

# Intergovernmental Executive Committee

## Draft Meeting Minutes

Monday, Nov. 8, 2021

at 2:00 p.m. PST

**Virtual Meeting and In-Person at the**

**Nevada State Capitol Building Annex**

**The Guinn Room, 2<sup>nd</sup> Floor**

101 N. Carson St.

Carson City, NV 89701

\*Masks must be worn

This meeting will be held virtually pursuant to NRS 241.023 and State of Nevada Declaration of Emergency Directive 006.

Join the meeting online: <https://mantech.zoomgov.com/j/1606826146>

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

Webinar ID: 160 682 6146

Pursuant to Nevada Revised Statutes (NRS) 241.020, the Agenda for this meeting has been 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](http://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.
- Presentations should be approximately 15 minutes in length, plus 15 minutes for questions and answers.
- Items on the agenda may be taken out of order, combined, or removed, or discussion delayed, at the discretion of the Committee.
- Documentation and supporting agenda items are available on the FRTC website at [www.FRTCmodernization.com/IEC](http://www.FRTCmodernization.com/IEC).

***Intergovernmental Executive Committee (IEC) Elected Positions:***

- Chair – Amber Torres, Walker River Paiute Tribe (in person)
- Vice-Chair – N/A

***IEC Members:***

- Navy – Captain Evan Morrison, Naval Air Station Fallon (NASF) Commanding Officer (in person); Commander Scott Beyer, NASF Public Works Officer (via Zoom)
- Bureau of Land Management (BLM) – Jon Raby, State Director Nevada (via Zoom); Ken Collum, District Manager Carson City (via Zoom)
- Bureau of Indian Affairs (BIA) – Jessie Durham, Deputy Regional Director Eastern Oklahoma Region (sitting in for Director Bryan Bowker 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 – Jim Barbee, County Manager (via Zoom)
- Lyon County – Vida Keller, Lyon County Commissioner (via Zoom)
- Mineral County – Christine Hoferer, Mineral County Commissioner (via Zoom)
- Pershing County – N/A
- 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), Jake Tibbitts, Natural Resources Manager (via Zoom)
- Fallon Paiute Shoshone Tribe – Cathi Tuni, Chairwoman (in person)
- Walker River Paiute Tribe – Amber Torres, Chairwoman (in person); Elveda Martinez, Water Resources Coordinator (via Zoom)
- Yomba Shoshone Tribe – Janet Bryan Weed, Office of Environmental Protection Director (in person)
- Pyramid Lake Paiute Tribe – N/A
- Lovelock Paiute Tribe – N/A
- Duckwater Shoshone Tribe – N/A
- 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 D. Melendez, Chairman (via Zoom)
- South Fork Band Council Te-Moak Tribe of Western Shoshone – N/A
- Washoe Tribe of Nevada and California – N/A
- Wells Band Council Te-Moak Tribe of Western Shoshone – N/A
- Winnemucca Indian Colony of Nevada – N/A
- Summit Lake Paiute Tribe – N/A
- 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 Schofield, NASF (in person); Allison Turner, Moderator, ManTech (in person)

## **Call to Order**

- IEC Chair Amber Torres called the meeting to order at 2:08 p.m. on Nov. 8, 2021.

## **Welcome and Committee Member Introductions**

- IEC Chair Torres welcomed everyone and made opening statements.
- Ms. Toni Burton called roll. Representatives of each IEC member organization present in person or via Zoom 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**

- IEC Chair Torres requested Ms. Janet Bryan Weed, Yomba Shoshone Tribe, to begin the meeting with a prayer.
- The IEC approved the Agenda with no changes.

## **Public Comment**

- IEC Chair Torres introduced the meeting moderator, Ms. Allison Turner, who reviewed the guidelines for providing a public comment. Comments were kept to 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.
- No public comments were received during this public comment period.

