

# Nevada Indian Commission

## Meeting Minutes

Monday, April 25, 2022

9:30 a.m.

Meeting Location: Virtual via Zoom

### **Commissioners Present:**

Kostan Lathouris – Chair

Kelly Krolicki – Commissioner

Staci Emm – Commissioner

Tammi Tiger – Commissioner

### **Commissioners Absent:**

Brian Wadsworth – Vice Chair

### **Staff Present:**

Stacey Montooth – Executive Director

Sarina Nez – Office Coordinator

Bobbi Rahder – Museum Director

### **Others Present:**

Fred Drye, Stewart Alumni, Veteran, Retired BIA Executive, Southern Nevada Paiute

Jimmy John Thompson, Chair of the Timbisha Nation

Serrell Smokey, Chair of the Washoe Tribe of Nevada and California

Ronnie Snooks, Chair of the Yomba Shoshone Nation

Deserea Quintana, Executive Director Inter-Tribal Council of Nevada

Bernadette Nieto, Tribal Administrator, Washoe Tribe of Nevada and California

Crystal Harjo, Tribal Liaison, FEMA R9

Chris Yarrow, Nevada Department of Transportation

Priscilla Acosta, Tribal Liaison, Nevada Department of Health, and Human Services

Scott Anderson, Tribal Liaison, Nevada Secretary of State

Tiffany Davis, Tribal Liaison, Silver State Health Insurance Exchange

Fredina Drye-Romero, Programs Professional for Indian Education, Nevada Department of Education

Kailey Musso, Tribal Liaison, Nevada Department of Wildlife

Fran Maldonado, Tribal Liaison, Nevada Division of Child & Family Services - Adoption Specialist

Monica Schiffer, Tribal Liaison, Nevada Division of Health Care Financing and Policy

Fred Wagar, Tribal Liaison, Operation, Nevada Department of Veteran Services

Chris Yarrow, Tribal Liaison, Nevada Department of Transportation

Josie Burnett, Tribal Health Preparedness Coordinator, Nevada Division of Emergency Management

Scott Carey, State Lands Planner, Nevada Division of State Lands

Melanie Burt, Education Director, Walker River Paiute Nation

Della Frank, Coordinator, Clark County Indian Education Opportunities Program

Lance West, Principal, Schurz Elementary School

A.B. Wilkinson, Associate Professor of History, UNLV

## **I. Convene meeting, roll call, and establish quorum**

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

## **II. Invocation**

Fred Drye, Southern Paiute Elder, Stewart Alum, and Army Veteran provided the invocation.

## **III. Welcome and Land Acknowledgement**

Chair Lathouris recited the land acknowledgement statement for the Nevada Indian Commission.

## **IV. Introductions**

Chair Lathouris welcomed the many participants to the virtual meeting and then initiated the introductions for the Commissioners and others in attendance who wished to be introduced.

## **V. Initial Public Comment**

Principal Lance West expressed concerns about the Nevada Statewide Plan for Improvement of Pupils, known as STIP. He said the current Indian Education strategic plan was approved in 2009 and it's outdated. Principal West sent an email to Director Montooth and asked where the Indian Education Advisory Committee was the update process? Director Montooth provided a response that cited the 26-months of providing services to support the Nevada Tribal Nations during the pandemic and the Nevada Deputy Attorney's Office suggesting changes to the Indian Education committee bylaws as reasons for delay in revising the strategic plan.

Principal West said the pandemic and other recent significant national events have highlighted inequities for communities of color that have persisted and have gotten much worse. The opportunity gap is widening, especially for indigenous students attending settler/colonial framework public schools. There are limited current policy documents addressing indigenous educational needs and concerns.

Principal West stated how important an Indian Policies and Procedures (IPP) document is for supporting their kids in Mineral County. The IPP involves and requires stakeholder input and feedback, concerns and solutions for transparency and equity for indigenous kids. MCSD has applied for impact aid funding through the Federal government for quite a few years. This accounts to on average hundreds of thousands of dollars based on the enrollment of students residing on Tribal lands. Without this type of document, needs and concerns would continue to be ignored or minimized. A strategic plan must be prioritized. This document, once updated and approved by all Nevada Tribal nations, can be added to the arsenal on the ground, on the front lines, in the fight for indigenous equity in Nevada, and hopefully ally with their respective school district leadership.

Principal West closed by saying the Nevada American Indian/Alaska Native Strategic Plan and the STIP mean something to him as an indigenous parent and Tribal community member. When the Nevada Department of Education or any state department references their Tribal community and plans for improvement, he expects action or collaboration. He urged Commission members to make a commitment to their indigenous youth and prioritize updating this document and advocating to NDE indigenous community concerns.

Chair Lathouris said his understanding is that the STIP is a five-year plan that needs to be reviewed and revised each year. The Indian Education Advisory committee needs to do a better job of making sure that the American Indian/Alaska Native Strategic Plan is also receiving similar treatment, so that way it can be included within that discussion each year.

