

February 13, 2023

Nevada Indian Commission Executive Director Report

BUDGET

Nevada Indian Commission - 2600

FY2023 Starting Balance = \$ 359,532

Current balance = \$ 146,771

Stewart Indian School Cultural Center - 2601

FY2023 Starting Balance = \$ 304,789

Current Balance = \$ 123,730

Gift Fund

FY2023 Starting Balance = \$ 163,801

Current balance = \$ 84,005

Totals as of 01/24/22 - The funding for NIC budget account 2600 is 75% General Fund and 25% Transfer from Tourism. The funding for SISCC&M budget account 2601 is 38% General Fund and 62% Transfer from Tourism.

TRANSITION TO NEW ADMINISTRATION

- On January 17, I received note of congratulations from Nevada Governor Joe Lombardo's Chief of Staff Ben Kieckhefer on my continued appointment as executive director of the NIC. Submitted requested information including: NIC org chart, job vacancies, and bill draft requests; awaiting liaison reporting matrix which will identify who I will report to within the Office of the Governor

NATIVE VOTE

- In recognition of work with the Secretary of State's office and Tribal communities to enhance voter participation, access, and education, NIC Executive Director Stacey Montooth was awarded the National Association of Secretaries of State Medallion Award by Nevada Secretary of State Barbara Cegavske.
- Secured commitment that *All Voting Is Local* will partner with the NIC including providing financial support for travel, accommodations, and meals for leadership and participants for Nevada Tribes Legislative Day on Tuesday, February 14.

AMERICAN RESCUE PLAN ACT (ARPA)

- October 20, 2022 the Nevada Legislature's Interim Finance Committee (IFC) unanimously approved the transfer of \$20 million of the Governor's Recovery Funds (State ARPA) for the NIC to be sub granted to our Tribal Nations.
- We conferred with NDTA regarding the sub grant processes, and we developed and disseminated (US Post and email) a two-page grant application to our 28 Tribal Nations.

US SECRETARY OF INTERIOR INITIATIVE INTO INDIAN BOARDING SCHOOLS

- We remain engaged with, and distribute information through social media, in public meetings, and in leadership meetings regarding the Secretary's "Road to Healing" Tour during which Department of Interior officials are documenting abuse in federal Indian boarding schools. Two more events took place in late February at the Gila River Nation and the Navajo Nation.

INDIAN EDUCATION

- During ITCN Conference, surveys were distributed and collected from stakeholders regarding the draft Indian Education Advisory Committee (IEAC) Strategic Plan.

STAFFING

- January 23, Sarina Nez promoted to Program Officer I
- Health Specialist position closed January 25; Two applications received
- Administrative Assistant search underway

STANDING MEETINGS

- * Governor's Cabinet (last on December 19)
- * Weekly meeting with Governor's Office Liaison Tim Robb (discontinued after December 16)
- * National Delegation Staffers (Senator Catherine Cortez-Mastos and Senator Jacky Rosen)
- * Inter-Tribal Council of Nevada (last on December 12)
- * University of Nevada Indigenous Relations Advisory Committee (December 2)
- * Tribal Health Directors (November 10)
- * Nevada Tribal Emergency Coordinating Council (November 2)
- * Nevada Department of Health and Human Resources Tribal Consultation (November 2)
- * Nevada Joint Military Affairs Committee Meeting (October 12)
- * Governors' Interstate Indian Council (December 4)
- * Executive Directors Meeting: NIC, ITCN, UNR (January 11, ppd, February 25)
- * Justice40 Initiative (discontinued after November 15)
- * Subcabinet on Infrastructure (discontinued after November 17)

MEDIA

December 19 — Sourced interview for Miles Brady of KNPR Las Vegas regarding [ICWA](#)

January 21 — Sourced interviews for Jessica Hill of Las Vegas Review-Journal regarding [2023 Legislative Session](#)

PRESENTATIONS / WELCOMES

October 26 — Dr. Caesar Andrew's University of Nevada investigative journalism class:

"What's the state of justice like for Native Americans? What's working well/better? What's not?"

November 29-30 — National Caucus of Native American State Legislators

"Collaboration; How the NIC moves Indigenous Issues"

December 7 — Nevada Clerks / County Registrars Convention

"What are the challenges to vote in Indian Country"

December 9 — Inter-Tribal Council of Nevada Convention, led by Commissioner Staci Emm

"Nevada Tribes Water Rights"

December 10 — Nevada Digital Government Summit

"How 'High Speed NV' will close the digital divide for Tribal nations"

January 6 — Welcome and Indian boarding school Discussion

Elders, leaders, and youth from the Burns Paiute Tribe with special guest Dresslerville Community Council Chair Patrick Burt

January 19 — U.S. Department of Labor, Women's Bureau – Western Region

"Virtual Equity Series: American Indian Women in the Workplace"

OTHER HIGHLIGHTS / ONGOING PROJECTS

- Organized Virtual Strategy meetings regarding Harvard Peabody Museum's hair samples from boarding school students including 23 from the then Carson Industrial School aka Stewart
 - Continued exploration of AIANTA establishing training center via December 16 meeting with AIANTA CEO Sherry Rupert; December 23 follow up meeting with Rupert and Red Rock Strategies VP of Public Policy Jeff Kaye
 - January 11, January 18 work sessions with NIC Chair Kostan Lathouris to incorporate feedback into Consultation Policy

OTHER OUTREACH

October 27 — Collaborated with Battle Born Progress connecting voting professionals with our Tribal poll workers regarding rights and safety of election volunteers

November — Daily social media / website features of Native American leaders to celebrate American Indian Heritage Month; Requested, drafted Governor's Proclamation for month long celebration of the first people of what is now the State of Nevada

November 10 — Attended, networked at the Pyramid Lake Museum virtual reality display of a basket collection managed by the University of Nevada curated by UNR Libraries, the Anthropology Research Museum, the Nevada Historical Society, the Nevada State Museum and Pyramid Lake Museum Director Billie Jean Guerrero

November 11 — After construction disturbances at the Stewart campus, attended meeting with Washoe County Manager and staff to review and confirm standard operating procedures of the Washoe County Regional Medical Examiner's Office

November 18-19 — Provided support for Stewart Father's Day Holiday Craft Fair

December 14 — Attended Ribbon Cutting Celebration for Spaghetti Bowl Express which included formal remarks by Reno-Sparks Indian Colony Chairman Arlan D. Melendez and cultural performance by Tribal members impacted by the largest road construction project in Northern Nevada

January 11 — Attended meeting with Nevada Urban Indians regarding mutual support MOU

January 18 — Organized meeting regarding Silver State Health Insurance Exchange and Tribal sponsorship for coverage

FISCAL YEAR	FUND	GENERAL FUND	AGENCY	101	COMMISSION ON TOURISM	COMMISSION ON TOURISM	YEAR TO DATE	WORK PROGRAM	DIFFERENCE
BUDGET ACCT	2600	INDIAN COMMISSION	ORGANIZATION	0000					
ACCT FUNDING DESCRIPTION	DOCUMENT NUMBER	DATE	CURRENT	YEAR TO DATE	WORK PROGRAM	DIFFERENCE			
42 2501 APPROPRIATION CONTROL	AP 101 OP000008396	06/24/22	266,214.00	266,214.00	266,214.00				
REV DESCRIPTION	DOCUMENT NUMBER	DATE	CURRENT	YEAR TO DATE	WORK PROGRAM	DIFFERENCE			
4611 TRANSFER IN FED ARPA			0.00	0.00	20,003,094.00	-20,003,094.00			
4663 TRANS FROM COMMISSION ON TOUR			66,613.50	66,613.50	88,818.00	-22,204.50			
4670 TRANSFER FROM HEALTH DIVISION			0.00	0.00	0.00	0.00			
4737 TRANSFER FROM ARTS COUNCIL			0.00	0.00	4,500.00	-4,500.00			
TOTAL RECEIPTS/FUNDING			0.00	332,827.50	20,362,626.00	-20,029,798.50			

OBJT DESCRIPTION	DOCUMENT NUMBER	DATE	CURRENT	YEAR TO DATE	WORK PROGRAM	DIFFERENCE
01 PERSONNEL SERVICES						
5100 SALARIES				-73,209.98		
5120 FURLOUGH ADJUSTMENTS				-3,009.92		
5200 WORKERS COMPENSATION				-833.56		
5300 RET CONT EMPLOYER PAY PLAN				-24,112.89		
5400 PERSONNEL ASSESSMENT				-391.00		
5420 COLLECTIVE BARGAINING ASSESSMT				-6.00		
5430 LABOR RELATIONS ASSESSMENT				-85.00		
5500 GROUP INSURANCE				-15,846.03		
5610 SICK LEAVES				-2,901.62		
5620 ANNUAL LEAVES				-4,783.23		
5650 OTHER LEAVES				-157.01		
5700 PAYROLL ASSESSMENT				-127.50		
5750 RETIRED EMPLOYEES GROUP INSURA				-1,832.54		
5800 UNEMPLOYMENT COMPENSATION				-117.09		
5840 MEDICARE				-1,161.67		
5860 BOARD AND COMMISSION PAY				-400.00		
SUB TOTAL			0.00	-128,975.04	246,251.00	117,275.96
ENCUMBRANCE TOTAL			0.00	0.00		
PREENCUMBRANCE TOTAL			0.00	0.00		
TOTAL			0.00	-128,975.04	246,251.00	117,275.96

02 OUT OF STATE TRAVEL						
6100 PER DIEM OUT-OF-STATE				-105.00		
6115 NON-MP VEHICLE RENTAL O/S				-49.27		
6140 PERSONAL VEHICLE OUT-OF-STATE				-146.00		
SUB TOTAL			0.00	-300.27	3,248.00	2,947.73
ENCUMBRANCE TOTAL			0.00	0.00		
PREENCUMBRANCE TOTAL			0.00	0.00		
TOTAL			0.00	-300.27	3,248.00	2,947.73