## **Old Business**

- Bureau of Indian Affairs (BIA) participation in the IEC.
  - Ms. Burton stated that the BIA has agreed to be a member of the IEC. Director Bryan Bowker agreed to participate; however, he was not available for this meeting. Ms. Jessie Durham sat in for Mr. Bowker.
  - The IEC Charter and the MOU have been reviewed by the BIA, and the BIA understands the IEC meeting structure and proceedings.
- Participation forms to be returned.
  - Members were requested to submit any updates to IEC primary or alternate representatives via updated participation forms to Ms. Burton or Mr. Rob Rule (NASF).
- Final IEC Charter and Memorandum of Understanding (MOU) routing for signature.
  - The final versions of the IEC Charter and MOU were signed by IEC Chair Torres.
  - A wet signature on the Final IEC Charter and MOU was requested from all members present in the room.
  - Mr. J.J Goicoechea asked how IEC members not present in the room can sign the IEC Charter and MOU. Ms. Robin Schofield stated that Mr. Rule and Ms. Burton will arrange for wet signatures for all IEC members.

## **Approval of Meeting Minutes from August 31, 2021**

- Mr. Dominique Etchegoyhen, DCNR, clarified two of his requests from the Aug. 31, 2021, meeting:
  - The first request was for updated acreages and an updated map associated with those acreages.

- The second request was for a response to Governor Sisolak's letter from Feb. 12, 2020, and the Navy responses to the Nevada consolidated response. Mr. Etchegoyhen has since had a conversation with the Navy, and it was the Navy's understanding that its response to Governor Sisolak's letter was documented in the FRTC Modernization Record of Decision.
- The IEC voted 11-0, with two abstentions to approve the Aug. 31, 2021, meeting minutes with revisions. The BIA and the Fallon Paiute Shoshone Tribe both abstained from voting, stating the individuals were not present at the Aug. 31 meeting.

**Discussion/Possible Action: Top Five Concerns of Fallon Paiute Shoshone Tribe Regarding Cultural and Natural Resources on FRTC Ranges**

- Chairwoman Cathi Tuni, Fallon Paiute Shoshone Tribe, began the presentation by introducing herself, her experience growing up on the reservation, and how the Tribe relies on the resources on the reservation for subsistence, medicine, and their way of life. She also introduced the concerns the Fallon Paiute Shoshone Tribe has regarding the potential expansion of the FRTC ranges and related destruction of natural resources and cultural sites.
  - The Fallon Paiute Shoshone Tribe strongly opposes the expansion of NASF onto their sacred lands because it would ruin their ancestral lands, and there is nothing more important than protecting their way of life and their lands for their future generations.
  - They are a small reservation that relies on access to surrounding public lands for culture, religion, and subsistence.
  - They are disappointed in the level of effort from the Navy to address their concerns.
- Ms. Rochanne Downs, Tribal Historic Preservation Officer (THPO) of the Fallon Paiute Shoshone Tribe, gave a presentation on how they use the land and resources around them, their sacred sites, and their top five concerns regarding the existing NASF base, Navy training, and threats to Tribes' existence from expansion.
  - The homelands of the Fallon Paiute Shoshone Tribe are within the Great Basin. They are people of the marsh and the marsh is very important to their way of life.
    - The Fallon Paiute Shoshone Tribe is known as Toi-Ticutta, the Tule eaters.
    - The marsh and the plants within the marsh, which they used for food, tools, and shelter, are being contaminated from upstream users of the Carson River.
    - Rabbits are being contaminated with disease affecting their hides and meat, which are used by the Fallon Paiute Shoshone Tribe for blankets and food.
    - Pine Nuts are an important food source but are very limited in abundance due to drought and fire.
    - Willow trees, which are used to make baskets, are being destroyed due to farming and pesticide use.
    - The land within the Fallon Paiute Shoshone Tribe's reservation has been significantly reduced to areas that don't provide enough resources or land for farming.
  - Sacred sites are used as gathering areas for medicines, doctoring sites, and burial areas.
    - The stream below Fox Peak is where the Fallon Paiute Shoshone Tribe was created by the mother and father. In 1940, they were destroyed by the Navy as a target.
    - Sand Mountain is used for prayer and contains unique ecosystems. It is often polluted by the public.
    - Fairview Mountain was frequently used for gathering pine nuts; however, the pine nut trees were destroyed by fire and noxious weeds have taken their place.