Commissioner Emm suggested that this be an agenda item for the next NIC meeting and that a representative from NDE be at that meeting as well.

Chair Lathouris said his recommendation would be that this become the number one priority for the Indian Education Advisory Committee and that they do the review process and have a draft to be presented by the next Commission meeting. Then the Commission could adopt it or have the discussion that needs to happen in order to get to that point of being able to adopt it. The state policy at this point seems to be waiting on the development of IEAC policy, and that needs to happen.

Director Montooth stated that the Nevada Department of Education is always at every one of their Nevada Indian Commission meetings. Fredina Drye-Romero was here today as well.

Commissioner Emm asked Fredina how do they facilitate this process? How do they catch up, and how do they get proactive with this issue?

Fredina said they went through an entire revision of the bylaws and now the Indian Education Advisory Committee can come back together. They can now move forward with this as a committee. It is important for districts to recognize the Indian Education Advisory Committee as a very important stakeholder in the decisions for indigenous children in Nevada. Fredina will reach out to her director.

Chair Lathouris said he would send a notice to the IEAC detailing expectations about the committee reviewing, revising, and having something for Commission review and potential approval by the next meeting. He said they should also look at creating a process where this will be an annual endeavor of review and revision.

The final speaker during Initial Public Comment was Priscilla Acosta from the Department of Health and Human Services Tribal Liaison. She said the department is trying to schedule some listening sessions with Tribal communities throughout the state. The Division of Healthcare Financing and Policy Tribal Liaison is pushing to have these sessions prior to June 30. They have reached out to a number of Tribal leaders via email, letters and through meetings and have gotten no responses. She reminded everyone that the next Tribal consultation and public health and social services update meeting is scheduled for July 20.

Chair Lathouris said one of the ways that he has found success in communicating with Tribes is to find out when those Tribes are having meetings and request to be placed on their agenda. That way Priscilla could have an audience directly with the council if their Tribal laws permit it.

**VI. Approval of January 24, 2022, Commission Meeting Minutes (For Discussion and Possible Action)**

There were no changes or corrections to the minutes.

**Motion: Approve January 24, 2022, Commission Meeting Minutes**

**By: Commissioner Emm**

**Second: Commissioner Krolicki**

**Vote: Motion passed unanimously**

Chair Lathouris said the record should reflect that the motion passed with the four commissioners present voting in favor. There were zero objections, zero abstentions, but one absence.

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

Executive Director Montooth said she was prepared for any questions the commissioners might have about her latest Executive Director's Report.

Commissioner Emm had some questions about the distribution of ARPA funds. Would Nevada Tribes be awarded or have access to those ARPA funds?

Director Montooth reminded members that the ARPA, the American Rescue Plan Act, funds are federal funds. Tribal nations had until March 31, 2022, to submit letters of intent for ARPA funds. In addition to one pool of money that is specifically for indigenous nations, Tribal nations could apply for any of the pools of money, from economic development and job development to outdoor recreation to healthcare.

The Nevada Indian Commission and the Inter-Tribal Council of Nevada provided Tribes templates of what a strong letter of intent looked like, and they followed up with every Tribal nation reminding them about the March 31 deadline. The federal government has not awarded those ARPA funds directly to Tribal nations yet because the process is ongoing. They also have been working with the University of Nevada School of Business to assist Tribes in the process. Two representatives from the University of Nevada will do individual outreach to each respective Tribe to help support applications for the ARPA funds.

Director Montooth said although it's not yet official, she thinks the State of Nevada will offer to share some of its ARPA funds with the Tribal nations. The number one need to address is housing, whether it be infrastructure, supplies, or construction costs. The Governor's Office is coming up with an umbrella plan that all of the Tribal nations can use ARPA funding for

housing, yet still have some accountability, some sort of requirements, but not be extremely cumbersome.

Chair Lathouris said he didn't think that it should be a competitive grant or source of funds. The Tribes that have limited institutional capacity would only suffer as a result of that, and so it needs to be equitable and if they're going off populations, then they should allow Tribes to self-certify to their population numbers.

Director Montooth agreed with that statement and said when they had a meeting with all of their Tribal leaders, the recurrent theme was that these funds need to be equitable. Some of the Tribal nations have more robust staff and have full-time grant writers, while other Tribes do not.

Deserea Quintana, Executive Director for ITCN, said she was also able to meet with the Governor's Office of Science, Information and Technology staff last week. There will be some additional ARPA funds available for broadband infrastructure. ITCN applied for broadband infrastructure projects for 11 Tribal communities. There are 11 or 12 that didn't apply. She and Director Montooth had a conversation last week regarding ARPA funds and grants and they will work out some additional resources and have staff available if Tribes need additional assistance applying for any of the additional funds that are out there.

Commissioner Tiger added that for the urban population in southern Nevada, the Las Vegas Indian Center has applied through Clark County for ARPA funded projects and programs.

