

# NEVADA INDIAN COMMISSION BOARD MEETING MINUTES

*Thursday, January 15, 2015 - 1:30pm*

Nevada Indian Commission Office, 5500 Snyder Ave., Carson City, NV 89701

## **Commissioners Present:**

Richard Arnold, Chairman  
Kathleen Quasula, Commissioner  
John Hansen, Commissioner

## **Staff Present:**

Sherry L. Rupert, Executive Director  
Chris Gibbons, Program Officer I  
Denise Becker, Administrative Assistant III

## **Guests Present:**

Joshua Dini, Sr., Walker River Paiute Tribal Member  
Zelda Johnny, Vice-Chairwoman, Confederated Tribes of Goshute  
Steve Johnny, Confederated Tribes of Goshute Tribal Member  
Patty Basey, General Public  
Vernon Rogers, Yerington Paiute Tribal Member  
Georgia Dick, Benton Paiute Tribe and Founder, Tubape Numu Group  
Ruby Carrillo, Washoe Tribal Member  
Stacey Burns, Coleville Paiute and Yerington Paiute  
Daryl Crawford, Executive Director, Inter-Tribal Council of Nevada  
Herbert Dini, Walker River Paiute Tribal Member  
Laverne Roberts, Yerington Paiute Tribal Member  
Conway  
Meg McDonald, Washoe Tribal Member  
Johanna Emm, Yerington Paiute Tribal Member  
Joe Sam, Paiute and Stewart Alumni  
Lawanda Fred, Tribal Liaison, Nevada Department of Health and Human Services  
Gayle Miles, Council Member, Fallon Paiute Shoshone Tribal Member  
Jacob Steele, Council Member, Confederated Tribes of Goshute  
Wayne Howle, Senior Deputy Attorney General, Office of the Attorney General

## **I. Convene Meeting & Roll Call**

Chairman Arnold convened the meeting at 1:38 pm and asked Sherry to take roll. Three Commissioners were present, establishing a quorum.

## **II. Invocation**

Daryl Crawford provided the invocation.

## **III. Welcome and Introductions**

Chairman Arnold asked all those present to introduce themselves and thanked everyone for attending the meeting.

## **IV. Initial Public Comment**

There was no initial public comment.

## **V. Administration of the Oath of Office for New Commissioners**

Both Commissioner Quasula and Commissioner Hansen were officially sworn in and given the oath by Chairman Arnold.

## **VI. Approval of May 28, 2014 Meeting Minutes**

This item was tabled until the next meeting. Sherry will forward the minutes to the Commissioners when they are complete.

**Commissioner Hansen motioned to table the May 28, 2014 meeting minutes, seconded by Commissioner Quasula. The motion carried with a vote of 3 for, 0 against, 0 abstentions (2 absent).**

## **VII. Commissioner Reports and Announcements**

There were no Commissioner reports or announcements.

## **VIII. Executive Director Report – Sherry L. Rupert**

Sherry briefly shared highlights from her written report and the current Budget Status Reports for both the operating budget and the gift account.

Chairman Arnold commented that he thought that the approach that was used for this year's Tribal Legislative Forum was more interactive and engaging and contained beneficial information for the tribes. He urged anyone that attended the Forum this morning to submit any comments to Sherry for the record.

### **A. Discussion on Current Budget and Biennial Budget Request**

Sherry went through a summary of top policy initiatives and the proposed major budget initiative.

**Commissioner Hansen motioned to approve the Executive Director report with top policy initiatives and budget priorities as discussed, seconded by Commissioner Quasula. The motion carried with a vote of 3 for, 0 against, 0 abstentions (2 absent).**

## **IX. Presentation and Discussion on U.S. Forest Service, Bridgeport Ranger District Pinion Pine Tree Removal in the Desert Creek and Sweetwater Ranges**

Vernon Rogers introduced himself and the Tubape Numu group. They feel that the federal agencies were not listening to what the tribes and tribal communities have to say in regard to the pinion trees.

