

July 25, 2022

Nevada Indian Commission Executive Director Report

BUDGET

Nevada Indian Commission - 2600

FY2022 Starting Balance = \$ 352,074

FY2023 Starting Balance = \$ 359,532

Current balance = \$ 357,275

Stewart Indian School Cultural Center - 2601

FY2022 Starting Balance = \$ 295,952

FY2023 Starting Balance = \$ 304,789

Current Balance = \$ 303,279

Gift Fund

FY2022 Starting Balance = \$ 187,760

FY2023 Starting Balance = \$ 163,801

Totals as of 07/20/22 - 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.

COVID-19

- On July 12, the Nevada Indian Commission was invited to participate in the fourth round table discussion for the SB209 COVID-19 Interim Study organized by Senator Fabian Donate, Vice Chair of the Joint Interim Standing Committee on Health and Human Services. This discussion specifically focused on identifying and outlining specific policy recommendations for health equity issues and populations disproportionately affected by the COVID-19 health crisis. (link forthcoming)
- Rather than September date, Stewart Indian School was host site for ITCN COVID-19 Vaccination Outreach event Friday, June 17 in conjunction with the Father's Day Powwow; (appendix a)
- Scheduling is challenging; NIC staff continues to participate with the COVID 19 Vaccine Outreach to Nevada Tribes meetings which transitioned to the Nevada Tribal Communities Steering Committee which, due to the removed state of emergency due to COVID, now is the Nevada Minority Health and Equity Coalition Tribal Communities Steering Committee

NATIVE VOTE

- Executive Director presented to the Legislature's Interim Legislative Operations and Election Committee about [Native American Voter Engagement Trends](#), voter engagement efforts, the challenges of the current voter registration process, and issues applying for voter services for Tribal lands, e.g., election day polling stations, drop off sites, early voting, etc.
- August 1 deadline for requesting voting services on Tribal lands (appendix b) Updated voter services data attached (appendix c)

AMERICAN RESCUE PLAN ACT (ARPA)

- Planned [Nevada Native American Community and Economic Development Planning Summit](#) postponed due to pandemic: University of Nevada School of Business hosting 2022 Nevada Rural Planning Conference - August 18 in Elko; NIC invited all Tribal Nations and partners; Focus on rural planning issues from public lands management and use, community

and economic development issues, healthcare, housing, and conservation issues; Nevada State Land Use Planning Advisory Committee (SLUPAC) meet on Friday, August 19

- Discussions on sharing state ARPA dollars and how to distribute them fairly and equitably continues Overwhelmingly, housing most often identified need reported by Tribal Chairs

US SECRETARY OF INTERIOR INITIATIVE INTO INDIAN BOARDING SCHOOLS

- Still awaiting update after our April 5 visit from federal officials re: collections housed in Nevada State Museum's Curatorial Center as they will help us comply with Secretary's Initiative; Continue building 90-year Stewart Indian Boarding School roster
- Confirmation from the Governor's Office that our Bakery Building restoration funding has been reassigned to ARPA funds. This expense will be part of the 2023 Legislative budget approval action. Info provided to Interim Finance Committee found on [page 76](#)
- After receiving report regarding April Stewart visit from BIA Associate Deputy Directory, NIC Executive Director had call with Assistant Secretary for Indian Affairs Bryan Newland. He assured DOI is aware of the Stewart Indian School's unique operation—currently owned by the State of Nevada, home to some state agencies including the NIC, while the balance of the land was given back to the Washoe Tribe of Nevada and California, plus the newly opened cultural center.
- NIC staff continues to collaborate with the National Native American Boarding School Healing Coalition (NABS) staff including fulfilling a recent request for public written comments to support for HR 5444 in the recent House Natural Resource subcommittee
- May 11, Secretary of the Interior Deb Haaland released Volume 1 of the [investigative report](#) re: Federal Indian Boarding School Initiative. Report included information on upcoming Secretary's tour; NIC has spoken with the Governor's Office, the State's DC Lobbyist, and other decisionmakers to ensure Stewart Indian School is included

INDIAN EDUCATION

- Connected with Indian Education Advisory Committee Chair Fawn Hunter regarding April 25, 2022 public comments regarding Nevada Statewide Plan for Improvement (STIP) and the outdated Indian Education Strategic Plan. Researched the synergies of the two plans with Nevada Program Professional for Indian Education, Fredina Drye-Romero. Confirmed the reference in STIP to Indian Education Strategic Plan. Scheduled meeting with Chair Lathouris and Schurz Elementary School Principal to share update. SES Principal agreed to redline current Indian Education Strategic Plan and submit by July 15. A July 19 message stated that the draft of the updated plan will be submitted asap.

NEVADA INDIAN COMMISSION STAFFING

- Program Officer Sarena "Sari" Nichols transferred back to the NIC on Monday, June 6.

STEWART FATHER'S DAY POWWOW

- See written update by Sarina Nez, NIC Office Coordinator. The NIC Executive Director attributes the successful return of this tremendous event to Sarina Nez. Staffing and giving hundreds of visitors access to the cultural center was well received which required extra work hours of staff.

