Nevada Indian Commission
Board Meeting Minutes

Wednesday, March 13, 2019
Nevada Indian Commission Office, 5500 Snyder Ave., Carson City, NV 89701

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<th>Board Member</th>
<th>Seat Filled</th>
<th>Present</th>
<th>Absent</th>
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<td>Richard Arnold, Chairman</td>
<td>Native American Representative</td>
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<td>Kostan R. Lathouris, Vice-Chair</td>
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<td>Lori Pasqua</td>
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<td>Brian Wadsworth</td>
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<td>Kelly Krolicki</td>
<td>General Public Representative</td>
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NIC Staff Present: Sherry L. Rupert, Executive Director, Nevada Indian Commission; Sari Nichols, Program Officer 1, Nevada Indian Commission; Chris Gibbons, Curator II, Nevada Indian Commission; and Diane Buckley, Administrative Assistant 3, Nevada Indian Commission

Others Present: Anna Camp, Curator, Nevada State Museum; Marla Williams, Strategies 360; Arlan Melendez, Chairman, Reno-Sparks Indian Colony; Rebecca Palmer, Administrator/State Historic Preservation Officer, Nevada State Historic Preservation Office, Department of Conservation and Natural Resources; Scott Nebesky, AICP Director, Reno-Sparks Indian Colony; Michen Eben, Tribal Cultural Resource Office, Reno-Sparks Indian Colony; Charles Donohue, Administrator, Nevada Division of State Lands; E’sha Hoferer, Walker River Paiute Tribe; Melyssa Navis, Tribal Liaison, U.S. Forest Service; and Katy Armstrong, Attorney General’s Office

I. Convene Meeting, Roll Call of Members, and Establish Quorum
The meeting convened at 9:11am. The Executive Director took the roll, and determined a quorum of five Commissioners present.

II. Invocation
Commissioner Pasqua provided the invocation.

III. Welcome and Introductions
Chairman Arnold welcomed everyone and thanked them for attending. He asked all those present to introduce themselves.

IV. Initial Public Comment
There were no initial public comments at the meeting.

V. Chairman and Commissioner Announcements/Reports
Chairman Arnold reported that he continues to work with the tribes in Southern Nevada. He has been working on activities with the Department of Energy.
Director Rupert thanked the Commissioners for their support in attending and testifying during this Legislative session.

VI. Consent Agenda

A. Approval of August 28, 2018, October 23, 2018, and December 3, 2018, Nevada Indian Commission Meeting Minutes

Commissioner Wadsworth asked for clarification on the “Consent Agenda” and the format. He wanted to know if the Commission would be voting for all the agenda items together. Chairman Arnold clarified the process for the Commissioners.

Commissioner Krollicki made a motion to approve the August 28, 2019, the October 23, 2018, and the December 3, 2018 meeting minutes, seconded by Commissioner Wadsworth. The motion carried with a vote of 5 for, 0 against, and 0 abstentions.

B. Executive Director and Staff Report

There were no comments on the Executive Director and Staff Report.

C. Stewart Advisory Committee Report

There were no comments on the Stewart Advisory Committee Report.

Commissioner Krollicki made a motion to approve items B & C, seconded by Commissioner Lathouris. The motion carried with a vote of 5 for, 0 against, and 0 abstentions.

VII. Indian Territory Report of Projects and Activities – Sari Nichols, Secretary/Treasurer, Nevada’s Indian Territory

There were no comments about the Indian Territory Report.

VIII. Update on Completion of Stewart Indian School Cultural Center and Museum– Chris Gibbons, Curator II (on behalf of Bobbi Rahder, Museum Director)

Ms. Gibbons updated the Commission on the construction of Building #1 by July 2019. They are hoping to conduct tours of the building at the Powwow in June. The exhibit fabrication contractor that was selected is Pacific Studios out of Seattle, WA. The opening date for the Cultural Center is still to be determined. The staff is now selecting images and artifacts for the exhibit text labels. The Museum Director and Curator have made several visits to the tribes to gain their input on the history of Stewart Indian School. The Museum Director is working with Director Rupert on AB44 at the Legislature. On March 14th, there was a hearing at the legislature for the Bakery building Capital Improvement Project (CIP). This building will store the Stewart Indian School collections.

Commissioner Pasqua asked for an update on the hiring of the staff for the museum (AB44). Director Rupert explained the details of the museum’s operating budget (AB44), and the difficulties that the Indian Commission has experienced through the budget and legislative process. The concessions made to the budget were as follows:
• There will be no marketing budget for the Cultural Center and Museum. The Commission will have to work with the Department of Tourism and Cultural Affairs to see what they can provide for the new Museum.
• The kiosk and associated maintenance fees were removed from the budget.
• The two proposed positions (Curator I, Educational Programming; Museum Attendant II, Museum Operations) are now being modeled after the Nevada State Museums.

