

Intergovernmental Executive Committee

Meeting Minutes

August 31, 2021 at 2:00 p.m. PDT

In-Person and Virtual Meeting

This meeting was held both in-person and virtually pursuant to NRS241.023 and State of Nevada Declaration of Emergency Directive 006.

Churchill County Commission Chambers

155 N Taylor St. #145

Fallon, NV 89406

Join the meeting online: <https://mantech.zoomgov.com/j/1606077097>

Call in by phone: 1-669-254-5252

Webinar ID: 160 607 7097

Pursuant to NRS 241.020, the Agenda for this meeting was posted at the following locations: State of Nevada Website (<https://notice.nv.gov/>), the Fallon Range Training Complex (FRTC) Modernization website (www.frtcmodernization.com/IEC), the Clearinghouse website (<http://clearinghouse.nv.gov/>) and the Churchill County Administration Building (155 Taylor St., Fallon, NV 89406).

Please Note:

- Public Comment will be limited to three (3) minutes per person. The Committee reserves the right to reduce the time or limit the total time allowed for public comment.
- Times listed for all items are estimates.
- Items on the agenda may be taken out of order, combined, removed or delay discussion at the discretion of the Committee.
- Documentation and supporting agenda items are available on the FRTC website at www.FRTCmodernization.com/IEC.

IEC Elected Positions:

- Chair – Amber Torres, Walker River Paiute Tribe (in person)
- Vice-Chair – Pete Olsen, Churchill County (in person)

IEC Members:

- Navy – Captain Evan Morrison, Naval Air Station Fallon (NASF) Commanding Officer (in person); Commander Scott Beyer, NASF Public Works Officer (in person)
- Bureau of Land Management (BLM) – Jon Raby, State Director Nevada (via Zoom); Ken Collum, District Manager Carson City (via Zoom)
- Nevada Department of Wildlife (NDOW) – Alan Jenne, Habitat Chief (via Zoom)
- Nevada Department of Conservation and Natural Resources (DCNR) – Dominique Etchegoyhen, Deputy Director (in person); Scott Carey, State Lands Planner (in person)
- Churchill County – Pete Olsen, Churchill County Commissioner (in person); Jim Barbee, County Manager (in person)
- Lyon County – Vida Keller, Lyon County Commissioner (via Zoom); Ken Gray, Lyon County Commissioner (in person)
- Mineral County – Christine Hoferer, Mineral County Commissioner (via Zoom); Cassie Hall, Mineral County Commissioner (via Zoom)
- Pershing County – Shayla Hudson, Pershing County Commissioner (in person); Carol Shank, Pershing County Commissioner (via Zoom)
- Nye County – Bruce Jabbour, Nye County Commissioner (via Zoom); Lorinda Wichman, Natural Resources Director (via Zoom)
- Eureka County – J.J. Goicoechea, Eureka County Commissioner (via Zoom)
- Fallon Paiute Shoshone Tribe – Yvonne Mori, Acting Tribal Chair (via Zoom)
- Walker River Paiute Tribe – Amber Torres, Chairman (in person); Elveda Martinez (via phone)
- Yomba Shoshone Tribe – Ronald Snooks, Chairman (in person)
- Pyramid Lake Paiute Tribe – N/A
- Lovelock Paiute Tribe – N/A
- Duckwater Shoshone Tribe – Warren Graham, Chairman (via Zoom)
- Battle Mountain Band Te-Moak Tribe of Western Shoshone – N/A
- Elko Band Council Te-Moak Tribe of Western Shoshone – N/A
- Fort McDermitt Paiute and Shoshone Tribes – N/A
- Reno-Sparks Indian Colony – Arlan Melendez, Chairman (via Zoom)
- South Fork Band Council Te-Moak Tribe of Western Shoshone – N/A
- Washoe Tribe of Nevada and California – Serrell Smokey, Chairman (in person)
- Wells Band Council Te-Moak Tribe of Western Shoshone – N/A
- Winnemucca Indian Colony of Nevada – N/A
- Summit Lake Paiute Tribe – Nedra Crane, Vice-Chair (via Zoom)
- Te-Moak Tribe of Western Shoshone – N/A
- Yerington Paiute Tribe – N/A

IEC Liaisons and Support

- IEC Liaisons – Toni Burton, NASF Tribal Coordinator (in person); Zip Upham, NASF Public Affairs Officer (in person)
- IEC Support – Robin Scofield, NASF (in person), Allison Turner, ManTech (in person)

Call to Order

- IEC Chair Amber Torres called the meeting to order at 2:11 p.m. on August 31, 2021.