CLIMATE CHANGE

- **Clark County Sustainability Climate Advisory Group**

Contact: Sam Baker, Clark County Sustainability Program Administrator

This Advisory Group provides feedback within the framework of the larger All-In Climate Action Planning process and the NIC helped by:

- Participating in the review of community engagement activities and technical planning components completed thus far;
- Assessing draft goals for each All-In Community Plan;
- Attended last met in February.

- **Legislative Committees on Natural Resources and Health and Human Services**

Contact: Marla McDade Williams, Deputy Director DHHS

Tina Dortch, Program Manager for Office of Minority Health and Equity

Contacts briefed and took questions from elected leadership during a joint interim committee meeting on June 16 and the NIC helped by:

- Preparing presentation materials regarding Climate Change impact on our Tribal Nations, Tribal lands, and Tribal communities;
- Following up Legislative Committee with update on broadband infrastructure on reservations.

- **State Environmental Justice Team**

Contact: Jordan A. Hosmer-Henner, Policy Analyst for Office of Governor Steve Sisolak

Team will assist with implementation of Federal Justice 40 policy by:

- Centering justice and equity within the whole of Nevada government's approach to climate change;
- Addressing extreme heat
- The NIC has collected, submitted Tribal contacts for this team; and
- Planning event for late August to bring all Climate Change resources together

- **Smart from the Start Interagency Committee**

Contact: Peter Gower, Strategy Director for The Nature Conservatory

Consortium meets bi-monthly to increase coordination and integration of "smart from the start" renewable energy planning, siting, and transmission in Nevada among relevant state and federal agencies, Tribes, industry representatives, environmental NGOs, and other key stake holders which are:

- Beginning the creation of a nonbinding charter that could better communicate the purpose and scope of this collaboration;
- Providing a forum for Q&As about best practices and current processes which impact renewable energy and climate change.

- **The Climate Reality Project**

Contact: Felicia Hall, Senior Climate Training Manager

National organization held a Leadership Corp Training and NIC supported by:

- Ensuring Native perspectives during the training by recommending trusted Native American experts, suggesting session topics, and encouraging local Indigenous participation;
- Continuing mobilization of citizen action to address the climate crisis

- **Nevada Clean Energy Fund (NCEF)**

Contact: Kirsten Stasio, Executive Director

Nevada's "green bank" Governor's Office of Energy provides incubation support. After meeting with the executive director and learning about the NCEF goals, the NIC helped by:

- Connecting NCEF and the Reno-Sparks Colony for potential financing regarding their water import/export project
- Connected NCEF with upcoming 2022 Nevada Rural Planning Conference, and State Economic Development Plan working group

OTHER HIGHLIGHTS / ONGOING PROJECTS

- Earned certification at the June 10-11 Climate Reality Leadership Corps, Las Vegas Training with Tribal leaders and community experts; Attended reception with NIC Commissioner held in honor of Vice President Al Gore
- Organized meeting b/w Summit Lake Paiute Chair with US Senator Rosen on the pending Truckee Meadows Public Lands Management Act
- Forwarded/collected/help support the submissions of ideas to be included as bill draft resolution for upcoming Nevada Legislative session, including:

Strengthening the cultural competency for NIC as well as the State agency Tribal liaisons required per Nevada State-Tribal Collaboration A.B. 264 (2019) (NRS Chapter 233A) Sec. 6. 4. The general idea would involve some type of Native American preference for these Nevada State jobs. The potential BDR would require language which recognizes experience---professional or social---with Nevada Tribal governments or communities as qualifications just like a bachelor's degree. This idea was spearheaded after the Joint Interim Standing Committee on Health and Human Services meeting on June 16.

Refine A.B. 262 (2021) (NRS 396.540) which provides for a fee waiver for Native American learners from Tribal Nations located within Nevada. As you know, prior to the fall semester, at least six graduates of Douglas High in Minden, Nevada did not qualify for the waiver as their residence is in Woodfords, California. These students are citizens of the Washoe Tribe of Nevada and California but did not meet the one-year residency requirements. Other scholarship, grants, and waivers at NSHE institutions, including the Millennium Scholarship do not require Nevada residency, only a high school diploma from a Nevada high school.

Require public high schools in Nevada to allow students to wear cultural attire/items during graduation. Submitted to Mo Dennis as he chairs the Interim Committee on Education

Allow Nevada Tribal citizens to enter Nevada State parks without a fee. Submitted to Assemblymember Howard Watts as he chairs the Interim Committee on Natural Resources

Annually allow Nevada Tribal citizens to transport one game (deer?) off reservation lands to residence if he/she does not live on Tribal lands. Submitted to Assembly member Howard Watts as he chairs the Interim Committee on Natural Resources

STANDING MEETINGS

- * Governor's Cabinet
- * National Delegation Staffers (Senator Catherine Cortez-Mastos and Senator Jacky Rosen)
- * Naval Air Station-Fallon Withdrawal Updates, Intergovernmental Executive Committee
- * Inter-Tribal Council of Nevada (ITCN)
- * Internal Executive Branch on Lithium Topics (change in leadership has temporarily halted these)
- * University of Nevada NAGPRA Working Group
- * Environmental Justice CAT
- * Nevada Minority Health and Equity Coalition Tribal Communities Steering Committee
- * Nevada Tribal Emergency Coordinating Council
- * Nevada Department of Health and Human Resources Tribal Consultation
- * Weekly meeting with Governor's Office Liaison
- * Nevada Joint Military Affairs Committee Meeting
- * Governors' Interstate Indian Council (GIIC)

