked if the Tribe has to meet with the IHS representatives to inform them that this is at a critical point and it needs to be taken care of. Perhaps a meeting could be scheduled with the Indian Health Service. John said the Tribe could have applied for funding when the feasibility came out in 2005, but whoever was in the Environmental Department at that time did not apply for the funding. Chairman Wright said the IHS had moved forward with what they thought was the best alternative.

Councilmember Mendes said there is clean water close by in the community and we should look at it for the long term. The Tribe has to look at the most efficient system for the long term and if we can't do that then we need to do the most viable option at this moment. John said this is a major concern and we have to push for the treatment plant. The feasibility study has already been done and he would need to get the concurrence from the Tribal Council. Another option is to find a financier and get it completed.

Chairman Wright said a meeting will be scheduled with the IHS and also the Safe Drinking Water division of EPA. John said he did talk with the EPA about interim solutions and they didn't have very many ideas. Councilmember Christensen asked about what is going to happen right now. John said he recommends the point of use system. She then asked how expensive it would be for the entire house and John said a whole house filtration system would be between \$3-5,000. The cost of this option would be cost prohibitive so he didn't list that as an option. The mandate was to treat the drinking water. Councilmember Christensen said the funding would have to come from the Tribe. Councilmember Mix asked if this would go under infrastructure and John said it could be considered capital improvement. Agreements will be needed from the homeowners so that the workers could go into the home at any time to service the equipment and it would have to be voluntary. Councilmember Christensen said since it is going to take time, the Tribe has to come up with the funding during the budget process and this will have to be a quick fix for right now.

Councilmember Christensen made a motion to approve the application for funding to EPA. The motion was seconded by Councilmember Mix. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

Duane Wasson & Members: Duane Wasson said he wanted to bring to the Council's attention about the water issue in Sutcliffe and he appreciates the time and effort for those people. He said the well at Mullen's Pass is located in the drainage area for the old mines in that area and wants to know if this is feasible to continue using it. The water tank is probably where the brown water is coming from.

Mitch Tobey said on September 8 he was running a food stand, garbage stand, and washing vehicles for which he had a permit and there were no regulations or rules on that. The Tribal cops, the Chairman and Environmental shut him down and they violated

his rights, personnel policy-wise. He would like to complete his investigation with no harassment and end with a result of having them removed from their positions. This will involve legal to make sure it is done right. He will write a letter to the EPA regarding this incident and will come back to the Council by next week. He is here to report it as a complaint.

NEW BUSINESS

Native American Fish & Wildlife Society Request: A request for a donation was received from the Native American Fish & Wildlife Society for their conference that will be held in Reno. The conference will be held October 19-22, 2009 at the Grand Sierra Resort. Councilmember Davis said the request will be presented to the Fisheries Board next week. Councilmember Christensen made a motion to donate the group rate. The motion was seconded by Councilmember Garcia. Votes were 8 for and 1 opposed, with no abstentions. **Motion carried.**

Councilmember Mix stated he voted no because of the way the Grand Sierra Resort treated a tribal member who tried to get change for the Pyramid Lake Store during Burning Man and the Grand Sierra Resort said no.

Just Rite Fishing – Jim Hartfiel: Jim Hartfiel was present to request renewal of his fishing charter and business license. Councilmember Mix stated if there were no complaints submitted, he will make a motion to approve the license renewal. The motion was seconded by Councilmember John. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

Enrollment – Carol Smith: Carol Smith, Enrollment Officer, said there was an emergency with one of the applications. The Enrollment Committee recommends approval of the one membership application and to expedite the application. Councilmember Christensen made a motion to accept the Enrollment Committee's recommendation for approval of the enrollment application. The motion was seconded by Councilmember Mix. Votes were 9 for and none opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 92-09**

Chairman Wright said the name of the approved applicant is Brylee Sue Harry-Glazier.

Pyramid Lake High School: A letter was submitted from the Pyramid Lake High School for a donation for the 30th Anniversary of the Pyramid Lake High School. Councilmember Davis made a motion to donate the group rate. The motion was seconded by Councilmember Mendes. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

COMMITTEE/DEPARTMENT ACTION REQUIRED

Schedule Interview for Facilities Manager: Chairman Wright stated the Human Resources Department would like to schedule interviews for the Facilities Manager position. Following a brief discussion Councilmember Davis made a motion to schedule the interviews for the October 2, 2009 Tribal Council meeting to begin at 6 p.m. The motion was seconded by Councilmember Garcia. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

Land & Resource Committee – Jolyne Sander: Jolyne Sander, Committee Chairman, stated the Committee discussed Norman Duncan's land assignment application and had tabled it for clarification on the acquired properties. The Committee would like to know if the Council is going to lift the moratorium that is currently in place. Chairman Wright said there is a lot to consider with that decision. When the moratorium was established there was a conflict or dispute that resulted from one assignment being granted. The Tribal Council has to list the possibilities of what could happen if the Council decides to lift the moratorium and what it would mean to the applicants. The possibility should be explored.

