

Nevada Indian Commission

Meeting Minutes

Monday, February 13, 2023

10:30 AM

Meeting Location:

Nevada State Museum Auditorium

600 North Carson Street

Carson City, NV 89701

and via **Zoom**

Commissioners Present:

Kostan Lathouris – Chair

Brian Wadsworth – Vice Chair

Kelly Krolicki – Commissioner (virtual)

Staci Emm – Commissioner

Tammi Tiger – Commissioner

Staff Present:

Stacey Montooth – Executive Director

Sarina Nez – Program Officer

Bobbi Rahder – Museum Director (virtual)

Larry Burton	Partner Program Coordinator, American Indian Alaska Native Tourism Association, Nevada's Indian Territory
Randy Brady	Citizen, Yomba Shoshone Tribal Nation
Darryl Brady	Interim Chair, Yomba Shoshone Tribal Nation
Cynthia Solis-Muritto	Pascua Yaqui Citizen and UNLV student
Leah Brady	Council Member, Elko Band Council
Danena Ike	Chair, Elko Band Council
Kirsten Stasio	Chief Executive, Director Nevada Clean Energy Fund
Marla McDade-Williams	Deputy Director, Nevada Department of Health and Human Services
Melanie Smokey	High Education Coordinator, Washoe Tribe of Nevada and California
Joe Mike	Government Affairs & Public Relations Manager, Duckwater Shoshone Nation
Janet Bryan Weed	Administrator, Yomba Shoshone Tribal Nation
Izack Tenour	Director of Government Affairs, Strategies 360
Fran Maldonado	Tribal Liaison, Nevada Department of Health & Human Services

Virtual Participants

Anthony Walsh Deputy, Nevada Attorney General's Office

James Phoenix Chair, Pyramid Lake Paiute Nation

Tiffany Davis Tribal Liaison, Silver State Health Exchange

Stacey Hicks Council Member, Walker River Paiute Nation

Markie Wilder Indigenous Student Services Coordinator, University of Nevada (UNR)

Debbie Bowman Deputy for Operations, Nevada Secretary of State's Office

Gabriel DiChiara Tribal Liaison, Nevada Secretary of State's Office

Virtual Participants (continued)

Evan Rush	Tribal Liaison, Nevada Department of Veteran Services
Steve Aichroth	Tribal Liaison, Nevada Department of Business & Industry
Tonya Wolf	Tribal Liaison, Nevada Department of Agriculture
Monica Schiffer	Lead Tribal Liaison, Nevada Department of Health and Human Services
Lance West	Principal, Schurz Elementary School
Christine Jones Brady	Tribal Liaison, Nevada Attorney General's Office
Thurman Roberts	Tribal Navigator, Nevadaworks
Sheila Bray	Community Partnership Coordinator, UNR Extension & Experiment Station
Mike Morton	Tribal Liaison, Nevada Gaming Control Board
Daniel Coen	Tribal Student Mentor, UNR College of Agriculture Biotechnology, and Natural Resources
Dr. Kari Emm	Tribal Student Specialist, UNR College of Agriculture Biotechnology, and Natural Resources
Nahayvee Flores-Rosiles	Tribal Liaison, Nevada Department of Health and Human Services
Fredina Drye-Romero	Tribal Liaison, Nevada Department of Education
Kerry Durmick	Nevada State Director, All Voting Is Local
Rebecca Allured	Tribal Liaison, Nevada State Office of Energy
Shelley Gould	Volunteer, Stewart Indian School Cultural Center & Museum
Godwin Nwando	Tribal Liaison, Nevada Department of Health and Human Services
Clifford Banuelos	Tribal-State Environmental Liaison, Inter-Tribal Council of Nevada
Fawn Hunter	Chair, Indian Education Advisory Committee & Indian Education Program Specialist, Washoe County School District
Daphne Hooper	Director of Indigenous Relations, UNR
Natha Anderson	Assembly Member, Nevada Legislature
Becca Ogden	Associate Bursar, UNR

I. Convene meeting, roll call, and establish quorum

Chairman Kostan Lathouris convened the meeting. Executive Director Montooth took roll call. Quorum was established.

II. Invocation

Shelley Gould (Fallon Paiute-Shoshone) provided the invocation.

III. Welcome and Land Acknowledgement

Sarina Nez (Washoe) recited the land acknowledgement statement for the Nevada Indian Commission.

IV. Introductions of Meeting Participants

Chairman Lathouris invited participants to introduce themselves.

V. Initial Public Comment

Larry Burton from the American Indian Alaska Native Tourism Association (AIANTA) said his organization wants to host a Tribal Tourism Conference to jumpstart the industry after COVID. AIANTA is offering scholarships and looking for sponsors. Flyers and promotional materials are available.

He said that the Bureau of Land Management (BLM) approached AIANTA to “rebrand” Tribal messages, stories,

history and impacts in media. Mr. Burton said this is a good opportunity for the Tribes to tell their own stories in the way they should be told.