Chairman Arnold asked about a backup plan for the lost position for the Cultural Center and Museum. The response was that the backup plan is the Museum Attendant II.

Director Rupert reported on the Governor’s visit to the Nevada Indian Commission and the Stewart Indian School Cultural Center and Museum on Thursday, March 14. She also mentioned some of her concerns in regard to the Cultural Center and Museum were addressed. Other concerns that she has is that Buildings and Grounds has not allocated any additional funding for maintenance or improvements and that the Buildings and Grounds Supervisor and maintenance person have been reassigned.

Commissioner Lathouris asked what lead to the reassignment of Building and Grounds personnel. Director Rupert replied that this is a new format that Buildings and Grounds is trying. This is the format for the Las Vegas area. She has met with the Administrator and the Director of the Department of Administration about the Commission’s concerns.

Chairman Arnold commented on the importance of the Commission to inform the Governor about the other activities it is involved in, including the importance of reaching out to the tribes.

Director Rupert explained the interaction the Indian Commission has recently had with the Governor’s office and the Tribal governments. She mentioned that during the government shutdown in January, she was asked to coordinate tribal participation in a meeting with the Governor to talk about how the shutdown was affecting the Tribes. The Northern and Southern Nevada Food Banks were also present to lend assistance to the Tribes. The Director also explained that she coordinated and accompanied the Governor to meet with Tribal Leadership in Lovelock, Elko (where all 9 Western Shoshone Tribal Leaders were in attendance) and the Pyramid Lake Paiute Tribe in early February. The Director also coordinated letters from Tribal Leadership to denounce the plutonium shipment to Nevada and in support of Governor Sisolak’s request for additional information on the shipment as well as a meeting with the President.

Commissioner Lathouris asked about issues brought up in meetings with the Governor and Tribal Representatives. Director Rupert commented that when she accompanied the Governor to the Pyramid Lake Paiute Tribe, they voiced their concerns about Natechez Elementary School and the lack of support from the Washoe County School District. The Director has reached out to the Pyramid Lake Paiute Tribe to gain further knowledge of the situation so she can provide more information about this issue to the Governor’s Office. The Western Shoshone Tribes had concerns about consultation between the State agencies and the Tribes. The Commissioners are interested in attending the next time the Director meets with the Tribes.

IX. Presentation on Final Stewart Indian School Master Plan – Max Hershenow, H & K Architects

Mr. Hershenow was unable to be in attendance. The Board tabled this presentation for a future meeting.
X. Update on Chapter 381 State Museum Regulation Drafting – Anna Camp, Anthropology Curator, Nevada State Museum

Anna Camp, Curator, Nevada State Museum gave updates to the Commission on Chapter 381 which included consultation with the Tribes. The museum has been writing provisions to Chapter 381, NRS. Upon her appointment, the first meeting with the Tribes was June 5, 2018. A disconnect exists between the State and the Tribes on consultation. She has attempted to regain and build trust with the Tribes. The first regional meeting was in Las Vegas on August 9th. Most attendees were from Winnemucca who discussed their main concerns, including their issue with the disposal of human remains. The second regional meeting was in Elk on August 16th. Several eastern Tribes were in attendance. The bill for mining was among the issues discussed. Consultation is still an issue for the Tribes.

Ms. Camp was invited to join Director Rupert on the Elk trip to visit with the tribes. She was able to gather information from the Tribes and seek input for the regulations on the NRS. Ms. Camp had better attendance at the December 13th workshop. This was the first real public workshop. The regulations are not ready. She will continue to work with the Tribes. Ms. Camp will be meeting with the Tribal Elders. The Tosawi Collection pieces reside at the Nevada State Museum. This was part of the discussion with the Battle Mountain Band Council. They would like to have possession over the collection. The discussion at the January 24th workshop consisted of inserting values, beliefs, and traditions into the NRS. It was requested that the Native values, beliefs, and tradition be inserted into the regulation.

The excavation of Native burial sites on private land was discussed. In this process there needs to be consultation with the Tribes. This language has been inserted into the “permitting” section of the NRS, which is permitting the excavation on known private land. There still needs to be consultation with the Tribes as to how this should be dealt with. Ms. Camp is now waiting on the new Attorney General for a new set of regulations.