Commissioner Tiger asked who is attending the Climate Reality training conference in June? Director Montooth replied that she received confirmation that one of the representatives of Indian Country will be Fawn Douglas, a citizen of the Las Vegas Paiute Nation. Commissioner Tiger said that there are scholarships to provide transportation and housing for anyone not in the Las Vegas area.

Chair Lathouris asked the Director if they were on track for the year in terms of spending and projections? Director Montooth replied that it looks like there might be a slight surplus in out of state travel, but every category that they are allowed to spend will be zeroed out.

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

Bobbi Rahder, Museum Director, had a few announcements before taking questions.

- Basket exhibit in the Great Basin Native Artist Gallery has been extended up through September 30
- Alumni ribbon-cutting for grand opening of the museum. This was postponed due to Covid. It is now scheduled for Saturday, June 18 at 10 a.m.

Chair Lathouris said he thought it was great that the Cultural Center is developing good collaborative relationships with the universities. He then congratulated Bobbi on being

appointed to the Historical Records Advisory Board. Bobbi said they will be able to let the Tribal nations know about grant opportunities to help preserve their records through that board and it was an exciting opportunity.

#### **IX. Stewart Father's Day Powwow (For Discussion and Possible Action)**

Sarina Nez, Chair of the Stewart Father's Day Powwow Committee, said the event is coming back. As a cost-cutting measure, the powwow has been changed to a two-day event this year: Saturday and Sunday June 18 and June 19. Additionally, sessions have been rearranged so that there's no need to pay for lights. Grand Entry will be at noon on Saturday, wrapping up at 6p.m. On Sunday, Grand Entry will be at 11 a.m. wrapping up by 6 p.m.

All vendors will be on the main lawn in front of the Cultural Center, so they're hoping to make the arena a little bit bigger this year and encourage more dancers and drummers to join them. The grand opening of the Cultural Center will be at 10 a.m., on Saturday, June 18 with a small reception at the Indian Commission Office afterwards, and then Grand Entry following at noon.

Chair Lathouris asked Sarina if there was a separate event later on in the year for the alumni to get together? She affirmed, saying they are going to make that a stand-alone event this year and they are looking at November during Heritage Month to make that happen. They want to make it more of a formal event to be able to honor alumni.

#### **X. Tribal Liaison Presentation – Kailey Musso, Nevada Department of Wildlife, Management Analyst, Legislative/Tribal Liaison**

Kailey Musso, a Legislative and Tribal Liaison for the Department of Wildlife in the Director's Office, gave a brief presentation. She explained they are in the middle of redoing the State Wildlife Action Plan, so the numbers presented might change/update in the near future.

Points included:

- Director's Office has seven different divisions: data and technology services, conservation education, law enforcement, game, fisheries, wildlife diversity and habitat
- 360 full-time employees including commissioners and seasonal staff
- 13 wildlife management areas, eight major facilities, four fish hatcheries
- Agency has different divisions: Law Enforcement Division, Game Division, Fisheries Division, Wildlife Diversity Division, and Habitat Division.
- Agency works with other organizations and industries like mining, military, federal partners, Tribal partners, landowners, and other state agencies.

Kailey said the biggest thing she wanted to share was the progress made on the Recovering America's Wildlife Act. (In the House, it's HR 2773 and in the Senate, it's Senate Bill 2372L. The Recovering America's Wildlife Act is a mechanism to sustainably fund conservation for all fish and wildlife. The goal is to conserve all fish and wildlife and have a proactive approach

rather than a reactive approach. Funding would provide \$1.3 billion annually to states to fully implement their wildlife actions plans, and then \$97.5 million to Tribal nations to fund wildlife conservation.

It started in 2015, but this is the session where it has an opportunity to be passed by Congress. This is great news for both state conservation organizations and Tribal organizations. It's already passed out of both Environment Committees in the House and Senate, so now it just needs to pass through floor votes. There have been a series of changes throughout the process, and amendments offered for the funding sources and the recording requirements.

The Tribal piece is Section 210 of the Act. The funding can be used towards Tribal safety, the greatest conservation needs. This means any species identified by a Tribe as requiring conservation management because of declining population, habitat loss, or other threats or because of their biological or cultural importance to the Tribe, can be targeted for funding.

The money will be put into a newly created account called The Tribal Wildlife Conservation and Restoration Account, and funds will be distributed through a non-competitive grant application process. So, those will be based on the wildlife management responsibilities of that Tribe. There is no matching requirement for the Tribes.

Funds could be used for a wide variety of projects: developing or revising wildlife conservation programs, management of species and habitats in need, and assisting in the recovery of endangered and threatened species. It can be used for wildlife conservation education, to manage or control or prevent invasive species, or for law enforcement activities and to develop and implement conservation strategies. Kailey said she would send Director Montooth all updates.