Mr. Burton said his organization wants to help the Tribes in any way needed. They are putting out info blasts to 250 contacts and the Indian Territory & AIANTA websites are great resource tools for the Tribes.

Kirsten Stasio said that the Nevada Clean Energy Fund (NCEF) is a nonprofit organization that provides financial and technical resources to Nevadans to deploy clean energy projects. That can mean everything from energy efficiency in homes and commercial buildings to community solar and energy storage to clean vehicle fuels. If Tribal members have an idea for a clean energy project on Tribal lands or in Tribal buildings, they want to support that effort. Nevada Clean Energy Fund can provide technical assistance and help identify financial resources to take on these projects. There is a funding opportunity from the Department of Energy for grants to support clean energy deployment in Tribal buildings and lands. Applications are due at the end of March, and Nevada Clean Energy Fund would be happy to work with anyone who wants to apply for those funds. They work closely with another entity in the state called Nevada GrantLab, which is a nonprofit organization that helps Nevadans to apply for federal funding and includes access to professional grant writers.

NCEF is designing and building programs and applying for federal funds specific to implement and capitalize programs. She encouraged everyone to reach out to her for any clean energy projects that they would like to see advanced.

Chair Lathouris had a public comment about judicial matters. The U.S. District Courts, District of Nevada, and Nevada Supreme Court plan to resume meetings of the State and Federal Judicial Council of Nevada, with a new structure and an amended Charter. The Nevada State Bar has indicated willingness to take over duties that were formerly assigned to Ninth Circuit staff members. Tribal judges have met with the Council in the past, and the minutes reflect that the Honorable Patricia Rae Linzi headed the last meeting. They now are making a proposal right now for this committee. It is state and federal judges, they want to include Tribal judges. If you are a Tribal community that has a Tribal court and a Tribal judge, please pass this information along to them.

The Chair underscored the importance that Tribal courts be represented in these types of committees. Tribal courts are overlooked and disregarded despite their importance for administering justice and providing services for people who oftentimes do not have access.

Gabriel DiChiara, Chief Deputy Secretary of State and the Tribal Liaison for that office, said that improving and strengthening the relationship between the Secretary of State's Office and each of Nevada's Tribes and Bands is a priority for Secretary of State Francisco Aguilar. One of the commitments that the Secretary made was to bring on a full-time Tribal Outreach Coordinator who would be available to any of Nevada's Tribal members, each of our 28 Federally Recognized Tribal Nations. Mr. DiChiara said he was looking forward to working with NIC members in the future.

Carolyn Harry, a member of the Pyramid Lake Paiute Tribe, said she came to the NIC for help with an educational issue at Pyramid Lake Junior/Senior High. Some Tribal students are being denied enrollment if they do not meet specific class and/or grade requirements or if they miss deadline dates even with a medical excuse. Ms. Harry shared three specific examples of students being denied their education because of these arbitrary and oppressive practices. Ms. Harry requested assistance in their community in approaching the school board, at least from a state level.

Chair Lathouris thanked Ms. Harry and clarified that she is looking for a resource that might be able to address questions about the policy, what is actually required policy, and if needed, potential changes to the policy to address the ongoing concerns.

VI. Approval of October 24, 2022, and January 30, 2023 Commission Meeting Minutes (For Discussion & Possible Action)

Motion: Approve October 24, 2022, Commission Meeting Minutes with clerical changes

By: Chair Lathouris

Second: Commissioner Tiger

Vote: Motion passed unanimously

Motion: Approve January 30, 2023, Commission Meeting Minutes

By: Commissioner Emm

Second: Commissioner Tiger

Vote: Motion passed unanimously

VII. Executive Director Report – Stacey Montooth (For Discussion & Possible Action)

Executive Director Montooth said that her report was included in the meeting packets and was posted as well. She said she would be happy to take any questions.

Commissioner Emm asked where were they in the process of getting the \$20 million ARPA funds?

Director Montooth said the Governor's Recovery Funds, also known as \$20 million of ARPA funding, will be divided equally among the 28 Tribal Nations, Bands, and Colonies that they service. Her office is on track to have a 2-page application out to all of the Tribal Nations by March 1. The Tribal Nations that are in the Great Basin, who either are headquartered or have land within what is now legally defined as the State of Nevada, can apply for that funding. It is grant money, so it does not have to be repaid. When divided equally, it is about \$714,000. To apply and to have that money distributed and sent, Tribal projects have got to meet the requirements set forth by the federal government and the State of Nevada for all ARPA projects.

The Director's office is working to set up webinars and an in-person meeting for all Tribal governments who have to set up their financial accounts with the State of Nevada in order for the State of Nevada to distribute funds. This money must be distributed by the end of the fiscal year. If not, there is a process to roll it over, but it is very cumbersome. Her administrative staff of two aims to get the \$20 million out before July 1.

By March 1 applications will be mailed and emailed directly to all of the Tribal leadership, as well as Tribal Council members, Tribal Administrators, Housing Directors, Health Directors, and any CFOs that are in the system. It's a simple two-page report/application.