OBJT DESCRIPTION	DOCUMENT NUMBER	DATE	CURRENT	YEAR TO DATE	WORK PROGRAM	DIFFERENCE
03 IN STATE TRAVEL						
6150 COMM AIR TRANS OUT-OF-STATE						
6200 PER DIEM IN-STATE	PV 101 00001982037	01/31/23	-72.00	0.00		
6215 NON-MP VEHICLE RENTAL I/S				-411.70		
6230 PUBLIC TRANSPORTATION IN-STATE	PV 101 00001982037	01/31/23	-87.68	0.00		
6240 PERSONAL VEHICLE IN-STATE	PV 101 00001980597	01/24/23	-83.11	-132.54		
6240 PERSONAL VEHICLE IN-STATE	PV 101 00001980598	01/24/23	-390.89			
6240 PERSONAL VEHICLE IN-STATE	PV 101 00001982037	01/31/23	-36.00	-1,665.70		
6250 COMM AIR TRANS IN-STATE				-1,925.82		
SUB TOTAL			-669.68	-4,135.76	5,527.00	1,391.24
ENCUMBRANCE TOTAL			0.00	0.00		
PREENCUMBRANCE TOTAL			0.00	0.00		
TOTAL			-669.68	-4,135.76	5,527.00	1,391.24
04 OPERATING						
7020 OPERATING SUPPLIES						
7044 EXCESS PRINT CHARGES-COPIERS	PV 101 00001981922	01/31/23	1.54			
7045 STATE PRINTING CHARGES				-189.67		
7050 EMPLOYEE BOND INSURANCE				-233.79		
7051 PROPERTY & CONTENT INSURANCE				-85.95		
7054 AG TORT CLAIM ASSESSMENT				-9.00		
7060 CONTRACTS				-519.00		
7100 STATE OWNED BLDG RNT-B&G				-255.87		
7285 POSTAGE - STATE MAILROOM	JV 079 BCMA29956	01/27/23	-3.10	-279.58		
7286 MAILSTOP - STATE MAILROOM				-8,146.25		
7289 EITS PHONE LINE AND VOICEMAIL				-165.35		
7290 PHONE, FAX, COMMUNICATION LINE				-2,457.00		
7296 EITS LONG DISTANCE CHARGES				-182.25		
7430 PROFESSIONAL SERVICES				7.60		
7980 OPERATING LEASE PAYMENTS	PV 101 00001981922	01/31/23	-103.48	-94.02		
SUB TOTAL			-105.04	-1,065.00	43,296.00	28,896.51
ENCUMBRANCE TOTAL			0.00	0.00		
PREENCUMBRANCE TOTAL			0.00	0.00		
TOTAL			-105.04	-14,399.49	43,296.00	28,896.51
11 NAC PROJECT GRANT						
SUB TOTAL			0.00	0.00	4,500.00	4,500.00
ENCUMBRANCE TOTAL			0.00	0.00		
PREENCUMBRANCE TOTAL			0.00	0.00		
TOTAL			0.00	0.00	4,500.00	4,500.00
26 INFORMATION SERVICES						

REPORT ID: RSW001
 REPORT NAME: RSW001
 FROM DATE: 01/21/2023 TO DATE: 01/31/2023

** STATE OF NEVADA **
 BUDGET STATUS REPORT

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FISCAL YEAR	FUND	BUDGET ACCT	GENERAL FUND	INDIAN COMMISSION	AGENCY ORGANIZATION	101 COMMISSION ON TOURISM	101 COMMISSION ON TOURISM	DOCUMENT NUMBER	DATE	CURRENT	YEAR TO DATE	WORK PROGRAM	DIFFERENCE

26 INFORMATION SERVICES													
7222	DATA PROCESSING SUPPLIES												
7290	PHONE, FAX, COMMUNICATION LINE										-60.18		
7547	EITS PRODUCTIVITY SUITE										-2,356.14		
7554	EITS INFRASTRUCTURE ASSESSMENT										-469.65		
7556	EITS SECURITY ASSESSMENT										-471.98		
											-141.50		
	SUB TOTAL										-3,499.45	7,070.00	3,570.55
	ENCUMBRANCE TOTAL										0.00		
	PREENCUMBRANCE TOTAL										0.00		
	TOTAL										-93.93	7,070.00	3,570.55
82	DHRM COST ALLOCATION												
7389	HR CENTRALIZED PERSONNEL SVCS												
	SUB TOTAL										-561.00	1,122.00	561.00
	ENCUMBRANCE TOTAL										0.00		
	PREENCUMBRANCE TOTAL										0.00		
	TOTAL										-561.00	1,122.00	561.00
85	ARPA GRANTS TO TRIBES RESERVE												
	SUB TOTAL										0.00	20,000,000.00	20,000,000.00
	ENCUMBRANCE TOTAL										0.00		
	PREENCUMBRANCE TOTAL										0.00		
	TOTAL										0.00	20,000,000.00	20,000,000.00
87	PURCHASING ASSESSMENT												
7393	PURCHASING ASSESSMENT												
	SUB TOTAL										-2,271.00	4,542.00	2,271.00
	ENCUMBRANCE TOTAL										0.00		
	PREENCUMBRANCE TOTAL										0.00		
	TOTAL										-2,271.00	4,542.00	2,271.00
88	STATEWIDE COST ALLOCATION PLAN												
7384	STATEWIDE COST ALLOCATION												
	SUB TOTAL										-5,040.00	10,080.00	5,040.00
	ENCUMBRANCE TOTAL										0.00		
	PREENCUMBRANCE TOTAL										0.00		
	TOTAL										-5,040.00	10,080.00	5,040.00

FISCAL YEAR	FUND	BUDGET ACCT	GENERAL FUND	INDIAN COMMISSION	AGENCY	101	COMMISSION ON TOURISM	COMMISSION ON TOURISM	DOCUMENT NUMBER	DATE	CURRENT	YEAR TO DATE	WORK PROGRAM	DIFFERENCE
89 AG COST ALLOCATION PLAN														
7391 ATTORNEY GENERAL COST ALLOC														
SUB TOTAL														
ENCUMBRANCE TOTAL														
PREENCUMBRANCE TOTAL														
TOTAL														
TOTAL EXPENDITURES														
TOTAL ENCUMBRANCES														
TOTAL PREENCUMBRANCES														
TOTAL OBLIGATIONS														
REALIZED FUNDING AVAILABLE														

FISCAL YEAR	GENERAL FUND	AGENCY	101	COMMISSION ON TOURISM	YEAR TO DATE	WORK PROGRAM	DIFFERENCE
BUDGET ACCT	STWT INDN SCHOOL LIVING LEGACY	ORGANIZATION	0000	COMMISSION ON TOURISM	YEAR TO DATE	WORK PROGRAM	DIFFERENCE
ACCT FUNDING DESCRIPTION	DOCUMENT NUMBER	DATE	CURRENT	YEAR TO DATE	WORK PROGRAM	DIFFERENCE	
42	2501 APPROPRIATION CONTROL	AP 101 OP000008397	06/24/22	115,720.00	115,720.00	115,720.00	
REV DESCRIPTION	DOCUMENT NUMBER	DATE	CURRENT	YEAR TO DATE	WORK PROGRAM	DIFFERENCE	
4611 TRANSFER IN FED ARPA			0.00	0.00	3,238.00	-3,238.00	
4663 TRANS FROM COMMISSION ON TOUR			141,801.75	141,801.75	189,069.00	-47,267.25	
TOTAL RECEIPTS/FUNDING			0.00	257,521.75	308,027.00	-50,505.25	
OBJT DESCRIPTION	DOCUMENT NUMBER	DATE	CURRENT	YEAR TO DATE	WORK PROGRAM	DIFFERENCE	
01 PERSONNEL							
5100 SALARIES				-64,364.22			
5120 FURLOUGH ADJUSTMENTS				-2,947.44			
5200 WORKERS COMPENSATION				-282.14			
5301 RET CONT EMPLOYEE/EMPLOYER PLN				-11,244.35			
5400 PERSONNEL ASSESSMENT				-260.50			
5420 COLLECTIVE BARGAINING ASSESSMT				-6.00			
5430 LABOR RELATIONS ASSESSMENT				-43.00			
5500 GROUP INSURANCE				-10,570.00			
5610 SICK LEAVES				-317.44			
5620 ANNUAL LEAVES				-3,180.35			
5640 COMP TIME LEAVES				-4,631.87			
5650 OTHER LEAVES				-50.60			
5700 PAYROLL ASSESSMENT				-85.00			
5750 RETIRED EMPLOYEES GROUP INSURA				-1,645.81			
5800 UNEMPLOYMENT COMPENSATION				-105.18			
5840 MEDICARE				-1,062.97			
SUB TOTAL			0.00	-100,796.87	189,695.00	88,898.13	
ENCUMBRANCE TOTAL			0.00	0.00			
PREENCUMBRANCE TOTAL			0.00	0.00			
TOTAL			0.00	-100,796.87	189,695.00	88,898.13	
02 OUT OF STATE TRAVEL							
6100 PER DIEM OUT-OF-STATE				-744.84			
6130 PUBLIC TRANS OUT-OF-STATE				-50.00			
6140 PERSONAL VEHICLE OUT-OF-STATE				-105.94			
6150 COMM AIR TRANS OUT-OF-STATE				-269.96			
SUB TOTAL			0.00	-1,170.74	1,398.00	227.26	
ENCUMBRANCE TOTAL			0.00	0.00			
PREENCUMBRANCE TOTAL			0.00	0.00			
TOTAL			0.00	-1,170.74	1,398.00	227.26	
03 IN STATE TRAVEL							

FISCAL YEAR	FUND	GENERAL FUND	AGENCY	101	COMMISSION ON TOURISM	COMMISSION ON TOURISM	DOCUMENT NUMBER	DATE	CURRENT	YEAR TO DATE	WORK PROGRAM	DIFFERENCE
23	101	STWT INDN SCHOOL LIVING LEGACY	101	0000	COMMISSION ON TOURISM	COMMISSION ON TOURISM						
BUDGET ACCT	2601											
OBJT DESCRIPTION												
SUB TOTAL									0.00	0.00	802.00	802.00
ENCUMBRANCE TOTAL									0.00	0.00		
PRENCUMBRANCE TOTAL									0.00	0.00		
TOTAL									0.00	0.00	802.00	802.00
04 OPERATING												
7020 OPERATING SUPPLIES												
7044 EXCESS PRINT CHARGES-COPIERS			PV 101	00001980554	01/24/23				-127.71	-362.26		
7050 EMPLOYEE BOND INSURANCE										-610.65		
7051 PROPERTY & CONTENT INSURANCE										-6.00		
7054 AG TORT CLAIM ASSESSMENT										-1,247.00		
7100 STATE OWNED BLDG RNT-B&G										-170.58		
7285 POSTAGE - STATE MAILROOM										-19,576.75		
7289 EITS PHONE LINE AND VOICEMAIL										-141.17		
7296 EITS LONG DISTANCE CHARGES										-218.70		
7301 MEMBERSHIP DUES										-14.97		
7302 REGISTRATION FEES										-933.00		
7980 OPERATING LEASE PAYMENTS			PV 101	00001980554	01/24/23				-179.76	-375.00		
SUB TOTAL									-307.47	-24,734.64	93,879.00	69,144.36
ENCUMBRANCE TOTAL									0.00	0.00		
PRENCUMBRANCE TOTAL									0.00	0.00		
TOTAL									-307.47	-24,734.64	93,879.00	69,144.36
08 EXHIBITS												
7020 OPERATING SUPPLIES												
7430 PROFESSIONAL SERVICES												
SUB TOTAL										-9.99		
ENCUMBRANCE TOTAL										-1,500.00		
PRENCUMBRANCE TOTAL												
TOTAL										-1,509.99	2,273.00	763.01
09 COLLECTIONS												
7020 OPERATING SUPPLIES												
7223 OTHER EDP SERVICE COSTS - A												
7302 REGISTRATION FEES												
7430 PROFESSIONAL SERVICES												
SUB TOTAL										-428.95		
ENCUMBRANCE TOTAL										-228.95		
PRENCUMBRANCE TOTAL										-400.00		
TOTAL										-990.00		
SUB TOTAL										-2,047.90	12,051.00	10,003.10
ENCUMBRANCE TOTAL										0.00		
PRENCUMBRANCE TOTAL										0.00		
TOTAL										-2,047.90	12,051.00	10,003.10