- Dixie Meadow and Rawhide Hot Springs are some of their last doctoring springs used for medicine. Rawhide Hot Springs will be off limits with the expansion.
- Wolf's Head is a doctoring site in the middle of B-20. Approximately 1.5 million ordnances are dropped in the area surrounding their primary doctoring site each year, with no remediation. They are not able to access this sacred site. There is concern about the "no-go" lands that they understand to be unsafe, destroyed, and no longer useable for hunting and gathering.
- Ordnance is dropped on burial grounds and must be moved due to potential harm. Why are their burial lands in the middle of a bombing range treated differently than their burials at Arlington Cemetery?
- Ms. Downs described the Tribe's top five concerns regarding the existing NASF base, Navy training, and threats to Tribes' existence from expansion.
  - Without access to their ancestral land and cultural resources, their way of life ends.
  - Without access to their ancestral lands and cultural resources, they lose their culture and identity.
  - Permanent and irreplaceable damage to cultural resources from training.
  - Permanent and irreplaceable damage to burials from training.
  - Loss of public lands while harming surrounding lands through unfortunate environmental impacts.
- Question/Answers
  - Ms. Weed commented on the importance of the presentation, the importance of the Great Basin land to the Fallon Paiute Shoshone Tribe, and the respect they deserve. She also commented on the negative environmental impacts on the land and it is going to be a devastation to all humankind if the Navy continues to move forward with the expansion.
  - Mr. Jon Raby, BLM, asked for clarification on the fifth concern of the Fallon Paiute Shoshone Tribe. Ms. Downs responded that one of their top concerns is the harmful impacts on their waters, plants, animals, and their people from the current training and the potential expansion.

#### **Discussion/Possible Action: Navy Update**

- Captain Evan Morrison, NASF, gave a presentation on the status of the proposed modernization.
  - The Navy is continuing to work on the modernization legislation with the Nevada Delegation and the jurisdiction committees for consideration in the 2022 National Defense Authorization Act (NDAA).
  - The Fiscal Year (FY) 2022 NDAA includes a request for the proposed withdrawn lands (withdrawing 532,000 acres from public domain and acquiring 66,000 acres of non-federal lands).
  - The Navy is committed to working with stakeholders on implementing the Record of Decision obligation and working with the IEC.
  - Naval aviation readiness has seen significant challenges and these challenges will continue until gaps in training are resolved.
- Mr. Ken Collum, BLM Carson City, provided an update on the Land Management Evaluation (LME).
  - A notice was posted in the Federal Register on Oct. 12, 2021, to extend the duration of the LME.