Commissioner Emm asked about the division between Tribal Nations and Federally Recognized Tribes. The Director said the elected Tribal Leaders want this to be divided equally by 28, for all Tribes, Bands, Colonies, and Community Councils. That decision was made through the Executive Leadership at the ICTN.

Commissioner Tiger asked are the Tribes open to submitting collectively for similar types of equipment on the Reservations to maximize the cost and the labor associated with Reservation projects? Director Montooth said as much as she loves leveraging dollars to go as far as they can, she is reluctant to make a commitment from the Nevada Indian Commission to coordinate that. This project will be overseen by just two of them. Perhaps Tribal leaders can work with their sister Tribes if they want to pool their money.

Vice-Chair Wadsworth asked what kind of recording requirements is the Nevada Indian Commission going to require from the Tribes to ensure that the funds are being spent per the ARPA guidelines? The Director said it is outlined carefully in the two-page document/application. All of their Tribal Nations receive direct ARPA funding, and Tribes are well aware of all the parameters.

Vice-Chair Wadsworth asked if when the ITCN Board decided on the most equitable way to administer the funds, was that passed through a resolution or formal correspondence? The Director said she has no formal correspondence from ITCN, with the exception of meeting minutes. There was no resolution passed.

Chair Lathouris asked in terms of the ITCN determining the most equitable way of dividing the funds amongst the 28 Native American Tribes, Bands, Colonies, what authority does the Inter-Tribal Council of Nevada have to make that decision for each of the Tribes that would be a beneficiary underneath these funds? What happens if a Tribe is not in agreement with the distribution? Director Montooth said by law they are not obligated at all to follow guidance of ITCN. However, that's a strong partnership.

Chair Lathouris said before they follow that formula, he would like to see that notice was given to each of the Tribes that this was going to be discussed at the ITCN, so that way, each Tribe, Band, Colony had an opportunity to participate in that discussion. And along with that notice, he would like a formal resolution from ITCN saying that this was the decision. The Director said she will share that with leadership and get some kind of confirmation.

Vice-Chair Wadsworth said that he thinks the ITCN is the best medium for making a unilateral decision on behalf of all the Tribes, but NIC is doing their due diligence and talking with Tribal leaders. How can the NIC Commissioners help? Director Montooth said NIC Commissioners should make sure their respective Tribal Nations know about the funding.

The Director said she agrees with the perspective of the ITCN being an appropriate venue. She tried extremely hard to make sure that the 28 Tribal Nations' Chairs understand this process. From her perspective, dividing the funds by 28 is absolutely the most equitable way to do it.

Commissioner Emm said she agrees with the Director, but she wants to make sure Tribal leaders have autonomy on how they want the money spent. She thinks some of the Tribes will need help moving through the contracting process. Is there support at a State level that they could pull for that?

Director Montooth said they have worked very closely with the Governor's Grants Office. They have consulted with Karen Stout several times. Also, NIC is technically a division of Nevada Tourism and Cultural Affairs, which is absolutely in the business of sub-granting money. The Program Officer, Sarina Nez, has met with a contact and continues to be in communication with Tourism about best practices for dividing the grant money. They will plan multiple dates to have webinars or in-person meetings with state experts on how to get our Tribes in appropriate or good standing to receive funds.

Sarina Nez said the Tribes will have to enroll in the vendor process with the Secretary of State's Office, and it's online. It takes about 15 to 20 minutes, and Tribes should get a response within 1 to 2 business days with a vendor number with the State of Nevada. About half the Tribes are enrolled at this time and they're working to get the other half enrolled in that vendor system so that the money can be transferred to them.

Commissioner Emm asked if the Tribes need a tax ID number in order to complete this vendor process? Ms. Nez said yes.

Vice-Chair Wadsworth asked if the application process was going to be a rolling process or is there going to be a deadline? Director Montooth said the plan is to address each application as it comes in. The fiscal team would definitely like to have all \$20 million transferred to the 28 Tribal Nations before July 1, before that next fiscal year. Otherwise, it has to be rolled over and that makes a work program.

Chair Lathouris said he and the Commissioners have confidence that the Executive Director will do the right thing. The Inter-Tribal Council of Nevada is also trying to do the best they can, but it's no substitute for Tribe's sovereign authority to represent itself. The NIC wants to make sure that all the Tribes have a chance to participate, and they have notice about this.

Motion: Approve Executive Director's Quarterly Report as presented

By: Unidentified speaker

Second: Chair Lathouris

Vote: Approved by acclamation

VIII. Stewart Indian School Cultural Center & Museum Report (For Discussion & Possible Action)

Bobbi Rahder, Museum Director for the Stewart Indian School Cultural Center & Museum reported that the exhibit about Stewart Indian School at the Reno-Tahoe Airport will close in February. She said that other venues are interested in displaying it including the Truckee Parks and Rec Community Center in Truckee, and the St. Mary's Center in Virginia City.

Ku Stevens received another Billy Mills Running Strong Foundation grant to hold a third Remembrance Run in August.