Chairman Melendez, Reno-Sparks Indian Colony commented about how SB244 was being implemented. He made the NIC Commissioners aware of the disparity between the two state departments that are responsible for carrying out regulations pursuant to SB244. The Nevada State Museum is carrying out the intent of SB244, while the Department of Conservation and Natural Resources, State Historic Preservation Office (SHPO) is minimizing the law by ignoring the values, beliefs, and traditions of the Nevada Tribes. The Reno Sparks Indian Colony is seeking the support of the Nevada Indian Commission to convince Governor Sisolak and Bradley Crowell, Director of Conservation and Natural Resources to compel SHPO to conduct meaningful consultation and collaboration with Nevada Tribes consistent with the intent of SB244. The Tribal Leadership has not heard back from SHPO about their concerns.

Chairman Arnold commented that the state needs to treat this request respectfully and maintain consistency. He commented about the difference between correspondence and consultation. He asked the Commission to take a proactive approach in taking action and interact with SHPO in order to address some of these needs and find a solution.

Commissioner Lathouris commented about agenda item XII-B, the Update on the Tribal Consultation Study of Nevada State Departments. Director Rupert reported that the Indian Commission had contacted the State Departments and found out which agencies have Tribal Liaisons. There are only a handful of state agencies that have Tribal Liaisons. The Department of Education have their “ESSA” legislation “Every Student Succeeds Act” which requires Tribal Consultation. This is just for ESSA,
not their department. And, the Department of Health and Human Services is the only State Department that has Consultation Agreements with the Tribes.

Chairman Arnold commented about having a task force/committee look into these issues and get this resolved. He wants to make the Governor’s Office aware that this is happening.

Commissioner Pasqua commented about the work that Chairwoman Thom is doing in regard to this issue. She believes that the Indian Commission needs to be a part of the process. Director Rupert explained that there is a bill draft request in the works. The Indian Commission is tracking this to find a bill for this when a number has been assigned. The Governor and the Shoshone Tribes believe that there is a need for consultation between the Tribes and the state departments. The Governor stated (in Elko) that he is not opposed to drafting an executive order in regard to consultation with the Tribes and the state government.

Commissioner Lathouris commented that examples where communication between tribal governments and state government on important issues have broken down could be compiled into one document and presented to the Governor to assist him with the Executive Order on consultation. Director Rupert will be meeting with the Governor’s Office about this issue.

Chairman Melendez commented about the difference between regulation and procedure. Namely that procedures can change when leadership changes and regulations are the law and would withstand a change in leadership. It is not understood why the SHPO decided not to do regulations as the Legislature had intended.

XI. Update on Procedure Manual for Implementation of Chapter 383 Protection of Indian Burial Sites – Rebecca Lynn Palmer, Administrator/State Historic Preservation Officer, Nevada State Historic Preservation Office, Department of Conservation and Natural Resources

Ms. Palmer reported on the procedure manual for the implementation of Chapter 383. SHPO had looked at how to implement the law. It was decided after reviewing the entire text and waiting for the statutes to come out in June 2018 that the best approach was to develop a procedure manual. The procedure manual is based entirely on statute. The difference between Chapter 383 and Chapter 381 is that Chapter 383 contains a very prescriptive process. Ms. Palmer explained that Chapter 381 is far less prescriptive and more open to interpretation. The prudent approach was to make the law easier to understand. They wanted to be as respectful as they could to Tribal tradition, culture, and practice. This would leave it open to developing legally binding documents that describe procedures that should be undertaken if and when there is a discovery with the Tribes in the future. Unlike regulation, this can be tailored to individual Tribal needs.

Comments were made about the State Historic Preservation Office (SHPO) not communicating with the Tribes when developing the procedure manual and that this was a mistake. Ms. Palmer replied that everything in the procedure manual is in the law. The procedure manual was created so that the public would understand what the law requires. It was stated that the Tribes were consulted with during the process; they were invited to have input into the manual. It was mentioned that there is a disparity here between how the two agencies handled implementation of the law. Another comment was made about the difference between consultation and correspondence. It was important for this to have been mandated, so all the state agencies have to consult with the Tribes. A comment was made that it is important for the Tribes and all state agencies to work together.

Chairman Arnold commented that he would like to see resolution to this issue.
Michon Eben, Reno-Sparks Indian Colony (RSIC) commented on this issue. On June 5, 2018, the RSIC received a letter from Ms. Palmer. RSIC set up a meeting with Ms. Palmer. SHPO had several human remains in their possession. RSIC asked Ms. Palmer to contact the Tribes about this, and provide them with an inventory for the remains. After seven months, RSIC has not heard anything from SHPO. A question was asked about SHPO not responding to RSIC for seven months. Ms. Palmer responded that RSIC was to have invited her for a meeting where she could present the list. SHPO hadn’t received the invitation; this is why SHPO hadn’t responded with the list.