Welcome and Committee Member Introductions

- IEC Chair Torres welcomed everyone and made opening statements.
- Toni Burton, IEC Liaison and NASF Tribal Coordinator, called roll. Representatives of each IEC member organization present introduced themselves. The list of attendees/absentees is above.

Verification of Agenda Posting

- The Agenda for this meeting was posted in accordance with NRS 241.020.

Approval of Agenda

- The IEC approved the Agenda with no changes.

Public Comment

- IEC Chair Torres introduced Allison Turner (Moderator) who then guided everyone through the guidelines for providing a public comment. Comments were kept to a strict three minutes per person. Action will not be taken on the matters considered during this period until specifically included on an agenda as an item.
- The following comments were received during this public comment period:
 - Ms. Janet Brian Weed, working with the Yomba Shoshone Tribe and member of the Reno-Sparks Indian Colony, asked if the IEC satisfies tribal consultation requirements under federal law.
 - On behalf of Fallon Paiute Shoshone Tribe, Mr. Wyatt Golding stated that it is challenging to receive the late changes to the meeting materials and asked why they were provided so late.
 - Ms. Darlene Hooper Dewey provided a written comment. She has been a tribal monitor for nearly 20 years, and burials and artifacts need to be protected in Shoshone ancestral lands.

For Possible Action: Eureka County to Become a Member of the IEC

- Eureka County sent a letter requesting to become a member of the IEC. The letter was included in the IEC Meeting Package. The IEC members discussed the request.
- Commissioner Shayla Hudson, Pershing County, motioned to approve Eureka County becoming a member of the IEC. Commissioner Vida Keller, Lyon County, seconded the motion. The motion passed with thirteen ayes, one against, and one abstention.
 - Chairman Arlan Melendez, Reno-Sparks Indian Colony, abstained due to uncertainty regarding jurisdiction and affected resources. Vice-Chair Yvonne Mori, Fallon Paiute Shoshone Tribe, voted against because Congress determined the makeup of the IEC and she did not see where the IEC has the authority to override Congress.

Old Business

- Bureau of Indian Affairs (BIA) participation in the IEC
 - An invitation to be a member of the IEC was sent to BIA. A copy of the letter was included in the IEC Meeting Package.

- Copies of letters were sent to BIA Nevada Office, BLM Nevada office, BIA Western Regional Office, BIA Washington D.C. office.
- Ms. Toni Burton, IEC liaison and NASF tribal relations coordinator, stated that a response from BIA has not yet been received. Letters have been mailed and follow-up phone calls were made to Director Brian Bowker at the BIA regional office and Acting Superintendent Gerry Emm in the Carson City office. She will continue to follow up.
- Participation forms
 - IEC member organizations that have not yet turned in their participation forms or have changes in their primary or alternate IEC representatives are requested to return the forms.
 - The organizations that have sent in their participation forms are as follows: BLM, NDOW, DCNR, Navy, Churchill County, Lyon County, Mineral County, Nye County, Pershing County, Walker River Paiute Tribe, Fallon Paiute Shoshone Tribe, Duckwater Shoshone Tribe, Washoe Tribe of Nevada and California, Fort McDermitt Paiute Shoshone Tribe, and Summit Lake Paiute Tribe.

Approval of IEC Meeting Minutes

- The IEC voted 14-0, with one abstained, to approve the revised April 20, 2021, meeting minutes. Yomba Shoshone Tribe abstained from voting stating they did not receive the meeting minutes for April 20, 2021.
- The IEC voted 13-0, with two abstentions, to approve the revised June 28, 2021, meeting minutes. Mineral County abstained from voting as they were not present at this meeting and Yomba Shoshone Tribe abstained from voting stating they did not receive the meeting minutes for June 28, 2021.