Vice-Chair Wadsworth asked if there was a plan to install a new exhibit at the airport? The Native Act gave Tribes the right to have displays. Are there ongoing discussions of having a permanent space in the airport or anything along those lines?

Director Rahder said the Reno-Tahoe Airport has a new committee of volunteers who are helping advise the Airport Authority about future exhibits. One of the volunteers at the Stewart Indian School Cultural Center & Museum, Lorraine Cook, is on that committee. She reminded the board of Commissioners that the Nevada Indian Territory used to have a permanent exhibit at the Reno-Tahoe airport. The airport right now is advertising for permanent art to be located in the ticketing area and a call for art is going out to all artists.

Chair Lathouris asked Director Rahder to give a description about the Great Basin Native Artists Gallery. Director Rahder said the Great Basin Native Artists Gallery is a dedicated space for the Great Basin Native Artists Collective,

coordinated by Melissa Melero-Moose. The current exhibit featuring powwow regalia will be showing through May 26. Following that, Melissa is curating another exhibit for Stewart alumni artists to run from May to September.

There were no other questions regarding the Stewart Indian School Cultural Center & Museum's Report.

Motion: Approve Cultural Center and Museum Report as presented

By: Commissioner Emm

Second: Vice Chair Wadsworth

Vote: Approved by acclamation

IX. Stewart Father's Day Pow Wow (For Discussion and Possible Action)

That the upcoming Father's Day Powwow has had some successful fundraisers. They've been meeting with the committee to discuss vendors and complete contracts for the June event. Vendor applications will be going out soon, and if commissioners know anyone that wants to be a vendor at the Powwow in June, send them her way.

The committee is selling ads in the souvenir program and are also offering a business-card-size ad in the souvenir program with any donation up to \$100. Donations should go to the Stewart Father's Day Powwow Committee, at the Nevada Indian Commission, addressed to Ms. Nez.

Vice Chair Wadsworth asked when the NIC would get back to hosting the American Indian Achievement Award Banquet. Ms. Nez said yes, they are planning to bring back all of the events that were taking place prior to COVID and the new administration.

Chair Lathouris asked if there are any asks or requests of the community or anybody who might be listening, in terms of the Father's Day Powwow?

Motion: Approve Stewart Father's Day Powwow Report as presented

By: Unidentified speaker

Second: Vice Chair Wadsworth

Vote: Approved by acclamation

X. Indian Education Advisory Committee Report (For Discussion & Possible Action)

Fawn Hunter, Chair of the Indian Education Advisory Committee (IEAC), reported that the IEAC Education Strategic Plan.

Chair Hunter said they put out surveys through ITCN, but the return was low. That only 12 total surveys were collected at the ITCN conference, their next process is going to be going directly through the Tribes.

Fredina Drye-Romero, Nevada Department of Education, Education Programs Professional, said the Nevada Department of Education hosted a presentation by the National Comprehensive Center: Native Education Collaborative Circle of Reflection to discuss relationships between Tribal Communities, school districts, and schools. NDE wanted the Circle of Reflection to help with the strategic plan and build the capacity for the State. The mission of the Circle of Reflections is, "To enhance the learning lives of Native children and youth; Circle of Reflections is a process facilitated by the National Comprehensive Center to engage the districts, the state, and the Tribes in which reflective discussion and strategic planning to provide high quality, motivational educational experiences that improve Native students' academic achievements. The presentation was recorded and can be shared.

Commissioner Emm asked what deadlines are in place for the strategic plan? When will a draft review be sent to the Tribes? specifically when the draft review would be sent to Tribes. What are plans for the future of getting this done?

Chair Lathouris said in October, there was talk about surveys going out to the communities. He said the Indian Education Strategic Plan is important and the Commission is trying to figure out exactly when they might have a deliverable on a plan to replace the one that needs to be updated? the Indian Education Strategic Plan is important and asked about replacing the outdated plan. Ms. Drye-Romero said they do not want to rush the process. They want to have the voice of many. They want to do it right. She will bring up the Commissions' concerns of timeliness with the NIEA.

Chair Hunter said they want to make sure they are including all their committee members. They want to make sure they're including all the Tribal Education Departments, all Tribal leaders or individuals working in the schools, staff and administration, to find out the issues and needs in the classrooms. They want to make sure everybody has a say. Hopefully by summer they will be done with the surveys and information step.

Chair Lathouris said the Commission understands the difficulty in collecting feedback. And they do appreciate the diligence and care in the process and making sure that it's done the right way. However, the Chair requested a written report at the next Nevada Indian Commission meeting with attachments, which might be surveys or draft policies. IEAC Chair Hunter said they will have that.

Ms. Drye-Romero said NDE is adding a new position in the Office of Inclusive Education, funded through state funds to manage all aspects of Every Student Succeeds Act, the Tribal consultation process. The duties are designed to facilitate meaningful consultation between Tribal entities and school districts which have received more than \$40,000 in Title VI funding.