- A virtual public meeting will be held Dec. 9, 2021, regarding the proposed extension of the land withdrawal. The public is invited to attend and can register for the meeting.
  - There is a 90-day public comment period, which is open until Jan. 10, 2022. Mr. Collum described the ways to submit a public comment.
- Captain Morrison next provided a summary and delineation of the acreage totals as part of the proposed modernization.
  - The Navy requested the withdrawal of an additional 595,595 acres, including approximately 532,000 acres from public domain and 66,000 acres from non-federal lands.
    - Only approximately 13,000 acres would be actual impact areas.
    - Remaining lands in B-17, B-16, and B-20 are for safety purposes, called weapons danger zones.
  - The Dixie Valley Training Area (DVTA) would increase by 201,876 acres but would remain open to the public 365 days a year, 24 hours per day. There would be no ordnance delivery within the DVTA.
  - Questions/Comments:
    - Ms. Weed clarified the size of the Nellis Air Force Base and asked if there were environmental studies on the land prior to and after the land was taken from the Shoshone people. Captain Morrison responded that he does not have the information on the Air Force's environmental impact statements.
    - Mr. Jim Barbee requested clarification on the 2022 NDAA. Captain Morrison responded that the FY22 NDAA is this year's NDAA.
    - Mr. Barbee also requested the status of the road realignment plan and when the final draft will be available. Commander Scott Beyer responded that the Navy is in receipt of Churchill County's letter and they are preparing a response to detail the concerns more accurately and incorporate what they can into the study. The Navy expects a final draft of the road realignment plan by the end of the calendar year.
    - Mr. Barbee asked if the temporary withdrawal (LME) has to be for four years or if it could be shorter. He would like the temporary withdrawal to be shorter. Captain Morrison responded that due to the uncertainty of the approval of the modernization, the Navy requested four years as a safety buffer.
    - A Zoom participant requested Mr. Collum repeat his comment regarding the LME virtual public meeting, as it was difficult to hear him via Zoom. Mr. Collum responded by repeating the information previously provided.
- Ms. Ann Schofield, Natural Resource Manager, NAS Fallon, presented an update on the Navy's commitments in the Record of Decision related to natural resources.
  - **Sage-Grouse Noise Study:** The Navy is working with NDOW, U.S. Fish and Wildlife Service, and U.S. Geological Survey to develop a noise study to evaluate whether changes in overflights would impact the sage-grouse due to a lowering of the airspace floor over sage-grouse habitat. The study design and scope of work is in progress and is expected to begin in 2022.
  - **B-17 Bighorn Sheep Hunt Program:** The current bighorn sheep hunt program on B-17 in partnership with NDOW has been successful. This partnership is under an existing cooperative agreement signed in 2004. The Navy developed a revised memorandum of agreement (MOA) to address the proposed expansion. The goal is to allow as much

access as possible for hunters to have a successful hunt while ensuring their safety. The Navy is awaiting modernization approval for signature of the MOA.

- o **Conservation Law Enforcement Program:** This program will provide two Conservation Law Enforcement Officers (CLEOs) upon approval of modernization. CLEOs would support the bighorn sheep hunt program, monitor sensitive natural and cultural resources, and manage access and recreation on open Navy lands. The Navy plans to fund one CLEO through a partnership with BLM Law Enforcement and, if expansion is approved, an additional CLEO position would be added.
- o **Integrated Natural Resources Management Plan (INRMP):** The Navy is preparing to update its INRMP. Current INRMP update efforts are focused on existing land management, developing an agricultural program and greenbelt plan, updating Dixie Valley wetland and sensitive species management, and updating landscaping guidance to reduce bird-aircraft strike hazards. If modernization is approved, a full revision of the INRMP would be required to address the new lands.
- o **Wildland Fire Management Plan (WFMP):** This is the Navy's first comprehensive plan for the prevention, reduction, and remediation of wildland fires. The WFMP for the current ranges is in progress and a final draft is expected for review in December 2021 and the development of an Environmental Assessment is expected to begin in 2022. Following the environmental review, the WFMP would be implemented in 2023 and 2024. If modernization is approved, a revision of the WFMP would be required to incorporate the new lands.
- o Comments/Questions:
  - Mr. Barbee requested the current INRMP be distributed to the committee members.
  - Mr. Barbee asked if the roads leading to the bighorn sheep habitat would be open for use by hunters and is concerned that if roadways close there would be no roads left for hunters to use. Ms. Schofield responded that roads will be open for hunters to use as long as they are deemed safe after an annual assessment. The goal is to have as much road access available for the hunters as possible.
  - Chairwoman Tuni asked how many times Ms. Schofield has met with the Fallon Paiute Shoshone Tribe and tried to work with them. Ms. Schofield responded that she has not personally met with the Tribe, as that engagement is conducted by the NASF cultural resources liaison, but she looks forward to receiving input from the Tribe during plan revision.
  - Mr. Jim Lee, a member of the public, asked how often bombing causes fires on the base and what sort of firefighting equipment the Navy has to combat fires. Ms. Schofield stated that the history of fires on NASF ranges are primarily started through natural sources and there have been very few training-related fires. She also stated that Navy Fed Fire is the fire department for NASF, and the Navy also has a mutual aid agreement with every fire department in the county and with state and federal entities to support fire response. Captain Morrison responded that the Navy's search and rescue helicopters also have airborne bucket water capabilities.