Gracie Dick explained that this is a group effort and that Laverne Roberts will go over the timeline of events, Vernon will be the lead speaker, Stacey Burns will provide a PowerPoint of photos of the area that was cut at Sweetwater and Josh Dini, Sr. will also say a few words. This cutting was a mistake; there are no more trees there.

Stacey introduced herself and went through the PowerPoint she developed. The photos that she took were taken April 20, 2013 in Sweetwater. The photos showed the devastation of the clear cut trees that were mistakenly cut by the U.S. Forest Service; Sweetwater trees are no longer there to collect pine nuts. The U.S. Forest Service was only supposed to trim the 100-year old trees. The trees were to be cut to preserve the sage grouse. The trees have been left there to rot; they were not removed. Stacey also mentioned that her children and grandchildren will never be able to pick pine nuts in that area in her lifetime.

Attendees commented that they have never seen sage grouse in that area.

Commissioner Quasula asked if the U.S. Forest Service had done a study. Gracie stated that this cutting was an “accident” and the tribes were not consulted.

Chairman Arnold clarified that this has happened on both the Nevada and California sides. As land managers, these agencies cannot just go in and do this, everything has to be documented and they also need to notify tribes and other stakeholders. If they are not consulting with the tribal governments, then there is a problem. Chairman Arnold pointed out that this is federal jurisdiction and we are a state agency. He wanted everyone to keep this in mind during this discussion.

Laverne Roberts introduced herself as the Coordinator for the Wovoka Cultural Museum. She received a call from Gracie on this issue and then she and Vernon went out there and she developed the timeline. Laverne went through the timeline. This issue affects everyone; they are not letting this go as this affects generations to come and is part of the culture that they enjoy. She then explained that the mines wanted the Wovoka Wilderness area, but they spoke up and were able to protect the Wovoka Wilderness. On December 18, 2015, President Obama signed into law 48,000 acres for the Wovoka Wilderness.

Vernon handed out the cease and desist document and went through it. They are asking for a strong resolution and to write letters on their behalf to stop this destruction.

Josh explained that he has been working with the team from the Walker River Paiute Tribe. He also commented that the annual Pine Nut Festival started there at Desert Creek as a gathering. They now have an annual blessing of the pine nuts. They depend on the pine nuts for their festival; they need the pine nuts. Their tribe is working on a resolution as well.

Commissioner Quasula had a few questions in regard to the details. She asked the group if they had sent a letter to Secretary Jewell. The group mentioned that they had sent a letter to Harry Reid and cc'd Secretary Jewell.

Laverne stated that they had a meeting with the tribe. The letter stated that they wanted to be notified and consulted. So far, they are doing that, but the tribal people want to see it. They have not been working with the Bureau of Land Management (BLM) at all.

Commissioner Quasula asked if they are working with the Nature Conservancy as they do studies or has the group requested the study on sage grouse that shows that the pinion trees interfere with the sage grouse, or even the University of Nevada, Reno (UNR) to see if there is any real science behind this. Laverne answered that they have not yet requested, but they will. She also mentioned that the sage grouse have a 75-mile migration; they move around a lot and these areas are the same areas as the grazing lands.

Chairman Arnold commented that when you have science-based conclusions this seems to work best, traditional-based conclusions aren't always convincing. So, working with UNR to get some research done may better assist the group. He also pointed out that the Nevada Indian Commission doesn't have the authority to issue a cease and desist order. The Commission is an investigative body to look at issues and get the facts, so that we can make the right recommendations to the right people.

Vernon stated that they have been told three different reasons for the tree cutting: sage grouse habitat, fire suppression, and grazing. They are convinced that the number one reason is grazing by farmers.

Commissioner Quasula said that there are people out there that can help. She mentioned that every U.S. Attorney's Office has a tribal liaison. They are the civil and criminal and prosecutorial voice. Commissioner Quasula suggested that they could call the U.S. Attorney's Office to request a meeting with the Tribal Liaison; they are supposed to speak with tribes on Indian Country issues. The universities, the Nature Conservancy, and Indianz.com are also other resources.