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BUDGET ACCT	STWT INDN SCHOOL LIVING LEGACY	ORGANIZATION	0000	COMMISSION ON TOURISM			
OBJT DESCRIPTION	DOCUMENT NUMBER	DATE	CURRENT				
10 EDUCATION							
7430 PROFESSIONAL SERVICES				-1,523.00			
SUB TOTAL			0.00	-1,523.00	3,237.00	1,714.00	
ENCUMBRANCE TOTAL			0.00	0.00			
PREENCUMBRANCE TOTAL			0.00	0.00			
TOTAL			0.00	-1,523.00	3,237.00	1,714.00	
26 INFORMATION SERVICES							
7020 OPERATING SUPPLIES				-72.49			
7223 OTHER BDP SERVICE COSTS - A				-432.00			
7290 PHONE, FAX, COMMUNICATION LINE				-617.58			
7547 BITS PRODUCTIVITY SUITE				-313.10			
7554 BITS INFRASTRUCTURE ASSESSMENT				-314.48			
7556 BITS SECURITY ASSESSMENT				-94.50			
SUB TOTAL			0.00	-1,844.15	3,750.00	1,905.85	
ENCUMBRANCE TOTAL			0.00	0.00			
PREENCUMBRANCE TOTAL			0.00	0.00			
TOTAL			0.00	-1,844.15	3,750.00	1,905.85	
82 DEPARTMENT OF ADMIN COST ALLOC							
7389 HR CENTRALIZED PERSONNEL SVCS				-374.00			
SUB TOTAL			0.00	-374.00	748.00	374.00	
ENCUMBRANCE TOTAL			0.00	0.00			
PREENCUMBRANCE TOTAL			0.00	0.00			
TOTAL			0.00	-374.00	748.00	374.00	
87 PURCHASING ASSESSMENT							
7393 PURCHASING ASSESSMENT				-97.00			
SUB TOTAL			0.00	-97.00	194.00	97.00	
ENCUMBRANCE TOTAL			0.00	0.00			
PREENCUMBRANCE TOTAL			0.00	0.00			
TOTAL			0.00	-97.00	194.00	97.00	
TOTAL EXPENDITURES			-307.47	-134,098.29	308,027.00	173,928.71	
TOTAL ENCUMBRANCES			0.00	0.00			
TOTAL PREENCUMBRANCES			0.00	0.00			
TOTAL OBLIGATIONS			-307.47	-134,098.29	308,027.00	173,928.71	

FISCAL YEAR 23
 FUND 101 GENERAL FUND
 BUDGET ACCT 2601 STWT INDN SCHOOL LIVING LEGACY

AGENCY 101 COMMISSION ON TOURISM
 ORGANIZATION 0000 COMMISSION ON TOURISM

 OBJT DESCRIPTION DOCUMENT NUMBER DATE CURRENT YEAR TO DATE WORK PROGRAM DIFFERENCE

00 STWT INDN SCHOOL LIVING LEGACY
 REALIZED FUNDING AVAILABLE -307.47 123,423.46



Report to the Nevada Indian Commission Board

January 25, 2023

Stewart Indian School Cultural Center & Museum:

Museum Director Bobbi Rahder and Curator Chris Ann Gibbons

Leadership, professional development, and organization structure

- Compiled report for incoming Governor and Legislative Council Bureau budget hearing
- Bobbi reviewed 10 grant applications for capital improvement projects through National Endowment for the Humanities
- Chris attended the Association of Tribal Archives Libraries and Museums Conference in Temecula, CA, Oct. 24-27
- Chris will be attending upcoming professional development trainings on collections management (caring for textiles, customized enclosures, caring for and digitizing scrapbooks, and cleaning techniques for paper-based materials)
- Developed strategic goals and Collections Policy with Stewart Cultural Advisory Committee
- Updating the Plan of Operations with new policies and procedures

Financial Stability

- Keeping the Welcome Center Gift Shop open on Fridays from 10 am to 4 pm. We have Stewart gear: t-shirts, hoodies, coffee cups, and caps. We also purchase art from local Native artists who sign an agreement that we follow the Indian Arts and Crafts Act of 1990. All proceeds go to purchase more art from local Native artists. To support local Native artists, we purchased art from these artists since the last quarterly report: Wesley Dick, Northern Paiute; Gracie Dick, Northern Paiute; Josephine David, Jazmine Kennison, and Julie Charlie, Walker River Paiute; Theo Steele, Goshute; Joey Allen, Fallon Paiute Shoshone; Dayl Roach, Washoe; Cheryl Hill-Yates, Sioux/Assiniboine/Paiute

Complying with Department of Interior Boarding School Initiative

- Waiting for BIA to approve SISCCM as repository for Stewart items in storage
- Working with National Native American Boarding School Healing Coalition to document the students who attended Stewart to create digital archive of records

Collections Stewardship

- Consultant Tera Bruhn is file managing and do research on SIS related photos

- Volunteer Renee Kolvet is working on research requests and creating student files.
- UNR intern Kay Remington is working on building mounts for pottery in the collection. Kay just completed printing and binding copies of the newsletter "Indians at Work," a BIA publication produced in the 1930's and 1940's. The newsletters will be available in the research room.
- Volunteer Kathie Geiser is working on compiling a comprehensive list of Stewart students who served in WWII.
- Volunteer Beverly Mobley is working on researching Bob Wright and other Wright family members who worked at, and attended Stewart.
- Five new donors donated items to the collections. A photograph of Stewart employees taken in the late 1940's was donated by Linda McCauley. A bible that was gifted to 1920 Washoe Stewart graduate Ted Sally by Baptist Missionary Lillie Corwin was donated by his relative Stephanie Mushrush. Guy Snow donated items and photographs once belonging to Stewart teacher Susanne Simmons. George Fredericks donated a parade banner used by the Stewart band. Ronald Lewis donated Stewart related photos from former coach Ed Mike.
- Completed scanning and file managing photos on loan from Harriet Brady and Dianne Williams
- Lauren King from Broadbent and Associates delivered 4 boxes of archaeological finds from 2019 and 2021 campus projects.
- Completed seven Stewart related research requests including identifying boxers in a photo taken in the 1940's, research on John Dressler who attended Stewart 1922-1935, research on Ron Wopsock who attended Stewart 1968-1972 and research on Alice Piper who worked at the Stewart Indian School and was involved in a desegregation case against the Big Pine School District

Education and Interpretation

- Made presentations/tours to 5 organizations and schools
- Truckee Charter School will visit with 23, 8th graders on Feb. 7th. Volunteers Janice Stump and Linda Eben Jones will give tour
- Lauren King will bring UNR World Architecture Class to tour on Feb. 14th from 3-5 pm, volunteer Frank Joe will give tour
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BA 2601

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Current Balance: \$174,236.18

BA 3286

Stewart Indian School Cultural Center & Museum's Portion of Gift Fund (CAT 69)

\$54,431.49 donations via check and purchases

\$7,563.95 gift shop sales via check

Total: \$61,995.44

SISCCM Petty Cash and Change Account (authorized by NRS 233A.300)

Balance: \$911.29



Report to the Nevada Indian Commission Board

January 25, 2023

Stewart Indian School Cultural Center & Museum:

Museum Director Bobbi Rahder and Curator Chris Ann Gibbons

Leadership, professional development, and organization structure

- Compiled report for incoming Governor and Legislative Council Bureau budget hearing
- Bobbi reviewed 10 grant applications for capital improvement projects through National Endowment for the Humanities
- Chris attended the Association of Tribal Archives Libraries and Museums Conference in Temecula, CA, Oct. 24-27
- Chris will be attending upcoming professional development trainings on collections management (caring for textiles, customized enclosures, caring for and digitizing scrapbooks, and cleaning techniques for paper-based materials)
- Developed strategic goals and Collections Policy with Stewart Cultural Advisory Committee
- Updating the Plan of Operations with new policies and procedures

Financial Stability

- Keeping the Welcome Center Gift Shop open on Fridays from 10 am to 4 pm. We have Stewart gear: t-shirts, hoodies, coffee cups, and caps. We also purchase art from local Native artists who sign an agreement that we follow the Indian Arts and Crafts Act of 1990. All proceeds go to purchase more art from local Native artists. To support local Native artists, we purchased art from these artists since the last quarterly report: Wesley Dick, Northern Paiute; Gracie Dick, Northern Paiute; Josephine David, Jazmine Kennison, and Julie Charlie, Walker River Paiute; Theo Steele, Goshute; Joey Allen, Fallon Paiute Shoshone; Dayl Roach, Washoe; Cheryl Hill-Yates, Sioux/Assiniboine/Paiute

Complying with Department of Interior Boarding School Initiative

- Waiting for BIA to approve SISCCM as repository for Stewart items in storage
- Working with National Native American Boarding School Healing Coalition to document the students who attended Stewart to create digital archive of records

Collections Stewardship

- Consultant Tera Bruhn is file managing and do research on SIS related photos

- Volunteer Renee Kolvet is working on research requests and creating student files.
- UNR intern Kay Remington is working on building mounts for pottery in the collection. Kay just completed printing and binding copies of the newsletter "Indians at Work," a BIA publication produced in the 1930's and 1940's. The newsletters will be available in the research room.
- Volunteer Kathie Geiser is working on compiling a comprehensive list of Stewart students who served in WWII.
- Volunteer Beverly Mobley is working on researching Bob Wright and other Wright family members who worked at, and attended Stewart.
- Five new donors donated items to the collections. A photograph of Stewart employees taken in the late 1940's was donated by Linda McCauley. A bible that was gifted to 1920 Washoe Stewart graduate Ted Sally by Baptist Missionary Lillie Corwin was donated by his relative Stephanie Mushrush. Guy Snow donated items and photographs once belonging to Stewart teacher Susanne Simmons. George Fredericks donated a parade banner used by the Stewart band. Ronald Lewis donated Stewart related photos from former coach Ed Mike.
- Completed scanning and file managing photos on loan from Harriet Brady and Dianne Williams
- Lauren King from Broadbent and Associates delivered 4 boxes of archaeological finds from 2019 and 2021 campus projects.
- Completed seven Stewart related research requests including identifying boxers in a photo taken in the 1940's, research on John Dressler who attended Stewart 1922-1935, research on Ron Wopsock who attended Stewart 1968-1972 and research on Alice Piper who worked at the Stewart Indian School and was involved in a desegregation case against the Big Pine School District