- Mr. Mike Baskerville, NASF Archaeologist, presented an update on the Navy's cultural resources program.
  - **FRTC Modernization Inventories:**
    - B-20: The Navy is currently in the process of inventorying 117,000 acres of the land proposed for expansion in B-20. Native American monitors are assigned to each of the four crews to help identify cultural properties that may not be recognizable to nonnative crews. To date, crews have inventoried 5,300 acres. Inventory is expected to take approximately two years.
    - B-16: Inventory of the B-16 range was completed as part of the process of developing the FRTC Modernization Environmental Impact Statement (EIS). The inventory covered approximately 22,538 acres and 375 cultural properties were documented or re-documented. The B-16 boundary fence cultural resource report is in progress. In consideration of Navy commitments made during the EIS, alternatives to that fence are proposed to avoid impacting National Register eligible properties.
    - B-17: Inventory of the B-17 range was conducted as part of the EIS. This inventory covered approximately 12,389 acres and 511 cultural properties were documented or re-documented. Additional inventories are planned for the B-17 range to start this FY of about 23,000 acres.
  - **Integrated Cultural Resources Management Plan (ICRMP) and Programmatic Agreement:** Mr. Baskerville stated that the Navy is developing a new programmatic agreement, which will be consistent with the BLM's protocol agreement. A new ICRMP is planned upon approval of the proposed modernization.
  - **Comments/Questions:**
    - Ms. Weed asked where cultural items are being stored. Mr. Baskerville responded that there is no collection of artifacts. If the Navy were to collect any artifacts in the future, the artifacts would be stored in Carson City at the Nevada State Museum.
- Ms. Kish LaPierre, NASF Tribal Liaison Officer, presented an update on the Navy's Tribal Engagement Program, which was established in fall 2020.
  - **Tribal Managed Access MOA:** The purpose of this agreement is to streamline tribal access onto the current Navy lands. The Tribal Access MOA has been reviewed by Navy legal staff and a revised draft was delivered to the Tribes on Sept. 29, 2021. The Navy has received additional comments from the Walker River Paiute Tribe and Fallon Paiute Shoshone Tribe. These comments will be incorporated before the document is finalized.
  - **Preliminary Assessments for Off-Range Ordnance:** A preliminary assessment is being prepared to be delivered to the Walker River Paiute Tribe to address impacts on reservation lands from Navy operations on B-19.
  - **Archaeological and Ethnographic Cultural Studies:** These studies began in July 2021 (Ethnographic) and October 2021 (Archeological). Cultural sites will be identified and discussed with Tribes. Preservation will be co-managed.
  - **Noise Complaints:** Noise complaints submitted by Tribes to the Navy are investigated internally to determine the cause. A flyer was developed and circulated that provides information on how to submit a noise complaint related to military activities.
  - **THPO Site Visits:** The Navy conducted range visits and a field assessment with the THPOs from Fallon Paiute Shoshone Tribe and Walker River Paiute Tribe.
  - **Tribal Economic Development Training:** Training took place in September and was well received. Requests for additional trainings have been received.

o Comments/Questions:

- Mr. Etchegoyhen asked if the cultural studies and the tribal access agreement considered the proposed expansion area. Ms. LaPierre responded that the access agreement does not include the proposed expansion lands and the expansion lands would need to be included as an addendum. Archaeological studies are proceeding on 117,000 acres, mostly in the proposed withdrawal areas.
- Mr. Etchegoyhen asked the Tribes if the access agreement achieves their objectives and needs concerning access. Ms. Downs, Fallon Paiute Shoshone Tribe THPO, responded that they still do not agree with the access agreement because they have to get advanced authorization for access.
- Chairwoman Tuni expressed concern about how communication is conducted with the Tribes and asked why there are not more Tribes at the IEC meetings. Ms. Burton responded that the access agreement that Ms. LaPierre spoke about is separate from the IEC meetings and explained what efforts the Navy has made to contact Tribes and encourage them to participate in the IEC meetings. Captain Morrison also responded that it is not for a lack of outreach and it comes down to whether the Tribe decides to participate in the IEC meetings. Ms. Weed commented that the Tribes need to encourage one another to participate in the IEC and attend meetings.
- Ms. Weed asked if the preliminary assessments for off-range ordnance would be publicly available. Ms. LaPierre responded that it will be publicly available.

**Call for Agenda Items for Next IEC Meeting**

- Mr. Etchegoyhen requested a discussion of the Record of Decision, how the Record of Decisions responds to the issues raised in the Consolidated Response, and inadequacies. He also requested more information and discussion on the Navy's revised map, particularly with respect to surface and weapons danger zones and whether the Fallon National Wildlife Refuge is within or outside the proposed withdrawal.
- Ms. Weed requested an opportunity for the Yomba Shoshone Tribe to present their history and impacts on their cultural lands.
- Chairwoman Tuni requested a presentation from the Navy on the nature of its training and other activities, associated cultural and natural resource impacts, and mitigation efforts.
- Ms. Elveda Martinez, Walker River Paiute Tribe, requested IEC meeting minutes include all persons that attend the meeting, including committee members and public attendees. She also commented that vaccination requirements for THPOs and tribal people working on Navy projects may present issues.
  - o Commander Beyer responded that vaccination requirements present a challenge for the Navy as well, even though there is an executive order for federal contractors to be vaccinated.
- Ms. Downs commented that many Tribal community members may be hesitant to participate in the cultural studies because they feel that they may end up contributing to cultural resources being adversely impacted or destroyed.
  - o Commander Beyer responded that the information they get from cultural studies is only go as far as what the Tribe is willing to provide, and it is important to help explain that the cultural studies benefit the Tribes. Ms. Downs responded that it is a complex problem that doesn't have a simple solution.
- Ms. LaPierre requested an agenda item on how the Navy protects and manages cultural data.

### **Scheduling of Next IEC Meeting**

- o The next IEC meeting will be held the last two weeks of January 2022. A Doodle poll will be sent out for the members to vote for their preferred date and time.

### **Public Comment**

- o IEC Chair Torres introduced Ms. Turner (Moderator) who then guided everyone through the guidelines for providing a public comment. Comments were kept to 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.
- o The following comments were received during this public comment period:
  - o Mr. Jim Lee commented that he flies gliders extensively in the state of Nevada. He estimates that Nevada has the largest amount of military airspace in the United States. He appreciates the need of the military to train but there are a lot of restricted airspaces and military operating areas, which take away space from recreational pilots. He is concerned about the expansion of Restricted Area 4805, which will cause a blockade of flights and require more detours. Gliders and sail planes enjoy the skies of Nevada and it is difficult to move around restricted areas. For the purposes of general aviation and recreational glider pilots, they are against the expansion of restricted area 4805.
  - o Ms. Leanna Hale from the Fallon Paiute Shoshone Tribe stated that her son found an ordnance on the reservation and when they called NASF, the Navy came out, grabbed it, and left without saying anything else. With respect to cultural studies and inventories, she questioned why crews are picking up artifacts, and that those items should be left on the ground. Lastly, she stated she needs access to important areas without having to ask for authorization.

### **Adjourn**

- o 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.
- o The meeting adjourned at 4:30 p.m.