Jacqueline John-Mull: Jolyne said Jacqueline John-Mull submitted a land assignment application for

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10 acres on Hill Ranch Road in Wadsworth. The Committee is recommending approval. Councilmember Christensen made a motion to approve the recommendation for approval of a land assignment for Jacqueline John-Mull. The motion was seconded by Councilmember Davis. Votes were 9 for and none opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 93-09**

Norman Frazier: The Land & Resource Committee is recommending approval of Norman Frazier's land assignment application. Councilmember Davis said the application states 22 acres but on the attached letter dated July 18, 2009 it is excluding the two home sites. Does the 22 acres exclude the two home sites and Chairman Wright said he doesn't think it does. In considering the application, it could be stated in the motion that it is approving N-54, excluding two home sites. The area may have to be re-surveyed. It was clarified with Gordon that he would like Norman to have the entire land assignment including the two home sites. Councilmember Mendes made a motion to approve the recommendation for approval of Norman Frazier's land assignment application including the two home sites. The motion was seconded by Councilmember Davis. Votes were 8 for and none opposed, with 1 abstention. **Motion carried. PL 94-09**

Loretta Bonta: Jolyne stated the Committee is recommending approval of Loretta Bonta's land assignment application. Councilmember Davis made a motion to approve the recommendation for Loretta Bonta's land assignment application. The motion was seconded by Councilmember John. Votes were 8 for and none opposed, with no abstentions. **Motion carried. RESOLUTION NO. PL 95-09**

Schedule Workshop to Discuss Economic Development Plan – Scott Carey: Scott Carey, Tribal Planner, stated he would like to schedule a meeting with representatives from the Office of Special Trustee and the Bureau of Indian Affairs with the Tribal Council. At this meeting they will discuss the requirements of PL 101-618 and requirements to withdraw the settlement money. This is at the request of the federal government. This workshop will be about three hours, preferably in the evening. The Tribal Council discussed meeting dates and times. It was a consensus of the Tribal Council to schedule a workshop on October 20, 2009 at 6 p.m.

Parks & Recreation Committee Vacancies: Chairman Wright stated there are three vacancies on the Parks & Recreation Committee and there were two applicants who submitted their names for consideration. Councilmember Davis made a motion to appoint the two individuals and to repost the vacancy. The motion was seconded by Councilmember Christensen. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

Chairman Wright stated Leticia Burke and Jessica Quartz were appointed to the Parks & Recreation Committee.

Pyramid Lake Health Clinic – Steven Wadsworth: Steven Wadsworth was here to present a request on behalf of the Pyramid Lake Health Clinic. They are requesting approval to pay invoice 40-302-09-09 from the Indian Health Service in the amount of \$156,913.50. The invoice is for the dental buy-back for Dr. Bunk and Pam Spotted Wolf. Steven was asked if the Health Board had made a recommendation and he said the Board did not see the invoice. The Tribal Council recommends sending the invoice back to the Health Board for a recommendation. Councilmember Mendes made a motion to table action on the invoice. The motion was seconded by Councilmember John. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

TRIBAL CHAIRMAN REPORT –

Mervin Wright, Jr.: Chairman Wright stated he is requesting approval to attend The Effects of Climate Change on Ecosystems and Societies: A Focus on Native American and Hispanic Communities. This will

be held in Albuquerque on October 19th and expenses will be paid by the Desert Research Institute. Councilmember Davis made a motion to approve this travel. The motion was seconded by Councilmember Frazier. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

The next travel request is to attend the NAG-PRA Review Committee meeting that will be held in Sarasota, Florida on October 29-31. The expenses will be paid by the National Park Service. Councilmember Mendes made a motion to approve this travel. The motion was seconded by Councilmember Garcia. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

Ralph Dunn Lease: Chairman Wright stated the grazing lease with Ralph Dunn at the Depaoli property was distributed to the Tribal Council. He met with Ralph to discuss his plans and the Tribal Council was informed at the last meeting on what he wants to do. The lease will terminate on December 31, 2010. The primary purpose is for control of the infestation of invasive weeds and does not involve any cultivation. Councilmember John said the lease does mention cultivation and she would recommend removing it from the lease.