MEDIA

[Good Morning RES](#)

By Aliyah Chavez, *Indian Country Today*—May 26, 2022

[Confronting Nevada's boarding school legacy through art and investigation](#)

By Daniel Rothberg, *Nevada Independent*—June 9, 2022

[For some tribe members in Nevada, hurdles to voting remain](#)

By Jessica Hill, *Las Vegas Sun*—June 22, 2022

[Stewart Indian School leaves behind a complicated history](#)

By Kelsey Penrose, *Sierra Nevada Ally*—July 3, 2022

PRESENTATIONS

May 19, 2022—Nevada Center for Civic Engagement

Ask the Experts: Do Native Americans in Nevada have Sovereignty?

May 24, 2022—Reservation

Economic Summit: RES 2022

Opening remarks for the kickoff - day 1 general session

May 25, 2022—Reservation Economic Summit: RES 2022

Moderator, *Leveraging Cannabis on Native Land: An Explainer on Best Practices and Key Issues*

June 4, 2022—Preserve Nevada Meeting

An Indigenous Perspective

June 28, 2022—Nevada Tribal Nations Native American Electoral Forum 2022

Multicultural Opportunities for Full Integration into Political Participation in America

July 6, 2022—Mensa Annual Gathering, Sparks of Genius

How a 132 Year Federal Government Policy Still Obstructs Native Americans

July 14, 2022—National Council of Juvenile and Family Court Judges 85th Annual Conference

Missing and Murdered Indigenous Relatives

OTHER OUTREACH

April 27, 2022—Attended Grand Opening of the Palms Casino and Resort,
Las Vegas, Nevada

June 27, 2022—Attended Interim Committee on Natural Resources at Pyramid Lake Paiute Tribal
Chambers, Nixon, Nevada

June 28, 2002—Sarina Nez provided NIC update at Nevada Ag & Natural Resources Tribal
Summit, Reno, Nevada

| 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 |
| 4663 TRANS FROM COMMISSION ON TOUR | | | 0.00 | 0.00 | 88,818.00 | -88,818.00 |
| 4737 TRANSFER FROM ARTS COUNCIL | | | 0.00 | 0.00 | 4,500.00 | -4,500.00 |
| TOTAL RECEIPTS/FUNDING | | | 0.00 | 266,214.00 | 359,532.00 | -93,318.00 |

| OBJT DESCRIPTION | DOCUMENT NUMBER | DATE | CURRENT | YEAR TO DATE | WORK PROGRAM | DIFFERENCE |
|-----------------------|--------------------|----------|-----------|--------------|--------------|------------|
| 01 PERSONNEL SERVICES | | | | | | |
| 5500 GROUP INSURANCE | JV 101 CNT1320038R | 07/14/22 | -2,256.03 | -2,256.03 | | |
| SUB TOTAL | | | -2,256.03 | -2,256.03 | 243,157.00 | 240,900.97 |
| ENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| PREENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| TOTAL | | | -2,256.03 | -2,256.03 | 243,157.00 | 240,900.97 |

| OBJT DESCRIPTION | DOCUMENT NUMBER | DATE | CURRENT | YEAR TO DATE | WORK PROGRAM | DIFFERENCE |
|------------------------|-----------------|------|---------|--------------|--------------|------------|
| 02 OUT OF STATE TRAVEL | | | | | | |
| SUB TOTAL | | | 0.00 | 0.00 | 3,248.00 | 3,248.00 |
| ENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| PREENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| TOTAL | | | 0.00 | 0.00 | 3,248.00 | 3,248.00 |

| OBJT DESCRIPTION | DOCUMENT NUMBER | DATE | CURRENT | YEAR TO DATE | WORK PROGRAM | DIFFERENCE |
|----------------------|-----------------|------|---------|--------------|--------------|------------|
| 03 IN STATE TRAVEL | | | | | | |
| SUB TOTAL | | | 0.00 | 0.00 | 5,527.00 | 5,527.00 |
| ENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| PREENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| TOTAL | | | 0.00 | 0.00 | 5,527.00 | 5,527.00 |

| OBJT DESCRIPTION | DOCUMENT NUMBER | DATE | CURRENT | YEAR TO DATE | WORK PROGRAM | DIFFERENCE |
|-------------------------------|--------------------|----------|---------|--------------|--------------|------------|
| 04 OPERATING | | | | | | |
| 7060 CONTRACTS | PV 101 00001940687 | 07/11/22 | -85.86 | -85.86 | | |
| 7980 OPERATING LEASE PAYMENTS | PV 101 00001941920 | 07/13/22 | -103.48 | -103.48 | | |
| SUB TOTAL | | | -189.34 | -189.34 | 43,296.00 | 43,106.66 |
| ENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| PREENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| TOTAL | | | -189.34 | -189.34 | 43,296.00 | 43,106.66 |