Commissioner Tiger asked about the Clark County School District's plan to recruit another member from Southern Nevada? Ms. Drye-Romero said they are advertising the position now.

Director Montooth said the surveys are completed. They have been administered, but only at the Inter-Tribal Council of Nevada Convention that was held the middle of December. That is the only place that it has been administered.

Commissioner Emm reminded everyone about Carolyn Harry's earlier public comments. Ms. Harry outlined some Tribal student issues at Pyramid Lake Junior-Senior High School. Could Chair Hunter or Ms. Drye-Romero give them any insight or guidance? Chair Lathouris asked if they had any recommendations on follow-up? Ms. Drye-Romero suggested Ms. Harry contact the Bureau of Indian Education which contact information she would forward. Chair Lathouris asked that someone on the Commission be cc'd in case the Commission that would be great. That way, hopefully the Commission could be of assistance and maybe participate and learn a little bit about it and find resolution. It sounds like a policy issue. Policy needs to change, but that policy needs to come from the school board.

There were no further questions. Chair Lathouris said as there was no written report, there was no need for a motion.

XI. Stewart Indian School Preservation Alliance (SISPA) Report (For Discussion & Possible Action)

Commissioner Kelly Krolicki reported the Stewart Indian School Preservation Alliance received donations from All Voting Local Action and District Council of Ironworkers in the amount of about \$5,000 to support Nevada Tribes Legislative Day. Director Montooth said they got another \$2,500 donation from Arevia Energy. The money will be used for a catered lunch for 160 people and travel expenses and 22 room nights for Nevada Tribes Legislative Day participants who needed help with either accommodations or transportation.

XII. Presentation by Janell Rasmussen, Program Administrator and Valerie Bribiescas, Project Coordinator – AMBER Alert in Indian Country (For Discussion & Possible Action)

Valerie Bribiescas and Julian Garcia, both Tribal citizens and retired police officers, gave an overview of the *AMBER Alert* system in Indian Country. After they retired from police work, they realized there was a disconnect between Tribes and the *AMBER Alert Coordinators*. Most reservations do not have a plan in place if there is a missing or abducted child. *AMBER Alert in Indian Country* is aiming to change that. Their goal is to reach out to all Tribes in Nevada and explain how *AMBER Alert in Indian Country* works, and how they can help Tribes get up and running.

The goal now is to get Tribal communities and outside entities (like sheriffs' offices, schools, fire departments/EMS and 911 operators) on board. The outside entities might have access to extra technology, bloodhounds or air support.

Mr. Garcia said lack of communication is the biggest issue. Sometimes there's no cellphone or radio service. Also, the reservations are usually a long distance from the outside community.

The Navajo Nation decided to create their own alert and they are the only Tribe that has an alert within their community. All the other Tribes have to go through the state and work as partners.

An AMBER Alert Technology Toolkit has been developed for Tribes. It has a laptop computer, earphones, camera, scanner, tablet and a huge Panasonic Pelican box. And it's free for the Tribes. Toolkits have been provided to the Las Vegas Paiute Tribe, the Lovelock Paiute Colony, the Moapa Band of Paiutes, and the Duckwater Shoshone Tribes.

AMBER Alert in Indian Country has an interactive website that displays all the training and the staff for *Amber Alert in Indian Country* will come to all the Tribal communities in Nevada for free. All they need is a space to present.

Vice-Chair Wadsworth confirmed that the AMBER Alert in Indian Country staff works with Tribal affiliated organizations.

XIII. Presentation by Joe Mike, Government Affairs and Public Relations Manager – Duckwater Shoshone Nation (For Discussion & Possible Action)

Joe Mike, Government Affairs and Public Relations Manager, Duckwater Shoshone Nation shared a presentation he created for his Tribe's quarterly meetings.

Duckwater Shoshone Nation operates as a community development group. That group consists of two administrators, a Government Affairs, Public Relations person, a Community Development Manager, and a Tribal Consultant. If vacated, these positions will be filled immediately so there's always continuity.

Some issues Mr. Mike outlined:

- **Roads**-Most of the reservations have dirt roads in and out and these roads need to be upgraded. The price tag can be astounding. Duckwater is looking at a \$68 million bill. Duckwater government affairs is reaching out to city, county, and state pools of money to get the job done.
- **Broadband**-Duckwater secured American Rescue Plan Act dollars for broadband. With the ARPA funds the Tribe will operate as their own broadband, owning the fiber-to-the-home and acting as their own internet service provider.
- **Land Expansion**-Duckwater will always be pursuing a larger land base. They will always try to get back some of their ancestral lands. Recently they were able to re-acquire a 20-acre parcel of land that was within their original Reservation boundaries.
- **Water**-Duckwater has a natural hot spring, where they get their irrigation water. They learned recently that they are getting less than the amount allocated to them from the State. Much work needs to be done here.
- **Master Plan**-Mr. Mike said Duckwater's master plan needed to be updated because some sections no longer applied, and some sections did not address issues properly.
- **Small business credit initiative.** Tribes should take advantage of this even if it means they have to come up with matching funds.
- **Irrigation**-Aside from the fact that Duckwater is not getting enough water allocated to their individual landholder, their irrigation system's old and dated. It needs to be updated and improved. Duckwater is seeking funding. Commissioner Emm told Mr. Mike that the Natural Resources Conservation Service (NRCS), has a lot of money. They have \$20 billion through 2030.
- **Quarterly meetings with BLM and USDA**-The Duckwater Shoshone Tribe meets with them every quarter and that creates continuity and consistency.
- **Partnerships**-Duckwater has cultivated partnerships with the mining industry in the outside community. They talk the same initiatives, including capital requests, education, workforce development, cultural preservation, and economic development opportunities. An example of this is the cultural preservation piece. Mr. Mike said that Duckwater has so many partnerships now, their annual events, like powwows, cost the Tribe nothing.
- **Public Relations**-Duckwater now has a website. It has information, calendars, and resources, like forms and applications. The website is a hub for the entire community. They are also using social media.
- **Community Services Building and Judicial Building.** Duckwater has a new Community Services Building thanks to a block grant. It houses emergency responders, housing, daycare, and seniors.
- **In-House Talent.** Tribes have many untapped human resources. There are professionals from all walks of life in our Tribal communities, so cultivate those relationships.

- **Meeting Notes and Summaries.** Mr. Mike said summarizing the work done at meetings and circulating those notes keeps everyone on the same page. Sharing problems, goals, and plans is unifying.

XIV. New Business (For Discussion & Possible Action)

A) Update by Commissioner Tammi Tiger, Prayer Water Run March 11-15

Commissioner Tiger said that US Secretary of the Interior Deb Haaland (Laguna Pueblo) visited Hoover Dam and Lake Mead and saw for herself the effect the drought has had on our rivers and lakes. She asked tribal representatives to organize a prayer run for the water. The Indigenous Prayer Run Alliance will host the Prayer Water Run March 11-15. Starting on Navajo Lands in Glen Canyon, Arizona, runners will run to Hoover Dam, Nevada. Along the way runners will be hosted overnight by different Tribes as they pass through their lands. The core group of runners are the Wings of America Native American Team, a group that Commissioner Tiger met through the Bears Ears Prayer Run Alliance. The Prayer Run information is on Facebook and Instagram.

B) Update by Nevada Assembly Member Natha Anderson on Native American Waiver of Fees

Nevada Assemblywoman Natha Anderson updated the Commission on Assembly Bill 150. AB150 has been introduced into the Legislature and will be going to the Education Committee in the Assembly. This is a bill granting Native American Learners a fee waiver for all Nevada System of Higher Education schools, whether it is for professional development or degree seeking.

Assembly Member Anderson said she would propose changes to parts of AB150 to address:

- Inclusion of entire Tribal communities for the four reservations that cross stateliness.
- Dual enrollment or high school students taking college classes.
- Insert already established NSHE language to allow for more in-state tuition items.
- Inclusion of summer and winter semesters.
- Remove FAFSA requirement.
- Remove residency requirement if a student has graduated from a Nevada high school and is enrolled in a federally recognized Indian Tribe
- \$450,000 in state funding to secure matching federal funds.

Assembly Member Anderson said that whether it is a junior college or the traditional four-year, or the law school or the med school, NSHE needs to live up to the language of the bill.

Chair Lathouris, an enrolled member of the Chemehuevi Indian Tribe, a Southern Paiute Tribe. Their point of creation is in Southern Nevada. But when the federal government placed them on a Reservation, it was actually in California, about two and a half hours south of Las Vegas. Chair Lathouris asked if consideration will be given to Tribes that are ancestrally located within Nevada that were placed on reservations that are outside of Nevada?

Assembly Member Anderson said that is one of the reasons why she's bringing up the language, based on advocacy. There needs to be language addressing those students who have lived in Nevada for a year or graduated from a Nevada high school, and language around people coming outside of Nevada's traditional borders, not the other area borders. Because that's exactly the issue that they are trying to figure out.

Chair Lathouris suggested identifying the Tribes with ancestral connection to Nevada.

Assembly Member Anderson said she can add that, and she thanked the Chair for bringing up that solution.

Vice-Chair Wadsworth asked if the FAFSA is removed, would that change the funding formula?

Assembly Member Anderson said that is exactly why she is trying to remove the FAFSA requirement.

Marla McDade-Williams asked the Assembly Member about another measure that affects Native students, which would allow them to wear regalia or traditional cultural items during their high school graduation. She hopes this will move through the session early. Assemblywoman Anderson said the measure is AB73 and she will speak with the maker of the motion to bring up some concerns that have been brought to her attention. She supports AB73 completely.

XV. Old Business (For Discussion & Possible Action)

A) Update by Commissioner Emm on Position Paper on Tribal Water Rights

Commissioner Emm gave an update on the Position Paper for Tribal Water Rights. She and Director Montooth met with some Tribal Chairs and Tribal members at the recent Inter-Tribal Council of Nevada Conference. Shared issues were many and infrastructure was a common denominator.