Education and Interpretation

- Made presentations/tours to 5 organizations and schools
- Truckee Charter School will visit with 23, 8th graders on Feb. 7th. Volunteers Janice Stump and Linda Eben Jones will give tour
- Lauren King will bring UNR World Architecture Class to tour on Feb. 14th from 3-5 pm, volunteer Frank Joe will give tour
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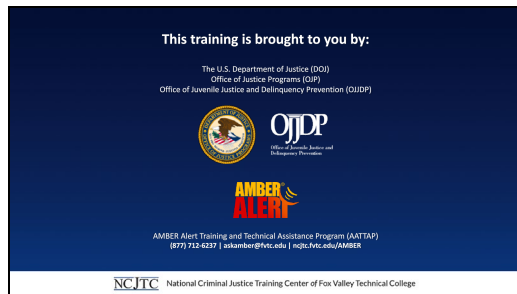
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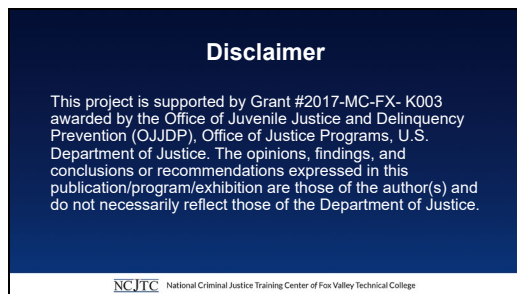
Slide 1



Slide 2



Slide 3



Slide 4

Objectives

- Examine the Ashlynnne Mike Indian Country Act of 2018
- Review State/Tribal Implem Goals and Objectives
- Identify resources available Tribal AMBER Alert Coordin partners





Slide 5

AMBER Alert Training & Technical Assistance Program

Mission

To safely recover missing, endangered, or abducted children through the coordinated efforts of law enforcement, media, transportation, and other partners by using training and technology to enhance response capacities and capabilities and increase public participation.




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Slide 9

Goals of State/Tribal Implementation Meeting

- To broaden the scope of AMBER Alert education and training for tribal nations
- Support collaborative efforts while addressing obstacles and challenges within tribal communities
- Develop a response plan to missing children and child abduction incidents
- Encourage communication and planning throughout the community through the development of an AMBER Alert plan



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Slide 10

The Plan supports a Community Response



- Tribal Leadership
- Fire Department
- Tribal Department of Transportation
- Education Department
- Community members
- State AMBER Alert Coordinator and Partners

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Slide 11

Implementing AMBER Alert in Indian Country Tribal/State Meeting Agenda

- Best practices for collaborating with the state or regional AMBER Alert program
- Examine the specific requirements for requesting issuance of an AMBER Alert
- Assess various child abduction tabletop scenarios
- Develop an action plan for implementing the AMBER Alert program in their community

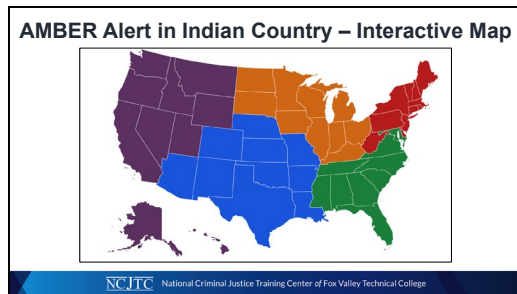


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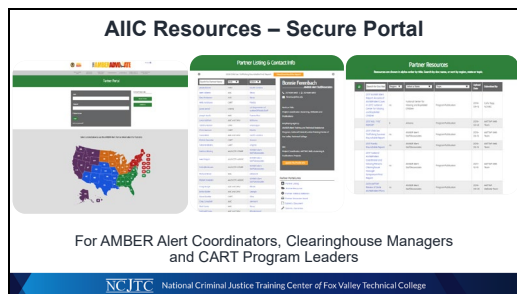
Slide 15



Slide 16



Slide 17



Slide 18

Child Protection Trainings for Tribal Communities

- Missing Child Investigations in Indian Country
- Unresolved Missing Person Cases in Indian Country
- Indian Country Child Abduction Tabletop Exercise
- eLearning Courses
 - Building AMBER Alert in Indian Country
- Webinars

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Community Outreach

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Questions and Comments

Fox Valley
Technical College

Slide 21


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Thank you for your participation!

For assistance, please contact us:



AMBER Alert Training and Technical Assistance Program (AATAP)
(877) 712-4637 | aa@amber@fvtc.edu | ncjtc.fvtc.edu/AMBER

NCJTC National Criminal Justice Training Center of Fox Valley Technical College

INDIGENOUS PRAYER RUN

Hoover Dam



Glen Canyon Dam



MARCH 11-15, 2023



All Indigenous runners welcome!

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Seventh Generation Fund
for Indigenous Peoples, Inc.



BEARS EARS INTER-TRIBAL COALITION
HOPI • ZUNI • UTE MOUNTAIN UTE • DINE • UTE



NEVADA
INDIAN COMMISSION



For more information email: waterprayerrun@gmail.com

2021-22 NSHE NATIVE AMERICAN FEE WAIVER REPORT

Nevada System of Higher Education
Department of Academic and Student Affairs

August 2022



The Nevada System of Higher Education

Board of Regents

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Desert Research Institute

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Background

In 2021, the Nevada State Legislature enacted [Assembly Bill 262](#) (Chapter 349, *Statutes of Nevada 2021*) requiring the Board of Regents to grant a waiver of the base registration fee, laboratory fees, and all other mandatory fees associated with enrollment for an eligible Native American student who is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of Nevada, or is certified by the enrollment department of a tribe or nation or the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of Nevada. Additional eligibility requirements include enrollment in a school within the Nevada System of Higher Education (NSHE); being a resident of the State for not less than one year; maintaining a 2.0 grade point average (GPA); and completing the Free Application for Federal Student Aid (FAFSA).

This report is written to satisfy the reporting requirements outlined in *Nevada Revised Statute* 396.54495. Accordingly, information is provided on the number of students that qualified for the NSHE Native American Fee Waiver, and the “total funding made available for the waiver.” There is no pool of money supporting this waiver. Instead, the total value of student fees waived by NSHE institutions as part of the NSHE Native American Fee Waiver is reported. Henceforth, this report will be issued annually.

Program Eligibility

Institutional Eligibility

Eligible institutions include the NSHE universities, state college, and community colleges:

- University of Nevada, Las Vegas
- University of Nevada, Reno
- Nevada State College
- College of Southern Nevada
- Great Basin College
- Truckee Meadows Community College
- Western Nevada College

Student Eligibility

In order to be eligible for the Native American fee waiver, a student must:

- Be a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of this State, regardless of membership status;
- Be enrolled at an NSHE institution;
- Be a resident of Nevada for not less than 1 year;
- Have maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used; and
- Have completed the Free Application for Federal Student Aid.

Residency Requirement

It is important to note that the residency requirement for the Native American Fee Waiver, as defined in AB 262, is stated specifically as “has been a resident of this State for not less than one year.” This is different from most other fee waiver programs such as the National Guard fee waiver, which are tied to [NRS 396.540](#), that defines “bona fide resident” and recognizes the Board of Regents’ authority to establish policies, provided that the policies do not conflict with NRS. Under Board policy, residency for tuition purposes includes a provision ([Handbook, Title 4, Chapter 15](#), Section 3) exempting from non-resident tuition, “...members of federally recognized Native American tribes, who do not otherwise qualify as Nevada residents, and who currently reside on tribal lands located wholly or partially within the boundaries of the state of Nevada.” This lack of alignment effectively excludes from waiver eligibility Native American students who are residing on tribal lands that are located partially in Nevada, but who are not actually living in Nevada and who otherwise qualify as residents for tuition purposes, such as students residing in Woodfords, California.

Cost

The Native American fee waiver is equal to the amount of the base registration fee and all other mandatory fees charged to the student less any federal educational benefits. Federal educational benefits include but are not limited to the Pell Grant, Federal Supplemental Educational Opportunity Grant (FSEOG), TEACH Grant, and veterans education benefits. There is no dedicated funding source supporting this fee waiver. Rather, a fee waiver results in forgone revenue for the granting institution.

It is important to understand that the Native American Fee Waiver is more expansive than most other fee waivers established in NRS or Board Policy in that it is not only applicable to students enrolled in undergraduate or graduate programs but may also be used to pay for professional programs (law, medical, dental). Further, in addition to waiving the base registration fee and laboratory fees, *Nevada Revised Statute* 396.5449 requires that “any other mandatory” fees also be waived. These waiver provisions could greatly increase the foregone revenue by institutions in future years.

Fee Waiver Recipients and Foregone Revenue

At all NSHE institutions combined, 140 students had \$457,449 in fees waived during Academic Year 2021-22 (Tables 1 and 2). During the same award year, an additional 24 students qualified for the waiver but had fees paid by federal education benefits and therefore did not have fees waived under this program.

Table 1: Number of Recipients by Institution

	2021-22
UNLV	10
UNR	73
NSC	1
CSN	4
GBC	18
TMCC	24
WNC	10
NSHE TOTAL	140

Table 2: Total Value Waived by Institution

	2021-22
UNLV	\$39,609.04
UNR	\$330,655.13
NSC	\$652.50
CSN	\$7,055.50
GBC	\$26,626.13
TMCC	\$30,044.63
WNC	\$22,806.13
NSHE TOTAL	\$457,449.06

Conclusion

Approved by the Nevada Legislature in late spring of 2021, the Native American Fee Waiver program was first implemented during Fall 2021. This left only a few months for NSHE System Administration, the institutions, and partners across the state to implement the program and get the word out to Native American students about this opportunity. Even with short notice, during the first year of implementation 140 students had \$457,449 in fees waived and 24 additional students qualified for the waiver but had fees paid by federal education benefits and therefore did not have fees waived under this program. During 2021-22 more than one NSHE institution added additional staff and/or programs to provide wrap-around supports for Native American students. These efforts, along with growing awareness of the fee waiver program, will likely result in higher utilization in future years.

Included are the relevant *Nevada Revised Statutes* and Board of Regents *Handbook* section.

Nevada Revised Statutes 396.5449-54495

NRS 396.5449 Waiver of fees for certain students who are Native American; eligibility; verification of status.