For Possible Action: Agenda Topics and Possible Standing Agenda Topics

- The IEC discussed potential standing agenda topics. Potential standing agenda topics (with potential leads) include:
 - Legislative update (Navy)
 - Administrative withdrawal, including acreages and an updated map (BLM, Navy)
 - Cultural and ethnographic study updates (Navy)
 - A response to Governor Sisolak's letter from Feb. 12, 2020, and Navy responses to the Nevada Consolidated Response (Navy)
 - Impacts of Navy activity on cultural and natural resources on the existing base (Navy)
- IEC Vice-Chair Pete Olsen suggested standing agenda items also be potential action items, should the IEC want to take an action on a standing agenda item.
- The IEC voted 16-0 for these items to be standing agenda items.

For Possible Action: Discussion and Adoption of IEC Charter

- DCNR submitted minor corrections on the Charter, which were incorporated.
- The Fallon Paiute Shoshone Tribe submitted more substantial comments on the Charter, some of which needed to be discussed by the IEC. Comments were provided in advance in the IEC Meeting Package and included:
 - The "potentially expanded FRTC land area and airspace" as described in the Charter are beyond the scope of work of the IEC, as defined by Congress in the fiscal year (FY) 2021 National Defense Authorization Act (NDAA).

- The definition of a “quorum” does not facilitate a decision by a representative group of the IEC.
 - The IEC vote to allow organizations not called out in the NDAA to request to become a member is inconsistent with the IEC as defined by Congress.
 - Organizational descriptions are inconsistent in the level of detail and may be inaccurate.
- IEC Chair Torres summarized votes and discussions of the IEC thus far that were related to the Fallon Paiute Shoshone Tribe’s comments on the Charter.
 - The scope of the IEC was voted on during the IEC meeting on April 20, 2021. The IEC passed a motion 9-1 in favor of the scope of discussion to include current withdrawal, future expansion, airspace, and interconnected ideas.
 - The definition of a “quorum” was voted on during the IEC meeting on April 20, 2021. The IEC passed a motion by consensus for a quorum to be constituted as “members present.”
 - The IEC voted 10-0 to allow organizations not specifically called out in the FY21 NDAA to be able to request to be added to the IEC membership. The process included writing a letter addressed to the IEC Chair expressing their desire to participate and outline a connection to the FRTC.
 - Language included in each organization’s section was meant to be a placeholder until the organization had the opportunity to edit the description during its review of the Charter.
- The IEC members discussed comments from the Fallon Paiute Shoshone Tribe on the Charter. Tribal members expressed concern that more tribes are not participating in the IEC. IEC Chair Torres summarized the efforts to date to reach out to Nevada tribes and encourage their participation in the IEC to have their voices heard. IEC Chair Torres reminded IEC members that they are encouraged to submit agenda items for discussion.
- The IEC voted 11-5 to adopt the IEC Charter. The Fallon Paiute Shoshone Tribe, Yomba Shoshone Tribe, Reno-Sparks Indian Colony, Washoe Tribe of Nevada and California, and Summit Lake Paiute Tribe voted to not adopt the Charter.

For Possible Action: Discussion and Adoption of IEC Memorandum of Understanding

- DCNR submitted minor corrections on the Memorandum of Understanding (MOU), which were incorporated.
- The Fallon Paiute Shoshone Tribe submitted more substantial comments on the MOU, some of which needed to be discussed by the IEC. Comments were provided in advance in the IEC Meeting Package and included:
 - The “potentially expanded FRTC” land area and airspace as described in the MOU are beyond the scope of work of the IEC, as defined by Congress in the FY21 NDAA.
 - References to “other concerns” go beyond the FY21 NDAA.
 - The IEC is not a decision-making body but rather a forum for exchanging information.
 - The definition of a “quorum” does not facilitate a decision by a representative group of the IEC.
 - The NDAA states which entities are invited to be members of the IEC. There is no legal authority to add more.
 - Organizational descriptions are inconsistent in the level of detail and may be inaccurate.
- IEC Chair Torres summarized votes and discussions of the IEC thus far that were related to the Fallon Paiute Shoshone Tribe’s comments on the MOU.