Commissioner Tiger asked if the funding allocation is going to be proportionate to the percentage of public lands that they have in our state? Kailey said the Tribal funding will be allocated based off of the conservation management authorities in the Tribes. Each particular Tribe would have to be able to demonstrate their need for funding towards conservation management.

Commissioner Tiger asked once this law passes federally, will it be a component of the environmental assessments that are done before the state authorizes certain permits on public lands? Kailey said yes.

Kailey said there was one more bill out in Congress right now called the Respect Act, and that act is going to ensure Tribal consultation in any project using federal funding.

Chair Lathouris said last November there was a joint secretarial order with the Department of the Interior and the US Department of Agriculture, Secretarial Order number 3403, that deals with federal lands. That might provide a good template for building up relationships between the state agency and the Tribes as a way to try to protect treaty, religious, assistance, and

cultural interests of the Tribes in Nevada in managing and providing co-stewardship of also state lands in addition to federal lands. Kailey said she would look further into that.

## **XI. New Business (For Discussion and Possible Action)**

### **A. Introduction of Sarina Nez, NIC Office Coordinator – Stacey Montooth**

Director Montooth said that Nez comes to the Nevada Indian Commission with “oodles of state experience.” She’s not just a citizen of the Washoe Nation, but she’s got relatives in Fallon of Northern Paiute descent. Her people skills are second to none. The Director said she was proud to say the NIC stole Sarina from Governor Sisolak’s Office!

Sarina said she appreciates the opportunity to work within the NIC and help Native American people of this great state. She said she was very happy and excited to be the NIC Office Coordinator.

Chair Lathouris said they are very excited to have her on board and they look forward to working with her.

### **B. Pending Drought Conditions Impact on Tribal Nations – Commissioner Staci Emm**

Commissioner Emm said she requested that this topic be put on the agenda because the topic of water is going to be one of the most pressing issues facing Tribes and others this summer. The NOAA prediction center is predicting that this summer is going to be way above normal seasoning temperature, and way below in precipitation.

Commissioner Emm shared data from a wet/drought monitor, and said the drought monitor is a great tool, but it has some trouble measuring between surface water allocations and the amount of moisture out in their range land. If Tribes don’t have a lot of moisture on those range lands, they will have a big issue with fires.

Commissioner Emm said she will be contacting the director to see if they can have more and better relationships with the states when dealing with the natural resource side, fire, and on the human health side of fire. Commissioner Emm stated that a lot of reservations do not even have access to central air. They may not even have the power systems to run a central air system which impacts the elderly and the young. Commissioner Emm said that’s what she’s facing with her own house personally. Besides the resource issues that they’re going to have, they’re also going to have some health issues. Desert Research Institute has done a lot of studies on smoke and the impact of smoke and Commissioner Emm will contact them to see how smoke impacts individuals and animals.

The second item Commissioner Emm brought up was water rights. There are issues with some of the federal decrees in some of their basins as far as Tribal water rights. If you look at Colorado and the cities, the urban areas that it serves, Tribes are going to be an intricate part of the drinking water plan. There are some who believe that the Tribes should just give away their water so cities have the ability to drink, and there are those that believe that the Tribes should be paid for the water. Water meetings can be contentious because the Tribes hold the water rights. Commissioner Emm believes that



the Tribes have their water rights. They are their water rights and whatever they need to do to help protect those water rights is what they need to do. If that means that that water needs to be bought, then it's bought. It has been bought in Arizona the last two years. They've been paying Tribes to provide drinking water to some of their cities. Nevada may not reach that point, but they need to be prepared for that just in case.

Chair Lathouris said he echoed Commissioner Emm's comments about water rights. He said there are a few different doctrines about water rights in the west. Its prior appropriation was first in time, first in right. But with the creation of a federal reservation like an Indian Reservation, along with it comes all the water necessary to carry out the purposes of that reservation, and a lot of those reservation boundary establishments predate really any other water claim.

And so, Tribes would be first in time, first in right, and would receive water to satisfy their needs before any subsequent water user. And so having a good relationship between Tribes and the local communities and the state will be important to address these issues because Tribes cannot be left out and Tribal rights can't be disregarded.

Commissioner Tiger asked if there is a U.S. Geological Survey (USGS) database that identifies the water rights in relation to where the Tribal lands are? Commissioner Emm said there is a system for the Walker River Basin that the Walker River Basin Conservancy, the nonprofit, helped fund with USGS. It's called the Walker River Hydro Mapper. If you Google that online, what it does is give you all of the reservoir storage and the measuring devices of what cubic feet per second are in the river at a time. They're trying to get those up for all the other river systems so that you can go online and pick a certain site to know exactly how much water is running in. Commissioner Emm is finding that Nevada Tribes lack the staff to monitor water rights 24 hours a day. That is a concern because Tribes need to have the capacity to be able to see if their water is coming down the river. For Walker River, for example, when the decree started, they were getting no water down the river, and they couldn't figure it out, and the Federal Water Master was saying, we're sending it down, it's hitting the gauge. But it wasn't hitting the reservation, and that's because they had beaver dams in there. So, actually, the Tribe had to step up and try to remove all those beaver dams to get the water that they needed down the river.