1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is Native American and demonstrates that the student:

(a) Is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of this State, regardless of membership status;

(b) Is eligible for enrollment in a school within the System;

(c) Has been a resident of this State for not less than 1 year;

(d) Has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used; and

(e) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

2. The amount of the waiver must be equal to:

(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or

(b) If the student is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

4. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, the person shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may request documentation confirming that the student is a member or descendant of a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State.

NRS 396.54495 Report on waiver of fees for certain students who are Native American. The Board of Regents shall, on or before September 1 of each calendar year, prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature that includes, without limitation, aggregated data for:

1. The number of students that qualify for a waiver of registration fees, laboratory fees and any other mandatory fees pursuant to [NRS 396.5449](#).

2. The total funding made available for the waiver of registration fees, laboratory fees and any other mandatory fees pursuant to [NRS 396.5449](#), including, without limitation, gifts, grants, donations and federal contributions.

[Board of Regents Handbook Title 4, Chapter 17, Section 15](#)

Section 15. Fee Waivers for Native Americans

1. A Native American student who is a member of a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of Nevada, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of such a tribe or nation, all or part of which is located within the boundaries of Nevada, regardless of membership status, shall be permitted to register for credit without registration fees, laboratory fees, and any other mandatory fees provided that the individual:
 - a. Is admitted pursuant to Title 4, Chapter 16;
 - b. Has been a resident of this State for not less than one year; and
 - c. Completes the Free Application for Federal Student Aid (FAFSA)
2. This policy is applicable during Fall and Spring terms only.
3. State-supported academic credit-bearing courses that lead to a certificate, associate, baccalaureate, master's, or professional degree including distance education courses, independent learning, and continuing education courses are eligible for the fee waiver. Self-supporting courses, including independent study and correspondence courses, are not eligible for waiver under this policy.
4. All mandatory student fees and special course fees are eligible for waiver under this policy.
5. A person to whom a fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.
6. To remain eligible for the fee waiver, the student must achieve at least a minimum 2.00 semester grade point average in order to maintain subsequent eligibility for the fee waiver.
7. The institution may request documentation confirming that the student is a member or descendant of a member of a federally recognized tribe or nation, all or part of which is located within the boundaries of Nevada.
8. The amount of the wavier must be equal to the amount of the registration fee and all other mandatory fees charged to the student, less any federal educational benefits received by the student, including but not limited to Pell Grant, Federal Supplemental Educational Opportunity Grant, TEACH Grant, and veterans educational benefits.
9. On or before September 1 of each year, the Chancellor's Office shall prepare a report that includes the number of students that received the waiver pursuant to this section and the aggregate dollar amount waived by institution. The report will include any funding received to off-set the waiver from gifts, grants, donations, and federal sources. Issuing of the wavier is not contingent on the receipt of funds to support the waiver. The report will be transmitted to the Board of Regents and director of the Legislative Counsel Bureau.

NEVADA INDIAN COMMISSION
POLICY TO PROMOTE COLLABORATION BETWEEN STATE AGENCIES AND INDIAN TRIBES

Section I. Background

- A. Federally recognized tribes have inherent sovereignty and maintain a government-to-government relationship with the U.S. government, based on the U.S. Constitution, federal treaties, statutes, executive orders, and policies. The U.S. government also has a trust responsibility to federally recognized tribes. Federal agencies help to fulfill the government-to-government relationship and trust responsibility to tribes through meaningful consultation with federally recognized tribes.
- B. Generally, numerous barriers have existed to effective tribal-state relations, which may be based on outdated and inaccurate perceptions of tribes by non-Indian communities, the lack of understanding of tribal governments and their sovereignty, faulty assumptions regarding tribal governmental capacity, or even tribal government hesitation to form working relationships with state governments because of the tribes’ constitutional and direct relationship with the U.S. government. *See* Susan Johnson, et al., GOVERNMENT TO GOVERNMENT: MODELS OF COOPERATION BETWEEN STATES AND TRIBES (2nd ed. 2009). Nonetheless, there are many good reasons to strive for cooperation between tribal and state governments, including mutual interests and similar governmental goals to use resources effectively and efficiently, to provide comprehensive services and a safe environment for citizens, to protect natural environments, and to sustain healthy economics. *See id.*
- C. On June 8, 2019, the Governor of the State of Nevada (“State”), [Steve Sisolak](#), approved Assembly Bill 264, “An ACT relating to governmental administration; requiring the Nevada Indian Commission to implement a policy that promotes collaboration between a state agency and Indian tribes; requiring the Governor to meet with the leaders of Indian tribes; requiring certain employees of state agencies to receive certain training; and providing other matters properly relating thereto” (hereinafter “AB 264”) into law.
- D. Modeled after 2009 legislation passed in New Mexico, AB 264 aims to increase collaboration between the federally recognized tribes, bands, and colonies located within Nevada (hereinafter, collectively, “Tribes”) and state agencies (hereinafter, collectively, “State Agencies”) that are often charged with developing wide-ranging policies, agreements, and procedures.
- E. AB 264 seeks to facilitate a dialogue in decision-making while respecting tribal sovereignty.
- F. AB 264 charges the Nevada Indian Commission (hereinafter “Commission”) with drafting a consultation policy (hereinafter “Policy”) that promotes effective communication and collaboration, positive government-to-government relations, and cultural competency. Although the Commission already serves as an intermediary for tribal-state relations, it does not speak for the Tribes.
- G. A formal policy that establishes a consultation framework would improve the relationships between the Tribes and the State Agencies because it could be utilized by both the Tribes and the State Agencies to clarify what consultation entails and to provide guidance on what types

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Commented [KL1]: Recommend including language about the law becoming statute.

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Commented [SN2]: Recognizing that AB 264 was modeled after New Mexico’s legislation, NDCNR encourages Nevada to also model its policy after the New Mexico Environment Department’s [Policy and Procedure](#).

Commented [KL3R2]: New Mexico’s legislation was originally looked at in drafting this draft; however, a few years has passed and we should check to see if New Mexico has made any updates or changes based on their experience with this type of policy.

of activities require formal tribal consultation. The formal policy could also ensure that there is appropriate training and mechanisms for maintaining relationships between the Tribes and the State Agencies.

March 14, 2020, the Nevada Indian Commission sent letters to Tribes, Bands, Colonies, and Nevada Department heads asking for feedback on what such policy should contain. On January 26, 2021, the Nevada Indian Commission again sent letters asking for feedback on the first draft of the policy.

Section II. Purpose

Through this Policy, the Commission seeks to foster and facilitate positive and effective government-to-government relations between the Tribes and the State Agencies. The purpose of this Policy is to develop, improve, or maintain partnerships with the Tribes by using agreed-upon processes when the State Agencies develop, change, or implement policies, programs, or services that directly affect the Tribes.

Section III. Principles

- A. Recognize and Respect Sovereignty. The State and Tribes are sovereign governments. As sovereign governments recognized by the United States, the Tribes have the right to make and be governed by their own respective laws, unless and until the United States Congress ordains otherwise. The recognition and respect of sovereignty is the basis for government-to-government relations and this Policy. Sovereignty must be respected and recognized in government-to-government consultation, communication, and collaboration between the Tribes and the State Agencies. The State is not a party to but recognizes and acknowledges the unique and important trust responsibility of the U.S. government to the Tribes. The State also recognizes that state law has no force in Indian country, unless and until the United States Congress ordains otherwise.
- B. Government-to-Government Relations. The State Agencies recognize the importance of collaboration, communication, and cooperation with the Tribes. The State Agencies further recognize that the State Agencies' actions, policies, programs, and/or services (including, but not necessarily limited to, all proposed plans, policies, rulemakings, permitting actions, or other aspects of programmatic actions) (hereinafter, collectively, "State Agency Actions") may directly or indirectly affect the Tribes. Accordingly, the State Agencies recognize the value of dialogue between the Tribes and the State Agencies with specific regard to State Agency Actions. To the extent that a Tribe has political subdivisions that are not independently federally recognized, those political subdivisions must not be treated as representing the Tribe in government-to-government relations unless the Tribe, pursuant to the Tribe's respective laws, has designated the political subdivision as its delegated authority for general or specific government-to-government relations with a State Agency.
- C. Efficiently Addressing Tribal Issues and Concerns. The State Agencies recognize the value of the Tribes' input regarding State Agency Actions. Thus, it is important that Tribes' interests are reviewed and considered by the State Agencies early on and throughout the development process of State Agency Actions.

Deleted: INSERT LANGUAGE REGARDING COMMISSION EFFORTS TO CONSULT OR TO SOLICIT FEEDBACK REGARDING THIS POLICY FROM BOTH STATE AGENCIES AND THE TRIBES.]...

Commented [SN4]: Positive government-to-government relations are incredibly important to this effort. It is also critical that such relations be effective. Therefore, NDCNR recommends inserting "effective," so the purpose states, "Through this Policy, the Commission seeks to foster and facilitate positive and effective government relations . . ." NDCNR also recommends defining "directly affect" to ensure a mutually shared understanding of its meaning.

Commented [KL5R4]: "Directly affect" should be clarified.

Commented [KL6R4]: Consider whether Tribal consent should be required.

Commented [SN7]: ITCN the word "sovereignty" is not defined. A quick definition would be, "the right for tribes to make their own laws and be governed by them." But that ...

Commented [KL8R7]: I agree that we should define "sovereignty".

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Commented [SN9]: To clarify that Nevada does not hold such trust responsibilities, NDCNR recommends amending the last sentence to state, ...

Commented [KL10R9]: Agree. The requested change has been incorporated into the draft.

Commented [SN11]: Recognizing the importance of collaboration, communication, and cooperation with the Tribes, NDCNR is concerned about the ...

Commented [KL12R11]: This a valid concern and something that Tribes should keep in mind as well (there ...

Commented [SN13]: The Silver State Health Exchange would like to request that the policy does not supersede ...

Commented [SN14]: The DHHS would like to ask the policy to indicate that it does not supersede other specific agreements regarding consultation with the tribes, including ...

Commented [KL15R14]: The Policy should be the baseline standard. We would need to review any ...

Commented [KL16]: This language is added to try and address a comment from NIC Commissioner Emm.

Commented [SN17]: NDCNR recommends amending the first sentence to state, "The State Agencies recognize that Tribes provide an important ...

Commented [KL18R17]: Without further clarification, I tend to disagree with the NDCNR's recommendation ...

D. Collaboration and Mutual Resolution. The State Agencies recognize that good faith, mutual respect, and trust are fundamental to meaningful collaboration and communication policies. As they arise, the State Agencies shall strive to address and mutually resolve concerns with impacted Tribes.

E. Communication and Positive Relations. The State Agencies shall strive to promote positive government-to-government relations with the Tribes by: (1) interacting with Tribes in a spirit of mutual respect; (2) seeking to understand each of the Tribe's perspectives, with recognition that each of the Tribes are separate unique sovereign governments; (3) facilitating and engaging in communication, understanding, and appropriate dispute resolution with the Tribes; and (4) working through the government-to-government process to attempt to achieve a mutually-satisfactory outcome or towards a shared vision in areas of mutual interest.