| OBJT DESCRIPTION | DOCUMENT NUMBER | DATE | CURRENT | YEAR TO DATE | WORK PROGRAM | DIFFERENCE |
|----------------------|-----------------|------|---------|--------------|--------------|------------|
| 11 NAC PROJECT GRANT | | | | | | |
| SUB TOTAL | | | 0.00 | 0.00 | 43,296.00 | 43,106.66 |
| ENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| PREENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| TOTAL | | | 0.00 | 0.00 | 43,296.00 | 43,106.66 |

| OBJT DESCRIPTION | DOCUMENT NUMBER | DATE | CURRENT | YEAR TO DATE | WORK PROGRAM | DIFFERENCE |
|----------------------------|-----------------|------|-----------|--------------|--------------|------------|
| 00 INDIAN COMMISSION | | | | | | |
| TOTAL EXPENDITURES | | | -2,445.37 | -2,445.37 | 359,532.00 | 357,086.63 |
| TOTAL ENCUMBRANCES | | | 0.00 | 0.00 | | |
| TOTAL PREENCUMBRANCES | | | 0.00 | 0.00 | | |
| TOTAL OBLIGATIONS | | | -2,445.37 | -2,445.37 | 359,532.00 | 357,086.63 |
| REALIZED FUNDING AVAILABLE | | | -2,445.37 | 263,768.63 | | |

| OBJT DESCRIPTION | DOCUMENT NUMBER | DATE | CURRENT | YEAR TO DATE | WORK PROGRAM | DIFFERENCE |
|-----------------------------------|-----------------|------|---------|--------------|--------------|------------|
| 09 COLLECTIONS | | | | | | |
| SUB TOTAL | | | 0.00 | 0.00 | 2,273.00 | 2,273.00 |
| ENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| PREENCUMBRANCE TOTAL | | | 0.00 | 0.00 | 2,273.00 | 2,273.00 |
| TOTAL | | | 0.00 | 0.00 | | |
| 10 EDUCATION | | | | | | |
| SUB TOTAL | | | 0.00 | 0.00 | 12,051.00 | 12,051.00 |
| ENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| PREENCUMBRANCE TOTAL | | | 0.00 | 0.00 | 12,051.00 | 12,051.00 |
| TOTAL | | | 0.00 | 0.00 | | |
| 26 INFORMATION SERVICES | | | | | | |
| SUB TOTAL | | | 0.00 | 0.00 | 3,237.00 | 3,237.00 |
| ENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| PREENCUMBRANCE TOTAL | | | 0.00 | 0.00 | 3,237.00 | 3,237.00 |
| TOTAL | | | 0.00 | 0.00 | | |
| 82 DEPARTMENT OF ADMIN COST ALLOC | | | | | | |
| SUB TOTAL | | | 0.00 | 0.00 | 3,750.00 | 3,750.00 |
| ENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| PREENCUMBRANCE TOTAL | | | 0.00 | 0.00 | 3,750.00 | 3,750.00 |
| TOTAL | | | 0.00 | 0.00 | | |
| 87 PURCHASING ASSESSMENT | | | | | | |
| SUB TOTAL | | | 0.00 | 0.00 | 748.00 | 748.00 |
| ENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| PREENCUMBRANCE TOTAL | | | 0.00 | 0.00 | 748.00 | 748.00 |
| TOTAL | | | 0.00 | 0.00 | | |
| 88 PURCHASING ASSESSMENT | | | | | | |
| SUB TOTAL | | | 0.00 | 0.00 | 194.00 | 194.00 |
| ENCUMBRANCE TOTAL | | | 0.00 | 0.00 | | |
| PREENCUMBRANCE TOTAL | | | 0.00 | 0.00 | 194.00 | 194.00 |
| TOTAL | | | 0.00 | 0.00 | | |

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 | | | | | | |
| TOTAL EXPENDITURES | | | -1,510.00 | -1,510.00 | 304,789.00 | 303,279.00 |
| TOTAL ENCUMBRANCES | | | 0.00 | 0.00 | | |
| TOTAL PREENCUMBRANCES | | | 0.00 | 0.00 | | |
| TOTAL OBLIGATIONS | | | -1,510.00 | -1,510.00 | 304,789.00 | 303,279.00 |
| REALIZED FUNDING AVAILABLE | | | -1,510.00 | 114,210.00 | | |

THE INTER-TRIBAL COUNCIL OF NEVADA
IN COLLABORATION WITH NEVADA INDIAN COMMISSION
INVITE YOU AND YOUR FAMILY TO A



COVID-19 VACCINE OUTREACH EVENT

FRIDAY, JUNE 17TH STEWART INDIAN SCHOOL



6PM-9PM



with special guests



**SUPAMAN
HIPHOP**



**DJ
ELEMENT**



**JAMES
& ERNIE**



FREE ENTRY • FOOD

RAFFLE PRIZES • VENDORS • GOODIE BAGS



FOR VENDOR INFORMATION, PLEASE REACH OUT TO
BHARRY@ITCN.ORG OR RMILLER@ITCN.ORG
(775) 355-0600 EXT.101 OR (775) 622-6766





BARBARA K. CEGAVSKE
 Secretary of State
 Elections Division
 101 North Carson Street, Suite 3 Carson
 City, Nevada 89701-3714
 Phone: (775) 684-5705
 Fax: (775) 684-5718
 Website: www.nvsos.gov

Request for a Polling Location on Tribal Lands

NRS 293.2733 and 293.3572 allow Nevada's Tribal Nations to request the establishment of a polling location within the boundaries of an Indian reservation or Indian colony during early voting or on election day. To request a polling location, please complete this form and submit it to the county clerk or registrar of voters in the county where the Indian tribe seeks to establish a polling place. Requests for a primary election polling location must be received by March 1st in the year of an election. Requests for a general election polling location must be received by August 1st in the year of an election.