Scott Nebesky, Reno-Sparks Indian Colony, commented about RSIC being involved with SB244. The values, beliefs, and traditions need to be incorporated into the regulations. Not every Tribe would be able to craft legal documents. The Tribes wanted to front load the process to insure there was a framework for the Tribes that don’t have the resources to draw up legal documents. The procedures were not developed in consultation as regulation clearly states. Mr. Nebesky state that the reason to have consultation with the Tribes is to incorporate values, beliefs, and traditions into the regulations. Mr. Nebesky summarized the law as it was written. Ms. Palmer stated that she felt their response to the law was adequate.

XII. Unfinished Business

A. Update on Tribal Meetings and Follow Up to 2018 Tribal Visits

Director Rupert reported on the Lovelock Paiute Tribe housing issues when she visited the Tribe. This included programs to assist the Tribe. The inquiries were taken to the Housing Division which has a couple of programs to assist the Tribe. However, there is a waiting list. The Tribes need to have a deed to the land that they reside on. She will follow-up on this issue.

Commissioner Lathouris asked about access to federal housing loans.

Director Rupert commented about creating a one page resource document that could be shared with the Tribes. In regard to the clean-up situation, she spoke with Cliff Banuelos, the Tribal State Liaison for environmental issues (Inter-Tribal Council of Nevada) who are aware of the issue in Lovelock. The Director wants to visit Lovelock with Mr. Banuelos. The educational fees being charged by the school district were discussed. She spoke with Fredina Drye-Romero, Indian Education Programs Professional, Nevada Department of Education on this issue. Fredina is checking into the fees charged by each school district.

Chairman Arnold asked about the issues raised in Ft. McDermitt and in Owyhee, NV.

Director Rupert stated that the Ft. McDermitt Tribe spoke about their land acquired through the Native Nations Lands Act and the length of time it is taking to get water permits. And, there currently is not a Water Engineer as he recently retired. Director Rupert asked Scott Nebesky, RSIC, about water rights that were owned by the federal government. He replied that many of the water basins in Washoe County are closed due to over-appropriation. There isn’t any way to file for unallocated rights. It needs to be purchased or have the rights transferred.

The concerns conveyed by the Duck Valley Shoshone-Paiute in August have been resolved.
B. Update on Tribal Consultation Study of Nevada State Departments

There is a list of the State of Nevada Departments with their Tribal Liaisons in the drop box. This will go on the NIC website and sent out to the Tribes. The Department of Health and Human Services is the only department within the State of Nevada that has Consultation Agreements with the Tribes. The Department of Education has tribal consultations through “ESSA.”

C. Update on National Historic Landmark Nomination Application for the Stewart Indian School

Director Rupert reported on revising the language to include the inter-generational trauma that the boarding schools caused to the Native people. The Washoe Tribe has been contacted about their building that has been included in the nomination. The information on this nomination has been forwarded to the Washoe Tribe. The Director met with the Washoe Tribe Chairman, Serrell Smokey. The information on the edit to the Landmark Nomination will be forwarded to the Commissioners after with a decision is made by the Washoe Tribe whether to include Building #26 in the NHL nomination or not.

D. Additional Information on Clear Creek Property and Trailhead Proposal – Charles Donahue, Administrator, Nevada Division of State Lands

Mr. Donohue updated the Commission on the Clear Creek Property and the Trailhead Proposal. At the time this property was to be disposed of, proceeds are to be used for the restoration of the Stewart Indian School. State Lands asked Carson City for a change in the zoning designation in order to increase the value of the property at the time of disposal. The request was denied by the city supervisors. State Lands will not move forward with the disposal of the property until this issue is resolved. There are concerns with the sanitary sewer lines that need to be addressed. The trails group designated the property to be a trailhead without consulting State Lands. Although the group feels that it is critical, State Lands won’t add anything that could impede the sale. State Lands made some concessions to work with NDOT to place a trailhead in the Right-of Way record. State Lands does support the city going after grants. They are willing to work with Carson City and the trails group on a direct sale. The agency is willing to work on a lease-purchase agreement.

Commissioner Krollicki asked about the sewage lines going through this property. Mr. Donohue reported that sewage lines do not go through the property.