F. Informal Communication. The State Agencies recognize that formal consultation may not be required in all situations or interactions, and that informal communications can help achieve the goals of this policy. The State Agencies may seek to communicate with and/or respond to the Tribes outside the consultation process. These communications do not negate the authority of the State Agencies and the Tribes to pursue formal consultation.

G. Confidentiality. The State Agencies will protect and exhibit a high degree of respect and sensitivity regarding confidential information provided by the Tribes and shall ensure confidentiality to the extent provided by applicable law.

H. Distinctive Needs of American Indians/Alaska Natives. The State Agencies shall strive to ensure, with the Tribes, the accountability of resources, including a fair and equitable allocation of resources to address health disparities. The State Agencies recognize that a community-based and culturally appropriate approach to health, human, and essential service is vital to maintain and preserve American Indian/Alaska Native cultures.

I. Health Care Delivery and Access. The State Agencies shall work collaboratively with the Tribes to ensure adequate and quality health service delivery in the Tribes' communities, as well as with individual American Indians/Alaska Natives in urban areas or otherwise outside the Tribes' communities.

J. Economic Development Access. The State Agencies shall inform the Tribes of opportunities related to economic development and will provide resources and assistance to enhance the development of the Tribes' communities.

K. Establishing Partnerships. In order to maximize the use of limited resources, and in areas of mutual interests and/or concerns, the State Agencies seek partnerships with the Tribes and other interested entities, including academic institutions and Indian organizations. The State Agencies encourage the Tribes to aid in advocating for state and federal funding for tribal programs and services to benefit all of the State's American Indians/Alaska Natives.

L. Intergovernmental Coordination and Collaboration.

1. Interacting with Federal Agencies: The State Agencies recognize that the State and the Tribes may have issues of mutual concern where it would be beneficial to coordinate

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Commented [SN19]: ITCN), Refers to dispute resolution but I do not see a written process for disputes. There is Section IV (B)(7), which basically says there will be no consequences for actions that negatively impact Tribes, that Tribes consider harmful. I would like to see a dispute process that favors human health.

Commented [KL20R19]: We should consider what an appropriate dispute resolution process is. What is the enforcement mechanism for this? The federal policy requires mandatory reporting requirements.

Commented [SN21]: NDOT question, Will the NIC provide assistance in determining "appropriate dispute resolution with the Tribes" or provide examples of such? While we endeavor to avoid the necessity of formal dispute resolution, we would like to ensure any process or procedure we develop is considered "appropriate" by both our agency and the Tribes

Commented [KL22R21]: This is a really good question that does not currently have an answer.

Commented [SN23]: NDCNR recommends amending the first sentence to state, "The State Agencies recognize that formal consultation may not

Commented [KL24R23]: Recommended change is

Commented [SN25]: ITCN Section III (F)(G), there is r

Commented [KL26R25]: We should look to the new

Commented [KL27]: Comments have been made about

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Commented [SN28]: . Is this section limited to Health a

Commented [KL29R28]: No, services can encompass

Commented [KL30]: This is where we left off at the la

Commented [KL31]: 2023.01.30 - Chairman Anderson

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Commented [SN32]: DHHS would like to change "to

Commented [SN33]: Silver State Health Exchange wo

Commented [SN34]: Housing would like us to change

Commented [SN35]: Is the Gov Office of Economic

Commented [SN36]: NDOT Additional clarification on

Commented [SN37]: NCNR wants "may seek", DEM

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Commented [SN38]: DEM unclear on this. Consider

with and involve federal agencies that provide services and funding to the State Agencies and the Tribes.

2. *Administration of Similar Programs:* The State Agencies recognize that under federal tribal self-governance and self-determination laws, the Tribes are authorized to administer their own programs and services which were previously administered by other entities. Although the State Agencies' or the Tribes' programs may have their own federally approved plans and mandates, the State Agencies shall strive to work in cooperation and have open communications with the Tribes through a two-way dialogue concerning these program areas.

- M. Cultural and Linguistic Competency. The State Agencies shall strive for their programmatic actions to be culturally relevant and developed and implemented with cultural and linguistic competence.

Section IV. Definitions

The following definitions shall apply to this Policy:

- A. "American Indian/Alaska Native" means individuals who are members of any Indian Tribe; individuals who would meet the definition of "Indian" pursuant to 18 U.S.C. § 1153; or individuals who have been deemed eligible for services and programs provided to American Indians/Alaska Natives by the U.S. public health service, the Bureau of Indian Affairs, or other federal programs.
- B. "Collaboration" means a recursive process in which two or more parties work together to achieve a common set of goals. Collaboration may occur between the State Agencies and the Tribes, their respective agents or subdivisions, and may involve Indian organizations, if needed. Collaboration is the timely communication and joint effort that lays the groundwork for mutually beneficial relations, including identifying issues and problems, generating improvements and solutions, and providing follow-up as needed.
- C. "Communication" means the verbal, electronic, or written exchange of information between the State Agencies and the Tribes.
- D. "Consensus" means what is reached when a decision or outcome is mutually satisfactory to the State Agencies and the Tribes affected and adequately addresses the concerns of those affected. The State Agencies shall endeavor to conduct deliberations with the Tribes in good faith and in accordance with the processes outlined in this Policy. Within this process, it is understood that consensus, while a goal, may not always be achieved.
- E. "Consultation" means that process that operates as an enhanced form of communication that emphasizes trust and respect. It is a decision-making method for reaching agreement through a participatory process that involves the State Agencies and the Tribes through their official representatives; actively solicits input and participation by the State Agencies and the Tribes; and encourages cooperation in reaching agreement on the best possible decision for those affected. It is a shared responsibility that allows an open, timely, and free exchange of

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Commented [SN39]: ITCN There may be as many as 27 dialects for four different Native American languages in Nevada. Is it realistic and practical to tell state employees to learn those languages and dialects? I suggest taking out linguistic competence.

Commented [KL40]: Need to clarify what this means. Does it mean learn languages? Or, rather, using culturally appropriate word choices (e.g., using the indigenous names of places and people, avoiding offensive terminology, etc.)? We should reach out to New Mexico to see how this has worked out for them (since this language is borrowed from their policy).

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Commented [SN41]: NDCNR understands "Indian organizations" to include the Inter-Tribal Council of Nevada, Nevada Urban Indians, and other similar nonprofit nongovernmental organizations. NDCNR is interested to know whether collaboration might also involve individual Tribal Members or groups of Tribal Members with views that differ from the Tribal Government.

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Commented [SN42]: ITCN If consensus is not achieved, there is no dispute resolution process. Consensus on items like state permits may be an unrealistic goal due to the number of permits and schedules already outlined in existing state law

Commented [SN43]: NDCNR recommends considering the State of California's definition of consultation: "The meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American Tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the Tribes' potential needs for confidentiality with respect to places that have traditional Tribal cultural significance."

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Commented [SN44]: DHHS and Silver State Health Exchange would like reaching agreement changed to soliciting feedback

information and opinion among parties that, in turn, may lead to mutual understanding and comprehension.

F. “Cultural Competence” means the ability to interact effectively with people of different cultures. Cultural competence comprises four (4) components: (1) awareness of one’s own cultural worldview; (2) appreciation of cultural differences; (3) knowledge of different cultural practices and worldviews; and (4) honing cross-cultural skills. Developing cultural competence improves one’s ability to understand, communicate with, and effectively interact with people across cultures. In the context of consultation, this includes understanding of the general history of both the Federal and State’s relationship with Tribes; the treaty rights of Tribes; the culture and history of Tribes and their members; and existing consultation policies of the Tribe(s), as well as Tribal government structures, and decision-making processes.

Commented [SN45]: ITCN The definition for “consultation” in the Definition section of the draft policy is vague. I suggest looking at and using the State of California Gov. Code, § 65352.4. definition of consultation: “[T]he meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American Tribes shall be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation shall also recognize the Tribes’ potential needs for confidentiality with respect to places that have traditional Tribal cultural significance.”

G. “Culturally Relevant” describes a condition where programs or services are provided according to the recipient’s cultural backgrounds.

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H. “Indian country” means Indian country as defined by 18 U.S.C. § 1151.

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I. “Indian Organizations” means those organizations that are predominately operated by American Indians/Alaska Natives, that represent or provide services to American Indians and/or Alaska Natives living on and/or off tribal lands and/or in urban areas.

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J. “Indian Tribe” or “Tribe” means any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the U.S. Department of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. § 479a.

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K. “Linguistic Competency” refers to one’s capacity to communicate effectively and convey information in a manner that is easily understood by culturally diverse audiences, including but not limited to using culturally appropriate terminology (e.g., using indigenous names of places and people) and avoiding offensive terminology.

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Commented [SN46]: G & J ITCN Although admirable objectives, I believe these as not viable and impractical. It may take quite a bit of funding and time to meet these objectives, and then staff attrition would require retraining of new staff.

L. “Participation” describes an ongoing activity that allows interested parties to engage one another through negotiation, compromise, and problem solving to reach a desired outcome.

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M. “State Agency” means an agency, bureau board, commission, department, or division of the Executive Department of State Government.

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N. “State Agency Action with Tribal Implications” means any State Agency regulation, rulemaking, policy, guidance, legislative proposal, plan, programmatic or operational activity, or grant or funding formula changes that may have a substantial direct effect on a Tribe in matters including, but not limited to:

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1. Tribal cultural practices; lands; treaty rights; resources; ancestral lands; sacred sites, including sites that are submerged; and lands Tribes were removed from, or access to traditional areas of cultural or religious importance on State managed lands and waters;

Commented [KL47]: How do we address massacre sites? Recommended that we look to see if there’s language in the Antiquities Act that we can borrow.

2. The ability of a Tribe to govern or provide services to its members;

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3. A Tribe's relationship with the State Agency; or

4. Any action planned by a non-State entity that involves funding, approval, or other final State Agency action, unless the Tribe is a party to the action.

O. "State Agency Tribal Liaison" or "SATL" refers to an individual designated by a State Agency that communicates with the Tribes on a regular basis, who reports directly to the office of the head of the agency. The SATL shall assist the head of the State Agency with ensuring the implementation of this Policy; serve as a contact person who shall maintain ongoing communication between the State Agency and the affected Tribes; and ensure that training is provided to the staff of the State Agency pursuant to AB 264.

P. "Tribal Advisory Body" means a duly appointed group of individuals established and organized to provide advice and recommendations on matters relative to the State Agency Actions.

Q. "Tribal Government" means the governing body of an Indian Tribe.

R. "Tribal Officials" means those elected or duly appointed or delegated officials of the Tribes or authorized intertribal organizations.