Chair Lathouris said given the importance of water just in general, he wanted to give Tribal leadership an opportunity to voice their concerns as well.

In response, Chair of the Washoe Tribe of Nevada and California, Serrell Smokey said he was delighted this was being brought up because this is something that the Washoe Tribe has been dealing with. Looking at the history of things, it looks like there were areas that the Washoe Tribe had access to water to and then somehow over 20 to 30 years, those lands above them were purchased. So now they don't get the same water that they used to. Those waters are very low right now. All other waters all over, all around, are running high right now because of the spring runoff. The snow is melting, waters are high, but for some reason, Clear Creek is still low. So, they're having to look into that to see where that water is going. There's been a lot of development up ahead,

above stream, with a new golf course. They will be looking deeper into it. It's definitely something that all Tribes need to be looking into; water quality, water rights, and maintaining what Tribes have, because otherwise it's just going to get taken away.

Director Montooth asked Commissioner Emm if she had any specific instructions or suggestions on how she can communicate with the Governor's Office or directly with Conservation and Lands? Does she believe that this rises to the level that their advisory body, the NIC Commissioners, might write a letter voicing concerns to the policy makers?

Commissioner Emm said she is concerned that Tribal water rights are being questioned and/or attacked. There is an association that all governors are a part of, and the director of that association in a meeting directly attacked Tribal water rights, using the Salish Kootenai settlements up in Montana. It is a \$2 billion settlement, and that does not go to the Tribal members. It goes to improve an infrastructure of the water system. That worries Commissioner Emm. They don't need states attacking Tribal water rights. They need states acknowledging the rights that the Tribes have. and working together to serve the states, while maintaining the respect for those Tribal water rights.

There are going to be some statewide water meetings coming up and they're trying to plan those in a fashion so that they can have everybody represented and have some of these tough discussions. There are some really big climate changes projects being refunded, and they need to start having these conversations. So, anything that Director Montooth can facilitate to help with those would be great.

Director Montooth said she appreciates all this feedback. She said they heard some really vital information from their Tribal liaison from the Department of Wildlife.

The Director reminded Commissioners that in February, the Governor and some of his senior staff, did do some official consultation with the Goshute Nation. They are working with Chair Steele to ensure that they negotiate in good faith to help them resolve a longstanding water issue for relatives in the northeast Nevada/Utah area. Tribal rights are something that has been a focus of the Governor's Office.

Commissioner Emm said no other entity, when they go through these water settlements, has to decide, or determine their water use in perpetuity, except Tribes. Now they're coming back on them and saying hey, you're not putting all that water to good use.

Chair Lathouris said it sounds like the NIC will want to ensure that there is a position statement that reflects federal Indian law and federal policies regarding Tribal water rights from the state, to make sure that everybody knows the position of the state. Oftentimes the most problematic actors for Tribes regarding water rights might not be the state themselves, but the political subdivisions of the state, and so that's why clear guidance from the state level is necessary and, for political subdivision to be aware of it. Another obstacle that a lot of Tribes face is education. People don't understand where these rights come from, and so having that education about why Tribes have water rights will be incredibly important, especially because Tribes didn't create this system. The

system was created and imposed on Tribes. Many times, Tribal water rights are dependent on very outdated ideas about how the water should be used, and the Tribes didn't have any choice in the matter. But again, if a reservation was established, it should include the water necessary to carry out the purpose of the reservation, and that does include ground water as well. And so, another issue that could come up is refueling or recharging depleted water resources and the water quality. There has been litigation in other states with Tribes on this issue. The Chair said he hopes they can find a way to all work together to prevent that from happening here, but there are a variety of different water issues: depleted sources, changing quality of water sources with recharge, and how it's all interconnected.

As for the position statement, the Chair said they did just have a direct concern raised by a specific Tribe with Chairman Smokey of the Washoe Tribe of Nevada and California, and so to the extent possible, they should try to figure out exactly what state agencies are in play there and whether they can find a way to address why there are reduced water flows.

Director Montooth said she heard three directives:

1. Work with the Chair to create a position paper.
2. Have an organized effort to share the expertise of Commissioner Emm and the Chair on water rights with Tribal leadership.
3. Stay informed about the upcoming water meetings.

Chair Lathouris added they should also follow up on Chairman Smokey's request. There should be a position paper highlighting areas for general awareness and education on rights and the state's position on recognizing those rights. And then Chairman Smokey's concerns will be a separate action item.

The Chair closed out this agenda item by saying that a lot of times, Tribes will have rights. They refer to them as "paper rights" and not water rights because the Tribes aren't able to actually utilize those water rights. And so that's sometimes why there's an incentive to do water settlements. Other communities can access the water and the Tribe gets money to develop infrastructure to be able to put their water to use in ways that are appropriate for the community, and so there are benefits to water rights elements for both sides.