XIII. New Business

A. Approval of Indian Education Advisory Committee Appointment of Representative Forms for Fredina Drye-Romero, Education Programs Professional for Indian Education, Nevada Department of Education; Saundra Mitrovich, Outreach and Retention Coordinator Indigenous Student Services, University of Nevada, Reno; Fawn Hunter, Equity and Diversity Indian Education Specialist, Washoe County School District; Lori Pasqua, Pre-College Advisor, Washoe Tribe of NV & CA; and Miguel Martinez, College Recruitment Coordinator, Truckee Meadows Community College

Commissioner Wadsworth made a motion to approve the Indian Education Advisory Committee appointments as recommended, seconded by Commissioner Krollicki, the motion carried with a vote of 5 for, 0 against, and 0 abstentions.
B. Final Results of Internal Audit of the Nevada Indian Commission

Director Rupert reported on the results of the Internal Audit of the agency by the State of Nevada. This was a review of internal controls for revenues, expenditures, travel, and grants. Most of this responsibility resides with the Fiscal Department at Tourism and Cultural Affairs. The Indian Commission monitors these areas. The discussion of the report was about "Appendix A." which involves internal control procedures. All items were reported to the Commission from this report.

Sari Nichols commented about the current status in the Indian Commission without a Management Analyst 2 in the office. She explained her role in reconciling the Commission's expenditures and the state of fiscal affairs.

The Indian Commission has implemented the audit's recommendations.

Chairman Arnold commented on the finding of the report and commended the Commission staff for all their hard work on the audit.

C. Update on 80th Legislative Session Activities of the Nevada Indian Commission

Direct Rupert reported on the legislative activities. The Governor swore in all the new Cabinet Members, which included Director Rupert as the Executive Director of the Nevada Indian Commission. The Indian Commission will be informing the Governor on all legislative activity weekly. Among the updates was the introduction of AB44, the Nevada Indian Commission and Stewart Indian School Living Legacy budget at the Assembly's Budget Affairs Committee. The Commission responded to a request from the Legislative Council Bureau (LCB) on the Stewart Indian School and Museum planning documents. The fiscal note attached to AB44 was approved by the Governor’s Finance Office and has been forwarded to LCB. The Commission attended the AB44 work session at the Assembly Government Affairs Committee. The Ways and Means Committee will deal with the fiscal note on AB44. There will be a capital improvement hearing on the renovation of the Stewart bakery building for the collection storage.

Commissioner Wadsworth asked about the fiscal note versus a budget amendment. Director Rupert explained that if approved in this legislature, the items in the fiscal note will appear in the budget for the Commission in the next legislative cycle.

D. Approval of Nevada Indian Commission Strategic Plan

Director Rupert reported that there is a draft, but it is not ready for approval at this time.

Commissioner Wadsworth requested the Commission conduct a brainstorming/retreat session with the commissioners and the staff, instead of having the strategic plan as an agenda item at a board meeting.

**Commissioner Krolicki made a motion to table the Nevada Indian Commission Strategic Plan. Commissioner Pasqua seconded the motion, the motion approved with a vote of 5 for, 0 against, 0 abstentions.**
XIV. Agenda Items for Future Meetings

The following were suggested agenda items for future meetings: The Stewart Indian School Master Plan presentation, updates on AB 44, updates on the National Historic Landmark, Tribal follow-ups, and the Strategic Plan.

XV. Scheduling and Location of Next NIC Board Meeting

Director Rupert will send out options for the date via email. She will coordinate with the Reno-Sparks Indian Colony on an available date for the next Nevada Indian Commission Board meeting at their location.

XVI. Final Public Comment

Michon Eben, Reno-Sparks Indian Colony commented that the National Congress of American Indians (NCAI) will be June 23–27 at the Nugget in Sparks, Nevada. Melyssa Navis, Forest Service inquired about registration fees and was directed to the NCAI website. Commissioner Krollicki mentioned her interest in attending this conference.

Director Rupert commented about the Nevada Department of Education candidates for Superintendent of Public Instruction. The Indian Education Advisory Committee (IEAC) has concerns with two of the candidates. A comment was made about a concern about the educational needs for the Native people. Chairman Arnold suggested that any thoughts or concerns be made directly to the Governor’s Office.

XVII. Adjournment

Commissioner Pasqua motioned to adjourn the meeting. Chairman Arnold adjourned the meeting at 11:49am.

CERTIFICATION

It is hereby certified that these Meeting Minutes were approved at a meeting of the Nevada Indian Commission with a vote of 5 for, 0 against, 0 abstention, 0 absent, at a meeting duly held on May 6, 2019.

Certified by:

[Signature]
Sherry L. Rupert, Executive Director
Nevada Indian Commission