PLEASE PRINT CLEARLY
***Required Fields**

| | | | | | | | | | | | | | | | |
|---|---------------------|-----|-----|------|-----|--------|-----|-----|-----|-----|---------------------|---|-----|------|-----|
| *Request Date ____/____/____ <small>MM / DD / YYYY</small> | Early Voting | | | | | | | | | | Election Day | Check the boxes that correspond to the days a polling center and/or ballot drop box is requested. | | | |
| | Week 1 | | | | | Week 2 | | | | | Tues | | | | |
| Early Voting Day | Sat | Sun | Mon | Tues | Wed | Thrs | Fri | Sat | Sun | Mon | Tues | | Wed | Thrs | Fri |
| Polling Center | | | | | | | | | | | | | | | |
| Ballot Drop Box | | | | | | | | | | | | | | | |

Times requested:

| | | | | |
|--|--|--|---|----------|
| *Name of the Tribal Nation Requesting a Polling Location | | | | |
| *Name of the Tribal Nation Where the Polling Location will be Located | | | | |
| *Tribal Contact Person | | | | |
| Name | Address | City | State | Zip Code |
| Email Address | Primary Telephone Number include the Area Code | Secondary Phone Number include the Area Code | | |
| Proposed Polling Location Name | | | | |
| Proposed Polling Location Address | | | | |
| Approximate Size and/or Capacity of Proposed Polling Location | | | Is the Building ADA Compliant? Select One: Yes No | |

Any proposed location must satisfy the criteria established by the county clerk for the selection of a ballot drop box or polling place pursuant to NRS 293.3561. To confirm your location meets those requirements, please contact your county Clerk prior to submission of this form. In addition, pursuant to NRS 293.3572 and NRS 293C.3572, a county and city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county Clerk determines that it is not logistically feasible. Please ensure that an adequate number of Tribal personnel are identified to support this request.

 Signature of Tribal Chairman/Chairwoman

 Date

Upon completion of the form, please print, sign, and return to your county Clerk or Registrar.



NEVADA COUNTY CLERKS AND REGISTRARS

Mail or deliver this form to the office in the county where you reside.

| | | |
|--|---|---|
| <p><u>CARSON CITY CLERK</u> Aubrey Rowlett 885 E. Musser Street, Suite 1025 Carson City, NV 89701-4475 (775) 887-2087</p> | <p><u>CHURCHILL COUNTY CLERK</u> Linda Rothery 155 N. Taylor Street, Suite 110 Fallon, NV 89406-2748 (775) 423-6028</p> | <p><u>CLARK COUNTY REGISTRAR OF VOTERS</u> Joe P. Gloria P.O. Box 3909 Las Vegas, NV 89127-3909 (702) 455-VOTE (8683)</p> |
| <p><u>DOUGLAS COUNTY CLERK</u> Amy Burgans 1616 8th Street, 2nd Floor P.O. Box 218 Minden, NV 89423-0218 (775) 782-9014</p> | <p><u>ELKO COUNTY CLERK</u> Kris Jakeman 550 Court Street, Third Floor Elko, NV 89801-3518 (775) 753-4600</p> | <p><u>ESMERALDA COUNTY CLERK</u> Lacinda "Cindy" Elgan 233 Crook Avenue P.O. Box 547 Goldfield, NV 89013-0547 (775) 485-6309</p> |
| <p><u>EUREKA COUNTY CLERK</u> Lisa Hoehne 10 S. Main Street P.O. Box 540 Eureka, NV 89316-0694 (775) 237-5263</p> | <p><u>HUMBOLDT COUNTY CLERK</u> Tami Rae Spero 50 W. Fifth Street, Suite 207 Winnemucca, NV 89445-3199 (775) 623-6343</p> | <p><u>LANDER COUNTY CLERK</u> Molly Gonzalez 50 State Route 305 Battle Mountain, NV 89820-9998 (775) 635-5738</p> |
| <p><u>LINCOLN COUNTY CLERK</u> Lisa C. Lloyd 181 North Main Street, Suite 201 P.O. Box 90 Pioche, NV 89043-0090 (775) 962-8077</p> | <p><u>LYON COUNTY CLERK</u> Nikki A. Bryan 27 S. Main Street Yerington, NV 89447-2571 (775) 463-6501</p> | <p><u>MINERAL COUNTY CLERK</u> Teresa McNally 105 South "A" Street, Suite 1 P.O. Box 1450 Hawthorne, NV 89415-0400 (775) 945-2446</p> |
| <p><u>NYE COUNTY CLERK</u> Sandra L. "Sam" Merlino 101 Radar Road P.O. Box 1031 Tonopah, NV 89049-1031 (775) 482-8127</p> | <p><u>PERSHING COUNTY CLERK</u> Lacey Donaldson 398 Main Street P.O. Box 820 Lovelock, NV 89419-0820 (775) 273-2208</p> | <p><u>STOREY COUNTY CLERK</u> Doreyane "Dore" Nevin 26 South "B" Street Drawer "D" Virginia City, NV 89440-0139 (775) 847-0969</p> |
| <p><u>WASHOE COUNTY REGISTRAR OF VOTERS</u> Deanna Spikula 1001 E. Ninth Street Reno, NV 89512-2845 (775) 328-3670</p> | <p><u>WHITE PINE COUNTY CLERK</u> Nichole Baldwin 1786 Great Basin Blvd., Suite 3 Ely, NV 89301-1994 (775) 293-6509</p> | |