### **C. Authorize to Support ITCN Request and Recognize ITCN as Partner – Stacey Montooth**

Director Montooth said that because of changes in leadership, the pandemic, and relocating their entire office, the Inter-Tribal Council of Nevada has temporarily lost its Not-for-Profit Status classification. The Director said that ITCN is the organization in which all of the Tribal nations come together willingly and with sovereignty for each entity, and it behooves the agency to assist ITCN in any capacity.

Director Quintana was kind enough to draft a letter requesting that the Director sign and forward it in support of ITCN getting a quick or an expedited opportunity to get that Not-

for-Profit Status back. The Director said a draft of the letter was in the Board packet and she requested that the Board allow her to put it on a Nevada Indian Commission letterhead and forward it.

Chair Lathouris said he would like to make a motion to approve the draft letter to the IRS regarding the ITCN tax exempt status. Commissioner Krolicki seconded the motion. The Chair asked if there was any discussion.

Commissioner Krolicki asked how did ITCN lose their status?

Deserea Quintana, Executive Director for ITCN, explained the various reasons ITCN had three consecutive years of failure to submit the 990's that caused a revocation of the 501(c) tax exempt status. They are currently working with a consultant. They did update the board and advised them. They are hoping to get the application for immediate reinstatement as soon as possible.

ITCN is an integral part of the Nevada Tribes. The Executive Board is comprised of the 27 member Tribes, and although they are nonprofit, they are the governing board as well for all of the Tribal nations. They are hoping this process will be immediate and quick, aided by vendor/agency letters of support. ITCN is not heavily reliant on other agencies and vendors, but state, local, and federal partners are their biggest allies, and so any letters of support from state departments or federal departments might help push it along quicker.

There were no further questions, comments, or concerns regarding the motion to approve the letter to the IRS regarding the ITCN tax exempt, status, so Chair Lathouris called for question as the maker of the motion.

**Motion: Approve the letter to the IRS regarding ITCN's tax exempt status**  
**By: Chair Lathouris**  
**Second: Commissioner Krolicki**  
**Vote: Motion passed unanimously**

Chair Lathouris said the record should reflect that the motion passed with the four Commissioners present voting in favor. There were zero objections, zero abstentions, but one absence.

## **XII. Old Business (For Discussion and Possible Action)**

### **A. DOI Indian Boarding School Initiative – Stacey Montooth**

Director Montooth reminded everyone that a year ago, Secretary Haaland announced that she wanted to undertake this initiative, and that she was going to set out to find the names of every Native American who attended boarding schools, when they attended boarding schools, and what their Tribal affiliation is. The NIC staff ascertained that there were at least 20,320 students from at least 200 different Tribal nations who went to Stewart.

There are gaps. The NIC staff knows this is not a comprehensive list, and so they are going to lean into what the Secretary of the Interior has to say on how to proceed. The NIC has requested and looks forward to more official documents from the Department of Interior and from the Bureau of Indian Affairs.

The staff has continual communication with NABS, the National American Indian Boarding School Healing Coalition, and they are on everybody's list that as soon as something is made public, that they be informed immediately.

Chair Lathouris thanked the Director for her thorough reporting on this boarding school initiative and said he looks forward to updates.

#### **B. Indian Education Advisory Committee (IEAC) – Fawn Hunter**

Director Montooth stated that Fawn Hunter, the IEAC chairwoman was in the classroom today, so she would fill in for her. She reminded the Commissioners that at their last meeting in January, they went ahead and approved IEAC bylaws. They've been approved by the Attorney General's Office, but there was a request by Commissioner Emm to see them one more time.

Chair Lathouris had a question. On Page 41, underneath Article VII, Amendments, it required that there be two 30-day written notice periods. Wasn't this supposed to be just one 30-day notice written period? His understanding was that it was just going to be one 30-day notice period, that if there's going to be a change, they'd have to give 30 days' notice and that's the time to receive comments or concerns, and then at that point, the Nevada Indian Commission could approve it. But as written, it says at least two 30-days written notice periods, which might mean that you need 60 days total. And so, it might just be an oversight with that "two" right there before the "30" on the third line.

Director Montooth said she didn't remember that but given the comments they received in the first set of public comments, there certainly seems to be an urgency, so it might behoove them to make that amendment. She said she would have to defer to the Chair. Maybe if they make a motion with that change, it would be acceptable?

Chair Lathouris said right now where they're at in the process is that the amendments and the bylaws have already been approved. In that case, they would require a 30-days' notice period. They couldn't make that change today. It does seem that there could be an argument that if any change is made without two 30-day written notice periods, then it could be called into question. It's a very minor change, and so his recommendation to the committee is that they amend the language to remove this. It's just procedural at this point, that they have two 30-day written notice periods. Last July, the commissioners approved the amendment, removing the second 30-day written notice.