Councilmember Frazier made a motion to approve the lease with Ralph Dunn on the Depaoli property including the changes. The motion was seconded by Councilmember Mix.

Discussion: Councilmember John clarified that Ralph will not cultivate the property and Chairman Wright stated right, until Ralph considers it as a possible option at which time a new lease could be considered. This lease is restricted to grazing. John Guerrero stated he would like to be considered for the same type of lease for subleasing because Ralph is already sub-leasing the property. Chairman Wright stated to John that his lease is different. Councilmember Mix asked if Ralph could be here to answer any questions. He needs to be aware that subleasing is not allowable. Councilmember John said if it is determined that Ralph is subleasing, it would be a violation and 25 CFR will have to be followed.

Votes on the motion to approve the lease with Ralph Dunn on the Depaoli property including the changes was 6 for and 2 opposed, with 1 abstention. **Motion carried. RESOLUTION NO. PL 96-09**

Councilmember Mendes stated she abstained because she doesn't know that Ralph understands the subleasing portion.

Chairman Wright stated approval is needed for the Integrated Technologies & Consulting invoice regarding the hosting fees for online permit sales. The amount of the invoice is \$12,241.89. Councilmember Christensen made a motion to approve payment of the invoice to Integrated Technologies & Consulting in the amount of \$12,241.89. The motion was seconded by Councilmember Davis. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

The Tribal Council was informed that a letter was sent to Allen Anspach stating the Tribe would prefer a legal opinion regarding the interest and whether or not it is considered economic development. A copy of the letter had been distributed to the Tribal Council. If a policy decision is issued, it will subject them to possible litigation and conditions the Tribe to a policy. Scott Carey, Tribal Planner, stated that in the law it explicitly states that the principal cannot be used for per capita but there is nothing that definitely says the interest can be used for per capita and it qualifies for Tribal economic development. Basically, the Tribe has been under the assumption that it could be used. Chairman Wright said now it is being stated that it can't be used as per capita. We want to make sure that the Regional Office informs the Tribe of the opinion. The Western Nevada Agency requested the Tribe to send the letter to the Western Regional Office.

Chairman Wright distributed a map of N-53 that was done in 2001 and is focused on irrigable acreage. The 1967 plot map that contained the 11.8 acres with original resolution could be helpful for a conclu-

sion to the dispute. The land assignment that was applied for in 2005 is for 11.8 acres.

Councilmember John asked about a status on the Enterprises. Chairman Wright said the Burning Man did bring in a lot of revenue at the Nixon Store. A financial report has not been received yet and at the I-80 Smokeshop, the initial amount of revenue will be less than the Nixon Store. The primary reason is because of the fuel prices. There was a meeting at the Smokeshop which went well. Councilmember Mix suggested having a board to oversee the Smokeshop and the Nixon Store. Chairman Wright said that in 2001 an effort was brought before the Tribal Council for an enterprise board. This can be brought back to the Tribal Council. Councilmember Mendes said the board members should have some type of qualifications to serve on the board.

Scott Carey stated that in his public outreach, it has been discussed that the Tribe needs a separate corporation that is set aside from the 1938 Charter the Tribe currently operates under. The Tribe will have to separate and reorganize the enterprises where they would be governed by a business council similar to those at the Fallon Tribe and Reno-Sparks Colony. There is the Section 17 Corporation Program that allows reorganization of tribal enterprises through resolution. It would be governed by professional business people and a business council.

VICE CHAIRMAN REPORT –

Clayton Servilican: Vice Chairman Servilican said he received a proposal from a group for a feasibility study on the rest home and he did meet with them on Thursday. He stated the Roads Maintenance Department is requesting approval for the purchase of a sander. Three bids were received and Jordan's Trailer and Truck is being recommended. Chairman Wright said he did speak with Roy Dunn about the sander and the purchase has to be made. Jordan's Truck & Trailer bid is in the amount of \$16,165. Councilmember Davis said she thought this had been included with the truck that was purchased last year. Vice Chairman Servilican said no, they didn't have a sander available at the time. Councilmember Mix made a motion to approve the purchase of a sander from Jordan's Trailer & Truck in the amount of \$16,165. The motion was seconded by Councilmember Davis. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

ADJOURNMENT

A motion was made by Councilmember Mendes and seconded by Councilmember Garcia to adjourn the meeting. Votes were 9 for and none opposed, with no abstentions. **Motion carried.**

The meeting adjourned at 11:07 p.m.