S. "Work Groups" means formal advisory bodies and task forces established through joint effort by the State Agencies and the Tribes. Work groups may (DCNR) be established to address or develop more technical aspects of policies or programs, separate or in conjunction with the formal consultation process. Work groups shall, to the extent possible, consist of members from the State Agencies and the participating Tribes.

Section V. Protocol

When working with tribal governments, it is important to understand the unique relationship between American Indians and the U.S. government. It is a political relationship, not race based. Under federal law, tribal governments are sovereign governments with recognized powers of self-government. The status of tribes as governments means that tribes possess the inherent right to develop their own forms of government, to determine their own citizenship, to make their own laws, and to be governed by their own laws in their own judicial systems. The State is home to twenty-seven (27) federally recognized tribal governments, each with its own history, culture, and language. Although there may sometimes be commonalities or similarities amongst the tribal governments, each one is a distinct sovereign government. Thus, it is important not to assume that one tribe or one leader speaks for all.

This Policy's guidelines are meant to establish uniform practices and common standards, which all the State Agencies shall use except when otherwise agreed to in writing by a State Agency and a Tribe, through an individual protocol. Such protocols shall provide efficiency and transparency in the practices of the State Agencies, and also maximize the Tribes' participation.

The State Agencies recognize the unique sovereign status of the Tribes. To promote effective communication and collaboration between the State Agencies and the Tribes relating to this Policy,

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Commented [SN48]: DHHS wants to know if these means Division Administrator or is following the chain of command appropriate.

Commented [SN49]: NDCNR recommends referring to the specific NRS, in place of AB 264. This comment applies to all AB 264 references throughout the draft policy, where reference to the specific NRS would be more appropriate

Commented [SN50]: M.NDOT We request the following edit: "State Agency Tribal Liaison" or "SATL" shall refer to the individual designated by a State Agency that communicates with the Tribes on a regular basis, who reports all matters related to this policy directly to the office of the head of the agency. .

." As you may know, we were unable to create a new position for this policy and our existing Tribal Liaison has working relationships with many of the Tribes. In an effort to meet the intent of the Bill, we would prefer to keep the work responsibility where it is but have enhanced communication between that position and the Director's Office.

Commented [SN51]: NDCNR recommends clarifying who is responsible for appointing the

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Commented [SN52]: ITCN question: Will Tribes have representation? It benefits tribes if the Liaison is a non-sta

Commented [SN53]: NDCNR recommends more clear

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Commented [SN54]: Silver State Health Exchange

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Commented [SN55]: Duck Valley Chairman Thomas ", it's pretty clear that the burden is on the state agenc

Commented [SN56]: DHHS would like to include "exce

the State Agencies shall endeavor to understand the protocols for interacting with each Tribe. The individual protocol between a State Agency and a Tribe shall provide the framework for maintaining a government-to-government relationship. As protocol relationships are developed, they will be reported and provided to the Commission.

Commented [SN57]: NDCNR recommends adding "positive and effective" to paragraph 3, sentence 3, so it states, "maintaining a positive and effective government-to-government relationship." NDCNR also recommends establishing an annual reporting date.

An individual protocol may identify both a State Agency's and the Tribe's authorized representative(s) and/or key personnel; background and preparation required, including planning documents and/or any of the Tribe's cultural, historical, and governance information; appropriate methods of maintaining communications; activities that the Tribe wants to receive notice about; time frames for responding to communications; exchange of research and technical assistance; frequency and logistics of meetings, including meeting documentation and follow-up; dispute resolution processes; how to modify or amend an individual protocol; duration of a protocol; and any other pertinent consideration.

Section VI. General Provisions

A. Collaboration and Communication. To promote effective collaboration and communication between the State Agencies and the Tribes relating to this Policy, and to promote cultural competence, the State Agencies will utilize, as appropriate tribal liaisons, tribal advisory bodies, work groups, and informal communication.

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1. The State Agencies shall make a good-faith effort to review all State Agency Actions that may have impacts on tribal resources and determine whether tribal consultation or collaboration may assist in the State Agency Actions. If a State Agency Action may impact tribal resources, the State Agencies shall notify the relevant Tribal Government and inquire whether tribal consultation should occur. The Tribes have the discretion whether to engage in the consultation process. Consultation will be initiated by formal written notification/request.

Commented [SN58]: SOS would like to consider including a form or format (coversheet, etc) for outreach on a specific issues. You may also consider giving guidance on initial outreach to the individual tribes. Does NIC provide the tribal contact list on its website so we do not have to rely on the list that seems to change quite frequently? You may also consider describing the roles of the Nevada Indian Commission and the Inter-Tribal Council. Perhaps in identifying common issues and perhaps facilitating certain discussions Yes, NIC provides an updated contact list on its website <https://nevadaindiancommission.org/tribal-nations/>

2. *The Role of State Agency Tribal Liaisons.* To promote tribal-state interactions, enhance communication, and resolve potential issues concerning the delivery of the State Agencies' services to American Indians/Alaska Natives, SATLs will work with the Tribes' officials and the State Agencies' staff and their programs to develop policies or implement program changes. SATLs communicate with the Tribes' officials through both formal and informal methods of communication to assess:

Commented [SN59]: NDCNR recommends defining "tribal resources" so it is understood whether this term refers to cultural resources, fiscal resources, natural resources, or other resources. NDCR also recommends clarifying whether "impacts" has the same or different meaning than "directly affects," which is used elsewhere throughout the draft.

- a. Issues or areas of tribal interest relating to the State Agencies' policies, programs, and/or services; and
- b. Tribal interest in pursuing collaborative or cooperative opportunities with the State Agencies; and
- c. The State Agencies' promotion of cultural competence in its development or maintenance of policies, programs, and/or services.

Commented [SN60]: 1.Is this a one -way provision? (Scott Anderson SOS) Suggestion "While the Tribes are encouraged to consider a State Agency's good faith attempt to engage in the consultation process, the Tribes have the discretion whether to engage in the process."

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3. *The Role of Tribal Advisory Bodies.* The State Agencies may solicit advice and recommendations from duly appointed advisory organizations or committees to collaborate with the Tribes regarding matters of policy development prior to engaging

in consultation, as contained in this Policy. The State Agencies may convene such advisory organizations/committees to provide advice and recommendations on departmental policies, programs, and/or service matters that have tribal impacts. Input derived from such activities is not defined as this Policy's consultation process.

Commented [SN61]: SOS wants to know, where do third party consultant fall in this policy? Are these considered advisory bodies?

4. *The Role of Work Groups.* The State Agencies' heads, in consultation with recognized officials from the Tribes, may appoint an agency-tribal work group to develop recommendations and provide input on the State Agencies' policies, programs, and/or services as they might impact the Tribes and American Indians/Alaska Natives. The State Agencies or the work group may develop procedures for the organization and implementation of work group functions.

5. *Informal Communication with the Tribes.* The State Agencies recognize that consultation meetings may not be required in all situations or interactions involving Tribal-State relations. The State Agencies recognize that the Tribes' officials may communicate with appropriate State Agency employees outside the consultation process, including with SATLs and program managers, in order to ensure programs and services are delivered to their constituents. While less formal mechanisms of communication may be more effective at times, this does not negate the State Agencies' or the Tribes' ability to pursue formal consultation on a particular issue or policy.

Commented [SN62]: Silver Health Exchange question: Does attending the monthly Tribal Health Director's meetings comply with this?

6. *Informal Communication with the Indian Organizations.* The Tribal-State relationship is based on a government-to-government relationship. However, Indian organizations, such as those representing or providing services to urban and/or off-reservation American Indian/Alaska Natives, serve to benefit and assist the State as well. Through this Policy, the State Agencies recognize that it may solicit recommendations, or otherwise collaborate and communicate with these organizations.

Commented [SN63]: SOS wants to know Is there a preferred method? Is there a way to determine the best way to communicate with each individual tribal nation?

B. **Consultation.** Consultation shall be between the respective decisionmakers of the State Agencies and the Tribes, or their delegated representatives who possess authority to represent the respective interest during consultation.

Commented [KL64]: This is where we left off at during the 2023.01.30 NIC Workshop.

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1. *Applicability.* Tribal consultation is most effective and meaningful when conducted before taking action. Consider stressing this important point (SOS) that directly affects (DCNR) the Tribes and American Indians/Alaska Natives. The State Agencies acknowledge that a best-case scenario may not always exist, and that the State Agencies and the Tribes may not have sufficient time or resources to fully consult on a relevant issue. If a process appropriate for consultation has not already begun, through this Policy, the State Agencies shall seek to initiate consultation as soon as possible thereafter.

Commented [SN65]: SOS wants to know, Can we consider how we might consult when the issues may affect many or all of the Tribal nations? Could this be through the Inter-Tribal Council or the Nevada Indian Commission? (

Commented [SN66]: SOS Would like clarity on what level of policy changes require consultation

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2. *Focus.* The principle focus for government-to-government consultation is with the Tribes through their authorized officials. Nothing herein shall restrict or prohibit the ability or willingness of the Tribes' officials and the State Agencies' decisionmakers to meet directly on matters that require direct consultation. The State Agencies recognize that the principle of intergovernmental collaboration, communication, and cooperation is a first step in government-to-government consultation and is in accordance with this Policy.

Commented [SN67]: How do state agencies identify the appropriate officials with whom to communicate? (Scott Anderson SOS

3. Areas of Consultation. The State Agencies, through reviewing proposed State Agency Action(s), recognize the need to assess whether such actions directly affects (DCNR) the Tribes and/or American Indians/Alaska Natives, as well as whether consultation should be implemented prior to making its decision or implementing its action. To such ends, the State Agencies shall strive to notify relevant officials from the Tribes and pursue government-to-government consultation, provided that the Tribes' officials also have the discretion to decide whether to pursue and/or engage in the consultation process. The State Agencies will work with each other, where appropriate, to avoid duplicative consultations.

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Commented [SN68]: NDCNR recommends adding "by letter, telephone, email, or in person" to sentence 2, to clarify the types of notification that are acceptable. NDCNR also recommends adding "To the extent practical" to the beginning of the last sentence.

Commented [SN69]: SOS Suggestion: "encouraging" the Tribal Nations to participate. I would assume that the tribal nations will be provided this policy as they work with state agencies in the consultation process

Commented [SN70]: SOS Suggestion Like earlier comment – Perhaps "encouraging" the Tribal Nations to participate. I would assume that the tribal nations will be provided this policy as they work with state agencies in the consultation process (Scott Anderson SOS).

Commented [SN71]: Silver State Health Exchange question: Currently the Exchange participates in the DHCFP quarterly consultations. May the Exchange continue to do this?

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Commented [SN72]: Also, New Mexico's policy places responsibility on Tribes to identify issues and request consultation. NDCNR recommends following New Mexico's policy to avoid implementing initiation and notification procedures on a multitude of issues that might be of no interest to the Tribes. ...