The Chair reminded everyone the Indian Education Advisory Committee is directed to make the American Indian/Alaska Native Strategic Plan a priority, to do any necessary review and revisions and submit those by the next Commission meeting on July 25 and to let Commissioners know if there are any concerns with completing that beforehand. At

the same time, NIC would like to see a process in place where the review of the American Indian/Alaskan Native Strategic Plan will be done on a more frequent regular basis.

### **C. Stewart Indian School Preservation Alliance (SISPA) – Commissioner Kelly Krolicki**

Commissioner Krolicki said the Stewart Indian School Preservation Alliance was going to have a meeting April 26 to finalize their bylaws. SISPA finally has some of the clerical stuff behind them and they are now able to move forward with their mission.

Chair Lathouris asked was this based on the Cultural Center report that SISPA was working hand-in-hand with the Cultural Center? If so, it might be good to go and apply and get those funding sources that otherwise would not be available. The intent of SISPA is to preserve and promote the awareness of the history of the Stewart Indian School, and so it's a very important part of the strategic plan with the Stewart Indian School going forward.

### **D. NIC Goals / Priorities – Chair Kostan Lathouris**

Chair Lathouris thanked the Director and Sarina for putting together the list of the goals and priorities. The priorities seem to be based on the feedback that the Nevada Indian Commission staff had received from the Commissioners and properly reflect the priorities that have been expressed by the Commissioners. The list includes the following items:

- Holding meetings in different parts of the state
- Reviewing Tribal needs survey
- Inviting state agencies to explain how Tribes can utilize certain initiatives or services that they provide
- Improving consultation that falls underneath AB 264. Figuring out what's next for AB 264 will need to be one of NIC's high priorities because it will impact other areas
- Father's Day Pow Wow
- The American Indian Achievement Awards Dinner
- Supporting education efforts. This might be able to be addressed through the updating of the American Indian and Alaska Native Strategic Plan
- Requiring educators to take a class on Native communities and perhaps working with the Department of Education to create a class on Native communities
- Creating training for the BDR process and perhaps replicating the process that the Department of Veterans Affairs uses so the Tribes are able to perhaps suggest and receive a sponsor for proposed legislation
- Building up awareness capacity at the Reno Tahoe Airport
- Trying to find a way to expand NIC's potential budget to bring on additional staffing down the road, including the Nevada Indian Commission as a cabinet level position with direct relationship to the Governor
- Adopting certain standards for data collection reporting

Chair Lathouris asked if anything else should be added to the list?

Commissioner Emm suggested adding a needs assessment process on health. Are there any quality-of-life issues involving families and their health and nutrition? Are there other health issues?

Chair Lathouris said that most of the priorities are more institutional and framework priorities, so that way they can have those in place to best serve the needs of Tribal communities. Part of that is the Tribal needs survey. In the past, the Commission would go and host their meetings on different reservations and meet with different Tribal communities. Those informal discussions gave Tribes an opportunity to voice their needs like public health, infrastructure, environment, housing, and jobs. The Chair said he hopes NIC will be able to start going out and meeting Tribal communities again and getting that feedback. Today they heard from the Washoe Tribe of Nevada and California about a specific need, and so ideally in the future, they'll hear directly from the Tribes and be able to address specific issues with the Tribes.

Commissioner Krolicki asked if there was a chance that they could possibly travel for the next meeting to go out to Tribes?

Director Montooth said it was "absolutely possible." It will be in a new fiscal year and so they will have new funding for travel.

Chair Lathouris and Commissioner Krolicki explained how previous meetings were conducted. All variations of the meetings and listening sessions were dependent on each Tribe's wishes. The Commission always deferred to the Tribal government's authority about who they wanted NIC to meet with and who was authorized to speak on behalf of the Tribal government.

Chair Lathouris said probably the equitable way to do this would be to send out a request to Tribes about who would be interested in having the Nevada Indian Commission hold a meeting on their lands and when good times for them would be.

Commissioner Tiger suggested that since they will all be in the same place, maybe after the meeting, the rest of the day, they could have a facilitator help them finalize the policy and training plan, if everyone could commit the time for the full day. There is a grant that is coming down nationally that they could use to fund the Indian Commission's work on the Tribal consultation and collaboration policy.

Director Montooth said, she liked the idea of surveying the Tribal leadership to find out if those respective Tribal nations would be interested in hosting the NIC leadership on their Indigenous lands.

The group talked about meeting dates for 2023, but nothing was finalized. The Chair said they needed to be flexible to accommodate Tribes' scheduling needs. He said he very much liked the idea of going forward with this plan.

### **XIII. Agenda Items for Future Meetings (For Discussion and Possible Action)**

Chair Lathouris said they identified the American Indian/Alaska Native Strategic Plan as an agenda item for the next meeting. Were there any other agenda items that people would want to include on the Commission agenda?

Commissioner Emm suggested two things: water rights and a discussion about the opioid situation in Indian Country in Nevada.

Commissioner Tiger also suggested two things: keeping a standing item on Native Vote Outreach in Education and also taking a look at the SNAP-ED program.