Submitted by,
/s/ Gina Wadsworth, 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 2nd day of OCTOBER, 2009, having 8 members present, constituting a quorum, by the vote of 6 for and 0 against, with 1 abstentions.

Minutes attested and concurred by:
/s/ Mervin Wright, Jr., Tribal Chairman
Pyramid Lake Tribal Council
/
/



2009 Pyramid Lake Tribal Election

The 2009 Pyramid Lake Tribal Council Election shall consist of the following offices:

FOUR (4) COUNCIL MEMBERS ***2-year terms each***

Interested candidates for the above positions must submit their names in writing to the Tribal Secretary at the following address:

**Pyramid Lake Paiute Tribe
ATTN: Tribal Secretary
P.O. Box 256
Nixon, NV 89424**

DEADLINE FOR CANDIDACY:

FRIDAY – DECEMBER 11, 2009 at 4:30 p.m.

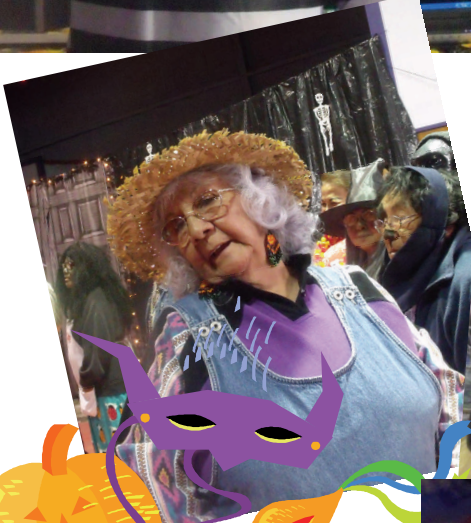
Candidates for office must be:

“A qualified voter of the Pyramid Lake Paiute Tribe who is twenty-five years of age or older and must have lived on the Pyramid Lake Reservation for not less than one year immediately preceding announcement of candidacy.”

**2009 ELECTION DAY
SATURDAY—DECEMBER 26th
6 a.m. to 6 p.m.
Nixon Gym, Nixon, NV**

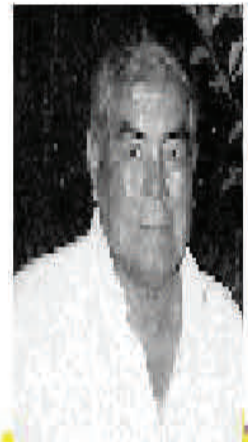
Thank You

To all the Numaga Senior Center staff and Pyramid Lake tribal staff who helped with the Annual Senior Fun Day-Halloween Party. A Special Thank to the PLHS Marching Band and the Wadsworth & Nixon Daycare and Headstart Centers



Thank you to all those helped out with the Halloween Carnival from the Sacred Visions Pow-Wow Committee.





5th Annual Chester Smith Sr. Memorial Basketball Tournament

November 20, 21, 22, 2009 Yerington, Nevada

GET YOUR FEES IN EARLY TO ASSURE YOUR TEAMS GETS IN!

ENTRY FEE DEADLINE: **NOVEMBER 2, 2009**

Mail to: CSM TOURNAMENT, P.O. BOX 719, YERINGTON, NV 89447



ADULT DIVISION(S)

WOMEN'S & MEN'S

ENTRY FEE: \$300

First 12 teams to pay fee will be entered in tourney.

"OVER 45" DIVISION

WOMEN'S & MEN'S

ENTRY FEE: \$200

First 4 teams to pay fee will be entered in tourney.

Special Award for this Tournament
MEMORIAL COACH'S AWARD



YOUTH DIVISION

1-3 Grade • 4-6 Grade
7 & 8 Grade

ENTRY FEE: \$150

First 8 coed teams to pay fee
will be entered in tourney.

AWARDS GIVEN FOR CHAMPIONSHIP
RUNNER-UP • THIRD PLACE
& CONSOLATION

MOST INSPIRATIONAL PLAYER
BEST TEAM PLAYER (MVP)--(BOY & GIRL)
ALL-STARS (BOYS & GIRLS)

TOURNAMENT RAFFLE
GREAT PRIZES!!
LOTS OF WINNERS!!!