| # | Reservation-Based Location | County | Notes | Year Requested |
|----|---|------------|---------------|---------------------------------------|
| 1 | Moapa Band of Paiutes | Clark | | 2020 |
| 2 | Duckwater Shoshone Tribe | Nye | | 2020 |
| 3 | Walker River Paiute Tribe | Mineral | | Lawsuit |
| 4 | Yerington Paiute Tribe | Lyon | drop box only | 2020 |
| 5 | Washoe Tribe of NV & CA | Douglas | | 2020 |
| 6 | Pyramid Lake Paiute Tribe | Washoe | | Lawsuit |
| 7 | Reno-Sparks Indian Colony (Reno) | Washoe | | Washoe has established a relationship |
| 8 | Reno-Sparks Indian Colony (Hungry Valley) | Washoe | | Washoe has established a relationship |
| 9 | Fallon Paiute Shoshone Tribe | Churchill | | 2022 |
| 10 | Lovelock Paiute Tribe | Pershing | drop box only | 2020 & 2022 |
| 11 | Ely Shoshone Tribe Nevada | White Pine | | 2022 |
| 12 | Shoshone-Paiute Tribes of Duck Valley | Elko | | 2022 |

Early Voting or Election Day services at the discretion of County Clerks. August 1, 2022 deadline to request Voter Services.

Nevada Current

Nye County first in nation to offer voting in Shoshone language

BY: JENIFFER SOLIS - JULY 6, 2022

Thanks to a decades-old amendment to the landmark Voting Rights Act, Clark County is federally required to provide ballots in Spanish and Tagalog.

Now Nye County will offer assistance in another non-English language: Shoshone.

Nye County will be the first and only county in the country to provide Shoshone language assistance — a traditionally non-written language that will require qualified interpreters at the polls going forward.

[Read more...](#)



FOR IMMEDIATE RELEASE

May 13, 2022

Meghin Delaney

Communications Director

CONTACT: press@gov.nv.gov

Governor Sisolak addresses report on Indian Boarding School Initiative

CARSON CITY, NV – The U.S. Department of Interior released an initial investigative report on the Federal Indian Boarding School Initiative, a comprehensive effort to address the troubled legacy of federal Indian boarding school policies, on Wednesday.

"I appreciate the care and dedication shown by the U.S. Department of Interior on this critical project. Tribal citizens in Nevada lived the harsh realities of these boarding schools, which were designed to forcefully assimilate young Native Americans by kidnapping them off from their families and culture," **said Governor Sisolak**. "I want to apologize for the role the State played with this abhorrent policy. We are committed to supporting our families still experiencing impacts and raise awareness of this history."

The first volume of the investigation found that from 1819 to 1969, there were 408 federal boarding schools across 37 states, with three sites in Nevada. It also identified marked or unmarked burial sites at approximately 53 different schools. As the investigation continues, the Department expects the number of identified burial sites to increase.

The three boarding schools in Nevada were: The Stewart Indian School in Carson City, Pyramid Lake Boarding and Day School in Nixon, and Western Shoshone Boarding School in Owyhee.

Secretary of Interior Deb Haaland announced the launch of "The Road to Healing" tour as part of the Federal Indian Boarding School Initiative. This year-long project will include travel across the country to allow survivors of the federal Indian boarding school system the opportunity to share their stories, help connect communities with trauma-informed support and facilitate collection of a permanent oral history.

Currently, the Stewart Indian School Cultural Center & Museum provides a place for healing for thousands of American Indians affected by federal boarding schools while outlining authentic stories and experiences of students who attended from 1890-1980. The Stewart Indian School was operated by the federal government for 90 years, and directly impacted at least 20,000 Native students not only from the Great Basin, but over 200 Tribal Nations in the west. Located at #1 Jacobsen Way in Carson City, the Cultural Center occupies what was once the school's administrative building, and is open to the public, free of charge, Monday – Friday from 10 a.m. – 5 p.m.

Read more about the Department of Interior's report [HERE](#).