Priscilla Acosta with Nevada DHHS volunteered to make a presentation from 988 for the Mobile Crisis Hotline.

Chair Lathouris said he would like to see an agenda item dedicated to AB264, an update, and if it's okay with the Commission, he thinks it would be all right to circulate the draft policy again for comments and feedback from the state agencies and the Tribes, and so that way they can review any feedback they receive at that time and make any revisions that might be needed to the proposal.

Commissioner Tiger said once they do adopt this policy and Tribal consultation and collaboration, it should be incorporated into state employees' training requirements and maybe they need to get an idea from them how to make that happen.

Chair Lathouris shared some important events and dates:

**Understanding Nevada's Legislative Process**

An NIC workshop to learn how to navigate and participate in making laws in our state  
Monday, May 16 at 9:30 a.m.

**What New Laws Do Our Tribal Communities Need?**

An NIC workshop to brainstorm ideas for new laws in our state  
Monday, June 6 at 9:30 a.m.

**Stewart Indian School Cultural Center & Museum**

Ribbon Cutting Ceremony, Saturday, June 18 at 10 a.m.

**Stewart Father's Day Powwow**

Grand Entry, Saturday, June 18 at noon Grand Entry, Sunday, June 19 at 11 a.m.

**NIC Commissioners' Quarterly Meeting**

Monday, July 25 at 9:30 a.m.

**Remembrance Run 2022**

Runners leave Yerington Paiute Reservation - Saturday, August 13 at 5 a.m. Runners arrive at Stewart Indian School - Sunday, August 14 at 3 p.m.

**NIC Commissioners' Quarterly Meeting**

Monday, October 24 at 9:30 a.m.

**XIV. Scheduling of future Nevada Indian Commission meetings (For Discussion and Possible Action)**

Future 2022 Nevada Indian Commission Commissioners' meetings are:  
Monday, July 25 at 9:30 AM



Monday, October 24 at 9:30 AM

#### **XIV. Final Public Comment**

Dr. A.B. Wilkinson, an Associate Professor of History at UNLV stated he was tasked with a job called the *Native American Recruitment and Retention Project*, to improve recruitment efforts and enrollment with Native American students. Dr. Wilkinson said if there any type of materials that people would like to send him or items they think he should use for research, call him or shoot him an email. It's important to foster Native American matriculation and retention at UNLV.

Commissioner Emm said she was very happy to hear from Dr. Wilkinson. She works for UNR, and it's always nice to meet NSHE colleagues from UNLV. She said the schools don't often collaborate, but they definitely should do so to better serve all of the Tribal members in the state. UNR is looking at the tuition waiver and the impacts of that tuition waiver within their College of Agriculture Program and the enrollment. They are excited because they got 22 new Tribal kids enrolled this fall.

Chair Lathouris said that UNR and UNLV are very different, but when it comes to Native issues, he's sure that a lot of those issues are similar, and so having people work together with both will be useful.

Fran Maldonado, Nevada Division of Child and Welfare Services, offered to give a presentation on Indian Child Welfare Issues. The Chair asked her if October 24<sup>th</sup> would be a good time for her, and she said yes.

Fran announced that earlier this month, the National Indian Child Welfare Association held their virtual annual conference. They just announced that they will be hosting the first in-person conference next spring in Reno, Nevada. This will be the first time they are coming to northern Nevada. They're going to bring thousands of people to these conferences, so Fran is eager to get the word out and have the 27 Tribal entities represented in any way possible.

Director Quintana had a public comment. The Department of Interior is accepting nominations for the first ever Secretary's Tribal Advisory Committee, and they will be accepting nominations to represent all of the 12 BIA regions. This is a huge opportunity, and Director Quintana would absolutely love to see one of their Nevada Tribal leaders represented on this once in a lifetime committee. They are accepting nominations through May 9 at 11:59 p.m. ET. They're accepting nominations for Tribal leaders as well as for representatives, and if ITCN Nevada Indian Commission has multiple nominations, she would be more than happy to have a follow-up conversation with Tribal leaders, NIC, and the Las Vegas Indian Center. It would be great to have one or two Nevada Tribal leaders represented.

Chair Lathouris said he dropped the press release from the Department of the Interior in their chat. That includes the email address to get further information. Interested parties will need an official letter from the Tribe by Monday, May 9.

Director Quintana added that there is an official application process as well. She will forward that to Director Montooth to share with the Commission.

## **XVI. Adjournment**

Chair Lathouris thanked everyone for their participation and for being so engaged and said he would motion to adjourn.

**Motion: Adjourn the April 25 NIC Meeting**

**By: Chair Lathouris**

**Second: Commissioner Tiger**

**Vote: Motion passed unanimously**

Chair Lathouris said for the record, the motion passed with a quorum of three commissioners present. Commissioner Krolicki got kicked off because of her internet, so there's two actual commissioners for this vote, but the motion carries.