Six individual Tribes brought up infrastructure for drinking water and quality of drinking water as a major problem. Also, Commissioner Emm and Director Montooth met with Tahlia Bear, a rep from Western Resource Advocates. Western Resource Advocates (WRA) is an organization that has experience working with 30 Tribes on the Colorado River. They have a Position Paper online. WRA also has a baseline assessment to determine where Tribes are at as far as their water rights. WRA is currently working with Southern Nevada Water Authority. She asked if Members want to invite them to the next meeting to discuss the drinking water and infrastructure issues.

Commissioner Emm suggested identifying a Nevada Tribe to volunteer to go through the assessment, and then report back to the Commission on how that assessment worked, if they liked it, or if they didn't. Commissioner Emm said that it would be good if the Commission could provide expertise in this area.

Chair Lathouris said the Commission needs to consider creating an advisement committee specifically on water.

Commissioner Krolicki suggested previewing one of the policy papers for the 30 Tribes on the Colorado River so that the Members have the opportunity to review past work WRA and to get them talking about what they do and how that would apply to Nevada.

Chair Lathouris asked when they could talk about a Position Paper on Tribal Water Right, is it the position of the respective Tribes or the position of the State of Nevada regarding Tribal water rights? Commissioner Krolicki said it was the position of the Tribes to put forth to the State.

The Chair said there were a few things he wants to add to that discussion for consideration. There is an ongoing case right now at the Supreme Court level of Arizona versus Navajo Nation regarding the federal government's responsibility to quantify Navajo Nation's water rights to the main flow of the Colorado River. That's a Supreme Court case they are going to need to monitor.

The Chair also explained that the Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District case is about groundwater and how that water can be depleted and recharged with inferior water quality. This case will

explore how Tribes use that water as well as consider drinking water standards. Chair Lathouris recommended that if in place, Tribes should also consider their own water standards, so they can show how it compares to the standard identified in the Agua Caliente Band case.

Chair Lathouris continued the discussion turning to water treatment and whether Tribes are exercising that right underneath the Clean Water Act. He said that it is a really a unique provision of law that does not apply in many areas. Chair Lathouris stated that underneath the treatment as State status of the Clean Water Act, the Tribes can set their water quality standards and actually enforce that against upstream water users, even off reservation. He cautioned that will still depend on the Tribe applying for that through the Environmental Protection Agency (EPA), underneath the Clean Water Act.

The Chair said he's heard that there are parts of Nevada that are opposing Tribes taking land into trust and restoring their traditional ancestral land bases, based on the Tribes' having access to water for those lands. And if that's an issue, then that needs to be addressed, because people shouldn't be opposing Tribes getting land in trust under federal policies because of water concerns or trying to get Tribes to give up their rights without anything in return.

Chair Lathouris said Western Resource Advocates was actually very helpful during the Regional Transmission. They coordinated a taskforce in trying to raise awareness about how Tribes are going to be implicated by any transmission work to establish renewable energy infrastructure and the need to have Tribes as part of that process, to make sure that they benefit from it, but also that their rights are protected. They've been really good with trying to reach out to Tribes and include Tribes in important discussions.

B) Update by Chair Lathouris on Consultation Policy

Chair Lathouris provided an update on the Consultation Policy. The Commissioner's and other stakeholders have had several work meetings and will continue to have work meetings as they work on the draft policy based on the last Legislative Session, AB264, which was to develop a consultation policy between the State of Nevada and Tribes.

Chair Lathouris explained that the federal government has a trust responsibility to Tribes, and it also has a duty to consult with Tribes, so various federal agencies have started updating their policies on that consultation.

A few months ago, the U.S. President put out the Uniform Standards for Consultation. The Department of the Interior has new standards and there's also a Joint Secretary Order between the U.S. Department of Agriculture and the U.S. Department of the Interior, Joint Secretary Order 3403. The Joint Secretary Order encourages federal agencies to take land into trust for Tribes and to have joint stewardship and co-management of certain resources like water, wildlife, habitat. That is a really powerful tool for Tribes in restoring their land base.

The Chair went through the Sections of the Policy:

- Section 1. Background that will include some more recent legislative history about it being included in the Nevada Revised Statutes.
- Section 2. Purpose.
- Section 3. Principles.
- Section 4. Definitions. Language is drafted to be very similar to the Department of the Interior's policy. The trigger for what would require consultation with a Tribe is based off the federal language. "State agency regulation, rulemaking, policies, guidance, legislative proposal, planned programmatic or

operational activity, or grant or funding formula change that may have a substantial direct effect on a Tribe in matters including but not limited to Tribal cultural practices, lands, treaty rights, resources, ancestral lands, sacred sites, including sites that may be submerged, lands where Tribes were removed from, or access to traditional areas of cultural or religious importance on state managed lands and waters, the ability of the Tribal government to provide services to those people, a Tribe's relationship with a state agency, or any action planned by a non-state entity that involves funding approval or other agency action, unless the Tribe is a party to that action."