FOR IMMEDIATE RELEASE

December 2, 2021

Meghin Delaney

Communications Director

CONTACT: press@gov.nv.gov

Governor Sisolak Appoints 19 Members to the Regional Transmission Coordination Task Force

CARSON CITY, NV – Today, Governor Steve Sisolak announced the appointment of 19 members to the Regional Transmission Coordination Task Force. The task force was formed through the signing of [Senate Bill 448](#) during the 81st Nevada Legislative session.

“The formation of this task force will further advance our State’s mission of developing our infrastructure, bolstering our commitment to renewable energy, and building out our green energy economy,” **said Governor Sisolak**. “I am confident in the leadership and expertise of the members of this task force, and I look forward to their recommendations as we continue to position ourselves to be a leader in renewable energy and work hard to address the energy needs of Nevada and the West.”

The task force will be led by appointed chair, Senator Chris Brooks, and will be charged with advising the Governor and the Nevada Legislature on topics and policies related to regional energy transmission in the West, including the costs and benefits of the transmission providers in Nevada joining a regional transmission organization to provide access to a wholesale electricity market.

Five additional Task Force members will also be appointed to the board in the coming weeks as final nominations and paperwork are submitted.

The following 19 members representing experience from across the energy industry have been appointed to the Regional Transmission Coordination Task Force:

- Senator Chris Brooks
- Carolyn Barbash, Vice President, Transmission Development and Policy, NV Energy
- Carolyn Turner, Executive Director; Nevada Rural Electric Association
- Eric Witkoski, Executive Director; Colorado River Commission of Nevada
- Luke Papez, Director, Project Development; LS Power Development
- Richard Perkins, President/CEO; The Perkins Company
- Mona Tierney-Lloyd, Head, U.S. State Public Policy & Institutional Affairs; Enel North America
- Samuel Castor, EVP of Policy & Deputy GC; Switch.com
- John Seeliger, Regional Energy Manager; Nevada Gold Mines
- Erik Hansen, Chief Sustainability Officer; Wynn Resorts
- Jeremy Newman, Assistant Business Manager; IBEW Local Union 396
- Cameron Dyer, Managing Senior Staff Attorney, Western Resource Advocates
- **Kostan Lathouris, Managing Member; Lathouris Law PLLC**
- David Bobzien, Director of the Governor’s Office of Energy
- Kris Sanchez, Deputy Director; Governor’s Office of Economic Development
- Rebecca Wagner, Self-Employed- Owner/Consultant; Wagner Strategies
- Elizabeth Becker, FEMA, Local Hire - Emergency Management Specialist
- Leslie Mujica, Executive Director and Chief Marketing Officer; So. Nevada IBEW
- Hayley Williamson, Chair; Public Utilities Commission



Report to the Nevada Indian Commission Commissioners

July 18, 2022

Stewart Indian School Cultural Center & Museum:

Museum Director Bobbi Rahder and Curator Chris Ann Gibbons

Leadership, professional development, and organization structure

- Bobbi attended Aianta SMS Focus Group meeting June 22. SMS is surveying cultural organizations for technical assistance needs and will share findings with Aianta for future projects.
- Chris attended a webinar offered by the Northeast Document Conservation Center. The webinar was on preserving audiovisual collections.
- Exploring funding sources to hire additional staff
- Working on strategic short-term and long-term Cultural Center plans
- 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: Wesley Dick, Northern Paiute; Melanie Smokey, Washoe; Raelynne Thomas, Pyramid Lake Paiute; Monica Sigala, Lakota; Charlene Johnson, Navajo; Gracie Dick, Northern Paiute; Dale Bennett, Washoe; Josephine David, Jazmine Kennison, and Julie Charlie, Walker River Paiute; Kenneth Kite, Shoshone, Theo Steele, Goshute; and Darlene Graham, Shoshone.
- The Stewart Indian School Preservation Alliance has new board members. The board met April 26th to approve revised by-laws. Once the board is active, SISPA can apply for grants that are only available to 501 c 3 organizations, which will benefit the museum.
- Received a \$1,290 donation from Carson City book club. Were able to process the donation check through SISPA. The funds will be used to purchase books for the Research Library.

Complying with Department of Interior Boarding School Initiative

- Staff from the Bureau of Indian Education (BIE) and Bureau of Indian Affairs (BIA) visited the museum and the Nevada State Museum Curatorial Center to review the BIA Stewart

collections. We asked them to give us access to the collections and to approve SISCCM as the repository for the Stewart collections. We have not heard back from BIE or BIA about the results of their visit here or their response to our requests.

- Working with National Native American Boarding School Healing Coalition to document the students who attended Stewart to create digital archive of records.

Collections Stewardship

- Completed 9 research requests.
- Completed 9 mailed in requests for Stewart Indian School yearbooks
- Accepted the following donations for the permanent collection. A painting by Stewart alumnus Clark Kowchee - Northern Ute, an original copy of the "Desert Friends" book, Stewart "S" hat, silver tray owned by NV Senator William Morris Stewart, and 4 baskets including a Washoe basket
- Currently reviewing 2 donations for possible addition to the permanent collection. A collection of items from the Bentley estate including pottery, baskets, and a cradleboard, and a collection of items belonging to Stewart alumnus Marco McCauley including letters and an autograph book
- Volunteer Jessica Visnovit completed a research project on the first graduating class of 1901
- Volunteer Renee Kolvet completed printing and filing scanned historical documents provided by Samantha Williams when she visited various National Archive sites.
- Volunteers Shelly Gould and Marissa Marsh completed rehousing and identifying negatives

Education and Interpretation

- Made presentations/tours to 30 organizations.
- A total of **6,638** people have signed the sign-in sheets since the soft openings in December 2019 (taking into account being closed for five months in 2020 and closed for the holidays from Dec. 20-January 2, 2022).