- The scope of the IEC was voted on during the IEC meeting on April 20, 2021. The IEC passed a motion 9-1 in favor of the scope of discussion to include current withdrawal, future expansion, airspace, and interconnected ideas.
- The definition of a “quorum” was voted on during the IEC meeting on April 20, 2021. The IEC passed a motion by consensus for a quorum to be constituted as “members present.”
- The IEC voted 10-0 to allow organizations not specifically called out in the FY21 NDAA to be able to request to be added to the IEC membership. The process included writing a letter addressed to the IEC Chair expressing their desire to participate and outline a connection to the FRTC.
- Organizational descriptions for counties can be consolidated into one paragraph.
- IEC Chair Torres asked for input and feedback from the tribes for specific actions the IEC could take to improve outreach to tribes to try to increase participation.
- Chairman Serrell Smokey, Washoe Tribe of Nevada and California, stated that it is difficult to secure tribal participation and the IEC should take that into consideration in future actions. He stated it is important for BIA to participate in the IEC, as they hold the titles to tribal lands.
- IEC Chair Torres and IEC Vice-Chair Olsen both reiterated that all IEC members are encouraged to submit agenda items for discussion at future meetings.
- The IEC voted 14-0 to incorporate the comment from the Fallon Paiute Shoshone Tribe to combine the county descriptions in the MOU, in a manner similar to the description of the tribes and as listed in the Charter.
- The IEC voted 9-4 to adopt the IEC MOU as amended. The Fallon Paiute Shoshone Tribe, Yomba Shoshone Tribe, Reno-Sparks Indian Colony, and Washoe Tribe of Nevada and California voted to not adopt the MOU.

Navy Presentation and Discussion

- Captain Evan Morrison, NASF, gave a presentation on the status of the proposed modernization and the Navy’s management of natural and cultural resources.
 - The Navy submitted a legislative proposal for FY 2022 NDAA to modernize the FRTC.
 - There were challenges due to changes in administration and political leadership, both in the Department of the Navy and the Department of the Interior (DOI).
 - The Navy will continue to work with agency partners and Congressional committees to advocate for inclusion of modernization in FY 2022 and continue advocacy in FY 2023.
 - The IEC is a valuable forum for the Navy to hear and discuss the concerns of tribes and stakeholders.
- Mr. Ken Collum, BLM Carson City District, provided an update on the Land Management Evaluation (LME).
 - The Land Management Evaluation for the existing Navy withdrawal was extended. The application is moving through the DOI and is currently with the Secretary of the Interior.
 - If the application for withdrawal extension is accepted, a notice would be published in the Federal Register, which would initiate a 90-day public comment period.
- Captain Morrison continued with the Navy update and proceeded to Natural Resources.
 - **Fire Management Plan:** The last chapters of the plan are in development. The National Environmental Policy Act (NEPA) process would be initiated once the full draft plan has been developed. Public, tribal, and agency stakeholder input on the plan will be requested during the NEPA process. Once the NEPA process is complete,

implementation would begin depending on available funds. The Navy is pursuing funds to implement the fire management plan and implementation may begin in FY 2023.