CHAMPIONSHIP
RUNNER-UP • THIRD PLACE
CONSOLATION

"BEST TEAM PLAYER" (MVP)
MOST INSPIRATIONAL PLAYER
ALL-STARS

**1/2 ENTRY FEE DEPOSIT
DUE NOVEMBER 2ND**

-MOTELS-

Casino West (775) 463-2481 or 1-800-227-4661
Copper Inn (775) 463-2135
Victorian Rose Inn (775) 463-2164

FOR MORE INFORMATION, CALL:

RON SMITH (775) 463-3275 or DEBRA KEATS (775) 463-2350

ADVERTISING PAID FOR BY
LYON COUNTY ROOM TAX GRANT FUNDS

Memorial Tournament proceeds to benefit scholarship for Yerington High School graduating senior.

“Thanksgiving Bingo & Mexican Dinner Night”

When: Thursday November 12, 2009

Time: 5:30 pm

Where: Wadsworth brown building

Mexican Plate \$5.00

Drinks & deserts sold separately.

Bingo cards .25

Blackout .50

**Come & play a fun game of bingo and win a
Thanksgiving food basket and enjoy a delicious
Mexican plate.**

**Proceeds to help fund the
2nd Annual Sacred Visions Pow-Wow
to be held July 23-25, 2010.**

Letters to the Editor

The Pyramid Lake Paiute Tribal Newspaper welcomes your "Letters to the Editor."

- ◆ Letters must be 200 words or less. Letters are subject to editing for conformance to the 200 word limit, as well as for libel and taste.
- ◆ Letters must carry a full, legible and signed name of its author. The newspaper staff does not withhold names of letter authors. Pseudonyms are not allowed.
- ◆ Each author is allowed one published letter per newspaper issue.
- ◆ To be published, all letters must have a permanent address and/or a daytime telephone number for verification. **This information will not be published.**
- ◆ Letters addressed to specific parties other than the Pyramid Lake Paiute Tribal newspaper, to readers, letters from other publications, form letters that do not contain original writing content by the signatory or personal complaints outside the public domain are not published.
- ◆ Letters are published in the order which they are received. Promptness of publication depends on the volume of letters received and space availability.

MAIL LETTERS TO:

Letter to the Editor
 PYRAMID LAKE PAIUTE TRIBE
 P O Box 256
 Nixon, NV 89424

Newspaper Submittal for **DECEMBER** Paper **DEADLINE: November 20 @ 3:00 p.m.**

Please complete **this form** and submit with your article.

BE SURE TO:

- Include your name, phone # and address.
- Personals may submit a hard copy of article. Hand written Personals ONLY must be printed legibly.
- **Submitted articles saved on CD** in Adobe Acrobat, Publisher, Word or WordPerfect format. (Media will be returned).
- **Articles can be submitted via e-mail to newspaper@plpt.nsn.us.** A hard copy of article must also be submitted by deadline.
- Pictures should be submitted in black & white. (Dark backgrounds do not scan well).
- Digital pictures must be taken with a high resolution for a good quality picture.
- REMEMBER: Pictures represent the quality of the picture submitted.
- Submit all information to the Tribal Manager's Office by deadline

DATE: _____ NEWSPAPER MONTH: _____
 NAME: _____
 PHONE: _____ DEPARTMENT: _____
 TITLE OF ARTICLE: _____
 ITEMS TO BE RETURNED: YES or NO
 IF YES, ADDRESS: _____

ADVERTISING RATES

Advertising space will be provided to any business, organization or individual at the following rates:

\$100/full page \$75/half page \$50/quarter page \$25/eighth page \$10/business card

Each advertisement must be paid in full by the deadline date for publishing.

DEADLINES FOR THE YEAR 2009 — Fridays @ 3:00 p.m.

December — November 20th -

This schedule will allow us to get the newspaper prepared, edited, and printed and ready for bulk mailing the first week of each month. The Tribal Manager's office collects your articles and will forward them to the Editor.

Thank you for contributing your articles for our Newspaper this past year. Please continue to contribute to our Newspaper and let the people know about your program or department's activities and accomplishments. Please submit in Microsoft Word, WordPerfect or Publisher format along with a hard copy of article.

CONTACT: PYRAMID LAKE PAIUTE TRIBE—NEWSPAPER ADVERTISEMENT
 P O Box 256, Nixon, NV 89424-0256 PH: (775) 574-1000; FX: (775) 574-1008

CHANGE OF ADDRESS

Name: _____
 Old Mailing: _____
 New Mailing: _____
 I confirm that this is my current address:
 Print Name: _____ Signature: _____ Date: _____



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December Deadline
November 20, 2009