- Section 5. Protocol. The big part about the protocol is to allow for flexibility, because consultation can mean different things to different Tribes. They are sovereign Nations. This protocol allows for a state agency and a Tribe to agree in writing what works for them. The Tribe can review and then request a meeting or provide comments. The protocol allows for flexibility, but it does require that it be mutually agreed to in writing by the parties.

The draft outlines required collaboration, communication methods and the requirement that state agencies making a good faith effort to review their actions to see if there is an impact to Tribal resources. It talks about state agency Tribal liaisons, Tribal advisory boards, working groups and what their roles are. This section also identifies the different stages of consultation. In the initial planning phase, there should be adequate notice that is provided and a written description of the topics to be discussed, the scope of the proposed action under consideration, the purpose of the action under consideration, who is proposing the action, a timeline of the process, possible outcomes, and the state agencies that will participate in the consultation and the development and implementation of the action under consideration. Tribes may also request state agency to initiate consultation.

In the proposal development stage, you can work on a protocol or the parties' expectations can be established and put in writing.

State agency acts. Any information designated by a Tribal government will not be publicly disclosed. State agencies must obtain advanced informed consent from Tribes to reveal sensitive information and the state agencies must inform the Tribe that certain laws may require disclosure of such information.

- Section 6. Not outlined.
- Section 7. Reporting. In new federal policies, there is language about state agencies providing reports to the Nevada Indian Commission.

To establish accountability, the state agencies are going to have to provide a summary of what feedback they receive from Tribes, how they considered that output, and if they did not consider the input, why. The NIC wants to ensure that traditional people with actual knowledge review state documents because tribal knowledge might not be written down in a textbook, but information that has been passed down in an oral tradition is important. A lot of times people think of the wilderness area as a state of nature that has to be carefully cultivated by generations of indigenous stewardship. Traditional ecological knowledge is incredibly meaningful.

Vice-Chair Wadsworth asked if it is the intent of the Commission to codify policy?

The group discussed timelines, calendars, and posting requirements. Normal meetings are a three-day notice. The Governor's Executive Order is governed by NRS 233B and has a 15-day notice.

Motion: Establish a cut-off date of April 3 for comments to the Consultation draft Policy and the Commission to consider comments at their meeting on April 23

By: Chair Lathouris

Second: Commissioner Emm

Vote: Approved by acclamation

XVI. Agenda Items for Future Meetings (For Discussion & Possible Action)

Director Montooth said DHHS wants to present more data that they collected. Director will have an update on BDRs, and the NIC staff will provide an update on the Governor's Recovery Funds.

In regard to NIC holding meetings on Tribal lands, Director Montooth said with assistance from Commissioner Tiger, they have gotten some relationships established with Fort Mojave, who officially joined Inter-Tribal Council in June. Staff is still working with fiscal about travel plans. Vice Chair Wadsworth said when they are considering visits, they shouldn't be just North-South options.

XVII. Future Nevada Indian Commission Meetings and Other Important Dates:

Quarterly Meeting: April 23rd (Required quarterly meeting)

Quarterly Meeting: July 24th (Required quarterly meeting)

Quarterly Meeting: October 16th (Required quarterly meeting)

82nd Session of the Nevada Legislature Through - June 5, Carson City

Nevada Tribes Legislative Day Tuesday, February 14, Carson City, Nevada

Indigenous Prayer Run: Honoring the Colorado River, Glen Canyon to Hoover Dam, March 11-15

Nevada Tribal Tourism Conference March 21 and 22, Stewart Old Gym, Carson City, Nevada

Dancing for the Earth, Dancing for the People: Powwow Regalia and Art of the Great Basin, SISCCM Great Basin Native Artists Gallery, through May 26 Monday – Friday, 10 a.m. – 5 p.m.

41st Annual Protecting Our Children Conference, Indian Child Welfare Association, April 2–5, Reno

Nevada General Election Early Voting, October 22 through November 4

Nevada Day Celebration at Stewart Indian School Cultural Center & Museum, October 29 - 1-5 p.m.

Native American Heritage Month November

Nevada General Election Day Tuesday, November 8

Stewart Father's Day Powwow Committee Arts and Craft Fair, November 18-19, Stewart Gym

XVIII. Final Public Comment

Vice-Chair Wadsworth said he was very pleased that so many people attended the NIC meeting. It shows that the work they are doing is important and impactful.

Joe Mike announced Duckwater Shoshone Tribe announced the Duckwater Tribe will host its annual Festival and Powwow, June 23-25

Fran Maldonado reminded everyone that National Indian Child Welfare Act Conference will be in Reno, for their 41st annual conference. If anyone is interested in attending and is maybe having a financial struggle, please contact her. The registration will be covered for at least one social worker from each Tribe to attend.

Chair Lathouris asked if there were any other comments and there were none.

XIV. Adjournment

Chair Lathouris asked if there was any opposition for adjourning the meeting and there was none. He said the meeting was adjourned.

DRAFT