- **Sage Grouse Noise Study:** The Navy and NDOW will hold a planning meeting in September to define the study parameters.
- **Bravo-17 Bighorn Sheep Hunt Program:** The Navy will work with NDOW this fall to coordinate access for the bighorn sheep hunters as hunting season begins.
- **Integrated Natural Resources Management Plan (INRMP):** The contract has been awarded to revise specific sections of the INRMP, the wetland management and Dixie Valley agricultural greenbelt management that surrounds the main station, and landscaping planning to integrate Bird Air Strike Hazard (BASH) management. The Navy plans to pursue a full revision of the INRMP in FY 2022 to incorporate all the efforts that have been made in recent years, as well as revise the goals and objectives of the INRMP to meet the current management needs and expectations.
- **Conservation Law Enforcement Officers:** Two positions have been funded for one year, when the expectation was for the modernization legislation to be passed last year or this year. The Navy has requested a revision to the funding to be for one position for two years due to changes in the timeline. The Navy and BLM are coordinating on the duties of the position and Navy and/or BLM funding.
- Captain Morrison continued with the Cultural Resources update.
 - **Tribal Engagement:** The Navy's tribal engagement team has engaged tribes over 160 times since January 2021, of which 60 of those engagements were in the last two months. Engagement consisted of in-person meetings and phone calls with tribal leadership.
 - **Ethnographic and Class 3 Surveys:** Far Western Anthropological Group has revised the work plans to incorporate tribal comments. The Navy legal team is reviewing the revised version and work will start once an approved contract is complete. The start date is set for early fall 2021.
 - **Programmatic Agreement:** All parties are still working through the programmatic agreement process.
 - **Access Agreements:** The access agreement is being reviewed by the Navy and will be sent to tribes for review by the end of next week.
 - **Integrated Cultural Resources Management Plan (ICRMP):** The Navy continues to execute the current ICRMP for the existing ranges.
- Chairman Arlan Melendez, Reno-Sparks Indian Colony, requested the Navy provide the list of tribal engagement. The Navy will provide the list to the IEC.
- Regarding the bighorn sheep hunt program, IEC Vice-Chair Olsen asked if there has been more work done about antelope being in that area. Captain Morrison stated he will find out more about possible Antelope hunting in the B-17 area.
- Vice-Chair Yvonne Mori, Fallon Paiute Shoshone Tribe, asked if the 160 tribal outreach engagements were for cultural resources and the IEC or for other topics. Captain Morrison responded that outreach was related to all aspects of cultural and natural resources, FRTC modernization, current ranges, and the IEC.

Call for Agenda Items for Next IEC Meeting

- IEC Chair Torres called for any agenda items for next IEC meeting.

- Captain Morrison, NASF, requested Fallon Paiute Shoshone Tribe provide a top five list of specific concerns regarding cultural and natural resources for the current FRTC ranges and the potential modernization so the Navy can address the concerns properly.
- Mr. Dominique Etchegoyhen, DCNR, requested updated maps, which would be helpful as the IEC reviews acreage.

Scheduling of Next IEC Meeting

- The next IEC meeting will be held the first two weeks of November. A Doodle poll will be sent out for the members to vote for their preferred date and time.

Public Comment

- IEC Chair Torres introduced Ms. Turner (Moderator) who then guided everyone through the guidelines for providing a public comment. Comments were kept to a strict three minutes per person. Action will not be taken on the matters considered during this period until specifically included on an agenda as an item.
- The following comments were received during this public comment period:
 - Mr. Wyatt Golding stated that he could hear Vice-Chair Mori very clearly on the phone and suggested it may be an issue with the audio at the Chambers. Ms. Turner apologized for any technology issues and expressed appreciation to Vice-Chair Mori for taking the time to type in her comments.
 - Ms. Janet Brian Weed, working with the Yomba Shoshone Tribe and member of the Reno-Sparks Indian Colony, stated that tribes are sovereign, independent nations recognized by Congress. Tribes need to be dealt with independently under the federal law and recognition. The federal standing rule should not be overridden because this is an IEC meeting.
 - Chairman Serrell Smokey, Washoe Tribe of Nevada and California, stated the importance of these formative stages of the IEC, not to rush, and to have patience to properly set the stage for future work. He also stated the IEC would not overrule existing federal law regarding consultation with sovereign governments; there is still an obligation to the individual tribes that are impacted by naval activities.
 - Captain Morrison, NASF, clarified the IEC does not replace Section 106 Government-to-Government consultation requirements.
 - Chairman Arlan Melendez, Reno-Sparks Indian Colony, stated that the IEC process feels like consultation, especially with agencies wanting to discuss the potential future expansion.
 - Commissioner Bruce Jabbour, Nye County, asked why reaching a BIA representative was so challenging. Since the IEC was a Congress mandate, if BIA continues to be nonresponsive, then the IEC should draft a letter to Congress expressing the request for BIA's participation.

Adjourn

- IEC Chair Torres made closing comments and called for a motion to adjourn. A motion was made and seconded, and all IEC members voted to adjourn.
- The meeting adjourned at 4:15 p.m.