Zelda mentioned that she is a tribal monitor and that the BLM and U.S. Forest Service should have contacted the tribe. The BLM and the U.S. Forest Service should both have a tribal liaison. She suggested that if they are not getting anywhere, then they need to get a resolution from the Inter-Tribal Council of Nevada (ITCN) to support. The federal agencies will always use sage grouse and wild horses as an excuse. Goshute will get them a resolution of support. Gracie mentioned that the group has addressed the ITCN and the Chairman were supportive and were to send around the resolution for a poll vote.

Chairman Arnold again reminded the attendees that this is a federal action, not a state action. There are ways things like this are supposed to be mitigated. Chairman Arnold mentioned that he is Southern Paiute and was raised on pine nuts and understands how important these trees are to the people. The photos are very compelling and show potential archaeology sites. He wondered where the archaeologists and the State Historic Preservation Office (SHPO) are in this process, as there are another set of laws that protect those areas. He urged the group to meet with these people to bring awareness to these areas as they may not know. He felt that the NIC and the ITCN could work on this together. Further, from his experience, when things are tied to cultural and religious values and sacred sites, these add different layers of protections and could be designated a Traditional Cultural Property (TCP). Other interested parties may have political influence; this is something the group should be aware of and will help to determine the motivation behind the issues.

Sherry suggested that the NIC could help the group get introduced to UNR and SHPO.

Commissioner Hansen offered that the Native American Rights Fund ([www.narf.org](http://www.narf.org)) could be contacted. He also mentioned that Dr. Robert Primeaux is in Denver and has contacts at NARF.

Chairman Arnold commented that the Commission will do all that it can to assist within statutory limitations. He thanked everyone for attending the meeting and bringing this issue to the Commission.

Daryl Crawford mentioned that the group did meet with ITCN at the last General Session of their annual Convention. The Chairmen stated they would do a poll vote. Unfortunately, the documents were not received until yesterday to share with tribal leaders. He can now get the information out to the tribes and complete the poll vote.

Laverne thanked the commissioners for listening and stated that this is something that they strongly believe in and that their efforts will continue.

## **X. Report on Indian Territory Projects and Activities**

Chris explained to the new Commissioners that the Indian Territory is a marketing arm of the Nevada Commission on Tourism and that she and Sherry have been members of the Territory since 2007. She then shared highlights of her written report with the Commissioners.

## **XI. Tribal Early Childhood Advisory Committee (TECAC)**

### **A. Possible approval of TECAC Appointment of Representative Forms**

Sherry requested approval of two TECAC Appointment of Representative forms for Dixie Jeffers and San San Tin.

**Commissioner Hansen motioned to approve the two TECAC Appointment of Representative forms for Dixie Jeffers and San San Tin, seconded by Commissioner Quasula. The motion carried with a vote of 3 for, 0 against, 0 abstentions (2 absent).**

The TECAC has not met since the last meeting and has no written report for submittal.

## XII. EDUCATION

### A. Possible Approval Indian Education Advisory Committee (IEAC) Appointment of Representative Forms

Sherry requested approval of two Appointment of Representative forms for Patrick Naranjo, UNLV and Deena O'Daye from the Inter-Tribal Council of Nevada.

**Commissioner Hansen motioned to approve the Appointment of Representative forms for Patrick Naranjo and Deena O'Daye to the IEAC, seconded by Commissioner Quasula. The motion carried with a vote of 3 for, 0 against, 0 abstentions (2 absent).**

## XIII. STEWART

### A. Possible Approval of Stewart Advisory Committee Appointment of Representative Forms

Sherry requested the Commissioners approve an Appointment of Representative form for Betty Badgett, Program Officer, Division of Buildings and Grounds.

**Commissioner Hansen motioned to approve the Appointment of Representative form for Betty Badgett to the Stewart Advisory Committee, seconded by Commissioner Quasula. The motion carried with a vote of 3 for, 0 against, 0 abstentions (2 absent).**

### B. Report on Stewart History and Preservation Project

Chris briefly went over highlights from her written report with the Commissioners. She also urged each of the Commissioners to like and share the Stewart Indian School Facebook page. The goal is to get 1,000 likes, the page is currently at 906 likes.