Commented [SN73]: NDCNR recommends defining "tribal resources" so it is understood ...

Commented [SN74]: In addition to initiating discussion of specific issues, consider adding guidance to the initial ...

Commented [KL75]: Need to look to new federal policies to clarify "adequate notice". Could also require ...

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Commented [SN76]: NDCNR recommends adding the following to the end of the first sentence, ...

Commented [SN77]: NDCNR recommends inserting "by letter or email," so the second sentence states, "Request ...

Commented [SN78]: For clarity, NDCNR recommends defining "reasonable and periodic efforts." ...

Commented [SN79]: Silver State question What satisfies this requirement? Suggest defining a timeframe for how ...

Commented [SN80]: SOS Suggestion: In addition to initiating discussion of specific issues, consider adding ...

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4. Initial Planning Stage,

- a. When considering a State Agency Action that may have may directly affect the Tribes (DCNR) the State Agency shall notify the appropriate Tribe of the opportunity to consult pursuant to this Policy. The State Agency shall strive to ensure that a notice is given at least thirty (30)-days prior to scheduling a consultation. If exceptional circumstances prevent notice within the thirty (30)-days of the consultation, an explanation for the abbreviated notification shall be provided in the invitation letter. A Tribe may request an extension for timeliness associated with this Policy.
- b. Adequate notice entails providing a written description of the topic(s) to be discussed, the scope of the proposed action under consideration, the purpose of the action under consideration, the action proponent, 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. Notification of a consultation should include sufficient detail of the topic to be discussed to allow the Tribes an opportunity to fully engage in the consultation. The notice shall also give the Tribes the opportunity to provide feedback prior to the consultation, including any request for technical assistance or request for clarification of how the consultation process conforms to this Policy.
- c. A Tribe may request that a State Agency initiate consultation when the Tribe believes that the State Agency is considering a State Agency Action with tribal implications. Requests should be made in writing to the State Agency and should describe the specific State Agency Action with tribal implications.
- d. If a State Agency initiates consultation with a Tribe but does not receive a response, the State Agency shall make reasonable and periodic efforts to repeat the invitation and, whenever feasible, should allow a Tribe to join an ongoing consultation. These efforts of engagement shall be appropriately documented.

5. Proposal Development Stage,

a. The State Agencies shall develop an individual protocol with the Tribes that maximizes the opportunity for timely input from the Tribes and is consistent with both the State Agencies' and the Tribes' schedules. The State Agencies shall solicit the views of the affected Tribes regarding the process timeline to consult on a State Agency Action with tribal implications. The State Agencies shall work with the Tribe to structure a process, to the extent feasible, that considers specific tribal structures, traditional needs, and schedules of the Tribes. The State Agencies shall make all reasonable efforts to comply with the expressed views of the affected Tribes regarding the process timelines, taking into account the level of impact, the scope, and the complexity of the issues involved in the State Agency Action with tribal implications, along with other factors driving the schedule. The process will be open and transparent. When the matter under consultation involves confidential or culturally sensitive information, the State Agencies shall work with the Tribes to develop a consultation process that addresses the sensitivity of the information to the extent permitted by applicable law. If litigation or legal requirements impact a State Agency's schedule for conducting consultation, the State Agency shall explain these constraints to the Tribe. If the State Agencies determine that an applicable law expressly prohibits continued discussion at a specified point in the decision-making process, the State Agencies shall so inform the Tribes at the earliest opportunity in the process.

Commented [SN81]: NDCNR comprises 8 divisions, 3 stand-alone programs, and 16 boards and commissions, each of which appears to meet the definition of "State Agency." As such, developing individual protocol with each of the 27 federally recognized Tribes would be time consuming, and might not be particularly beneficial for State Agencies and Tribes that do not interact. Therefore, NDCNR recommends replacing "shall" with "may" in the first sentence.

b. The State Agencies, in order to engage in consultation, may utilize duly appointed work groups or the State Agency decisionmaker or a duly appointed representative may meet directly with the Tribes' officials, or set forth other means of consulting with impacted Tribes as the situation warrants.

Commented [SN82]: NDOT question Is the NIC able or willing to assist with the creation of protocols or, perhaps, include as part of the training, examples and processes to go through when creating protocols? In addition, are State Agencies being asked to create protocols with each Tribe, or on each particular issue, or some combination thereof and how often should these protocols be updated? The sharing of protocols between State Agencies will be very beneficial. An efficient way to share that information between the various SATLs would be most appreciated.

c. The State Agencies shall make a good faith effort to invite for consultation all perceived impacted Tribes. If multiple Tribes are impacted, the State Agencies shall have a duty to consult with each Tribe individually, unless the Tribes agree to consult together. Nor shall any public meeting constitute consultation with a Tribe unless that Tribe consents to such as part of a written executed protocol between the State Agency and the Tribe.

Commented [SN83]: Does this include NIC and ITCN (Scott Anderson SOS)

6. Implementation of Final State Agency Action.

a. The State Agencies may consider implementing a post-consultation review process where it is consistent with law. The State Agencies may invite feedback from the Tribes of the consultation process and shall also consider the need for training or technical assistance concerning the final State Agency Action.

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b. The State Agencies must timely disclose to the affected Tribe(s) the outcome of the consultation and decisions made as a result of consultation. To the extent permitted by applicable law, the State Agencies must seek to ensure that information designated as sensitive by a Tribal government is not

Commented [SN84]: Add as last sentence "The results of a post-consultation process may be shared with the Tribes, Commission, and appropriate State Agency Tribal Liaisons. DCNR

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publicly disclosed. State Agencies must obtain advance informed consent from Tribes for the use of sensitive information provided by the Tribe, and must inform the Tribe that certain laws may require disclosure of such information.

7. *Limitations on Consultation.*

- a. This Policy shall not diminish any administrative or legal remedies otherwise available by law to the State Agencies or the Tribes.
- b. This Policy does not prevent the State Agencies and the Tribes from entering into memoranda of understanding, intergovernmental agreements, joint powers agreements, professional services contracts, or other established administrative procedures and practices mandated by federal, state, or tribal laws and regulations.
- c. The State Agencies retain final decision-making authority with respect to actions undertaken by the State Agencies and within the State Agencies' respective jurisdiction. In no way should this Policy impede the State Agencies' ability to manage their operations.
- d. Consultation with the Tribes is uniquely a government-to-government process with two main goals: (1) to reach consensus in decision-making; and (2) whether or not consensus is reached, to afford any party the opportunity to issue a dissenting opinion for the record, and more importantly to have honored each other's sovereignty.
- e. (Dept of Conservation and Natural Resources addition. See note.

Commented [SN85]: NDCNR shares the intent of the consultation goals, but is concerned regarding the sheer volume of permit decisions (thousands) that could be subject to a process of outreach and consultation. The goal of reaching consensus on nondiscretionary permit actions can present a challenge for divisions and programs that must make decisions in accordance with statutes and regulations that are not subject to consensus.

Section VII. Reporting

On or before July 1st of each year, each State Agency that communicates with a Tribe on a regular basis shall submit a report to the Commission on the activities of the State Agency pursuant to AB 264 and this Policy. A report shall include, at a minimum:

- A. The name and contact information of each person in the State Agency who is responsible for development and implementing programs of the State Agency that directly affect the Tribes;
- B. Any actions taken or planned by the State Agency to carry out this Policy;
- C. A certification by the Division of Human Resource Management of the Department of Administration of the number of managers and employees of the State Agency who have completed the training required pursuant to AB 264;
- D. A description of current and planned programs and services provided to or directly affecting the Tribes and the amount of funding for each program; and

Commented [SN86]: Section VI.B.7.e. NDCNR recommends adding the following subsection, "This policy does not prevent the State Agencies and the Tribes from continuing to engage in informal communication and fostering already established positive and effective relationships."

Commented [KL87]: Look to new federal policies. Perhaps also require that reporting be cc'd to NIC (for similar reasons as those stated for adequate notice).

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Commented [SN88]: For clarity, NDCNR recommends defining "regular basis."

Commented [SN89]: Has this training been developed and available to the agencies (Scott Anderson SOS) NIC In process. Not yet.

Commented [SN90]: Silver Health Exchange would like to be notified when the trainings are completed and ready to be taken.

E. A description of the method the State Agency established for notifying employees of the State Agency of the provisions of AB 264.

F. Records of each consultation process that includes a summary of Tribal input received, a general explanation of how Tribal input influenced or was incorporated into the State Agency action; and, if relevant, the general reasoning for why Tribal suggestions were not incorporated into the State Agency action or why consensus could not be attained.

Section VIII. Dissemination of Policy

Upon adopting of this Policy, the Commission shall determine the appropriate method to distribute the Policy to all the State Agencies and the Tribes.

Section IX. Amendments and Review of Policy

The Commission will meet periodically with the State Agencies and the Tribes to evaluate the effectiveness of this Policy, including the State Agencies' promotion of cultural competence. This Policy is a working document and may be revised as needed.

Section X. Effective Date

This Policy shall become effective upon the date signed by the Commission.

Section XI. Sovereign Immunity

This Policy shall not be construed to waive the sovereign immunity of the State of Nevada or any Tribe, or to create a right of action by or against the State of Nevada or any Tribe, or any State or Tribal official, for failing to comply with this Policy.

Section XI. Closing Statement/Signatures

The Commission hereby adopts this Policy.

Commented [SN91]: NDOT If possible, it would be ideal if additional clarification could be outlined regarding the types of activities that should be reported (i.e. formal communications only). As we regularly communicate with the Tribes on a variety of matters, it would be helpful to have guidance on whether we need to a.) report all interactions or b.) only those of significance related to a significant action or decision.
Additional information on the required training is needed. For instance, what will be included, when and how will it be offered, and who will be required to take it. We realize some of this is in AB 264, but it would be helpful if this information is repeated. We would recommend, at a minimum, that the training include, but not be limited to:
a.history and application of AB 264 and this policy;
b.cultural and linguistic competence;
c.types, use and examples of communication, coordination, and consultation; and
d.developing protocols.

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Commented [SN92]: NDOT We recommend that a minimum review timeline is identified in the Policy (e.g. every 2 years). This would not require amending at that time, but will provide a specific timeframe when the State Agencies and Tribes review the policy and ensure it still meets the intent and needs of all. NDOT is interested in any feedback from Tribal Governments with regard to this Policy.

Commented [SN93]: SOS question: How is this accomplished? Is this through the generalized training? Is there other guidance relating to cultural competence? What the "promotion of cultural competence" mean? (Scott Anderson, SOS)

Commented [SN94]: SOS question: Has this policy been reviewed by the Commission's DAG? (Scott Anderson) NIC, yes.

Commented [SN95]: SOS: Please ensure that the policy has been reviewed by counsel for form and content.

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