**Commissioner Hansen motioned to approve the Report on the Stewart History and Preservation Project, seconded by Commissioner Quasula. The motion carried with a vote of 3 for, 0 against, 0 abstentions (2 absent).**

### C. Discussion and Scope of Work and Budget Revision for the Commission for Cultural Affairs Grant and the Decision of the Commission for Cultural Affairs to Redistribute the Remainder of Grant Funds

Sherry explained that in March 2014 the Nevada Indian Commission (NIC) received a Commission for Cultural Affairs (CCA) Grant in the amount of \$180,000 to fund the structural and seismic retrofit of Building #1 (future Stewart Indian School Cultural Center). On December 16, 2014 NIC met with the State Historic Preservation Office (SHPO) to discuss the status of the grant. At the meeting, NIC asked for a grant extension because according to State Public Works Board (SPWB) the entire project is structural and seismic and all work has to be completed at the same time. NIC submitted a Capitol Improvement Project (CIP) request to supplement the grant funding and unfortunately it was not included on the CIP list submitted to the Governor's Office. An alternate use of the grant funding was presented to SHPO at the December 2014 meeting which was to develop a set of detailed construction documents for the building. On January 5, 2015 the CCA Board met to discuss revising the scope of work. The request was approved, but only up to the \$137,000 level that was included on the preliminary estimate from H&K Architects. They voted to make available the remaining \$43,000 of unspent CCA grant funds for redistribution to another project. The NIC was told that if their final project numbers come in higher than the \$137,000 quoted in the preliminary estimate from H&K Architects then NIC can re-apply for the remaining grant funds.

**XIV. Approval of Nevada Indian Commission Internal Administrative and Accounting Controls 2015-2016**

Sherry explained that the need to update the Commission’s Internal Administrative and Accounting Controls came from a request by the Department of Tourism and Cultural Affairs as they are updating their documents. The document was last updated in 2009 and was in need of the update. Sherry explained that most of the updates included the processes for time keeping, the change from the Department of Health and Human Services to the Department of Tourism and Cultural Affairs, staffing changes and budgetary changes.

**Commissioner Hansen motioned to approve the update of the Nevada Indian Commission Internal Administrative and Accounting Controls 2015-2016, seconded by Commissioner Quasula. The motion carried with a vote of 3 for, 0 against, 0 abstentions (2 absent).**

**XV. Agenda Items for Future Meetings**

Suggestions for future agenda items included: Election of Vice-Chairperson, updates from the NIC standing committees, update on the pine nut concerns and a budget and legislative update. Any other requests for agenda items can be forwarded to Sherry.

**XVI. Scheduling and Location of Next NIC Meeting**

The Nevada Indian Commission Board meetings for the remainder of the fiscal year were scheduled for March 31, 2015 and May 19, 2015.

**XVII. Final Public Comment**

Daryl thanked Sherry, staff and the Commission for hosting the 2015 Tribal Legislative Forum. He also thanked Sherry for facilitating the attendance and recognition of the Tribal Leadership during the Governor’s State of the State.

Meg also thanked the NIC for the Tribal Legislative Forum and for sharing information on the Legislature.

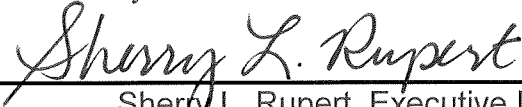
**XVIII. Adjournment**

**Commissioner Hansen motioned to adjourn the meeting, seconded by Commissioner Quasula. Meeting was adjourned at 4:01 pm.**

**CERTIFICATION**

It is hereby certified that these Meeting Minutes were approved at a meeting of the Nevada Indian Commission with a vote of 3 for, 0 against, 0 abstentions, 1 absent, at a meeting duly held on September 4, 2015.

Certified by:

  
\_\_\_\_\_  
Sherry L. Rupert, Executive Director  
Nevada Indian Commission