Great Basin Native Artists Gallery

- Melissa Melero-Moose extended the *Inheritance: Basketry and Art of the Great Basin* in the Great Basin Native Artists Gallery. The exhibit now runs from November 12-September 30, 2022.
- The next exhibit Melissa will curate in the GBNA Gallery will be October 2022-May 2023.

Outreach

- Provided an information table about the Stewart Indian School Cultural Center & Museum at Nevada Museum of Art Jean LaMarr event in Reno on May 14.
- Working with Analiesia Delgado, Tohono O'odham graduate student in UNLV's Public History Program, on internship to digitize Stewart superintendent reports housed at UNLV library and records housed at Newberry Library in Chicago. She is working 120 hours during June-July on this paid internship.
- Assisted with Intertribal Council of Nevada's Covid-awareness event June 17.
- Held Grand Opening and ribbon cutting of SISCCM for Saturday June 18.
- Presentations by local dignitaries, Tribal leaders, and Stewart alumni. Over 200 attended the grand opening and ribbon cutting. During the two days of the Stewart Father's Day

Powwow June 18-19, we kept the museum open and had over 500 visitors, including many Stewart alumni from southern Nevada, California, and Arizona.

- Partnered with University of Nevada Reno Shared History Program and the Pyramid Lake Paiute Museum and Visitors Center on grant they received from the Nevada Humanities Council. Our cultural center hosted Indigenous high school students on July 12 where they got a tour from Frank Joe, Stewart alum from 1950. Harriet Brady, Stewart alum from the 1970s trained the students in interviewing techniques and processes. The students recorded oral histories with Stewart alums Mary McCloud, Shoshone; Linda Eben Jones, Northern Paiute; Dwight "Ike" Bennett, Washoe; and Harriet Brady, Pyramid Lake Paiute. The cultural consultants were paid an honorarium and travel stipend to participate. Dale Bennett, Washoe, and her daughter Nicole made a lunch of elk stew and taught the students to make fry bread.
- Hosted the Great Basin Native Basket Weavers and Great Basin Basket Weavers Guild, July 16.
- Hosting Sacred Circle Health Clinic board meeting, Goshute Tribe, July 27, 28, 29 from 9-4 pm. During the meeting breaks the participants will tour the museum and gift shop. Dale Bennett, Washoe, is catering their meals.
- Misty Stevens, mother of Yerington High School track athlete Ku Stevens, Yerington Paiute, is organizing the Second Remembrance Run August 13-14. Ku Stevens received a Dreamstarter Grant from the Billy Mills Academy to pay for the expenses of the second event. They will run from Yerington to Stewart, arriving approximately 2 pm at Stewart on August 14. We will help host speakers and 100 people for a feed. They plan to leave offerings at the Washoe cemetery. We are working with the Washoe Nation to clean up the cemetery July 23.
- Samantha Williams, author of the book *Assimilation, Resilience, and Survival at Stewart Indian School 1890-2020* that was published in May 2022 will give an author talk and book signing at the Cultural Center on September 9 from 3-5 pm.
- Working with Debra Soule of Visit Carson City and Melissa Melero-Moose to recruit Great Basin Native artists for Visit Carson City "Art on the Trail" project. Loretta Burden and Brenda Frank will be paid an honorarium and travel stipends to hold a weaving demonstration and class along the Carson River Trail. Tentative date is October 1.
- Working with Samantha Williams (author of Stewart book) on a new book project highlighting the Stewart student writings. Samantha will be asking living Stewart alumni to write essays for the book. She received a grant to pay them honorariums. She will ask Stacey Montooth to write preface of book.
- Lorraine Cook and Melissa Melero-Moose contacted the Ripple organization that provided volunteer labor to help Pyramid Lake Museum and Visitors Center plant a medicinal garden and trees. We are setting up a group meeting with Lorraine, Melissa, Melanie Smokey, Darlene Graham, and Ripple staff to discuss a similar project at Stewart.
- The Reno-Tahoe Airport is hosting a Stewart Indian School exhibit to be displayed at the airport. This exhibit will be 1000 square feet of wall space, and four display cases, in the Departures Art Gallery Concourse C, Nov. 22, 2022-Jan. 23, 2023.
- Planning memorial recognizing Larry Hale's contributions to Stewart Indian School. Mr. Hale, (Paiute/Miwok/Kickapoo/Sac and Fox), worked at Stewart Indian School for 40 years before retiring. He was a volunteer at the museum. He passed away January 12, 2022.

Governor Steve Sisolak recognized Larry's service with a resolution read at the Grand Opening, and Larry was honored at the Stewart Father's Day Powwow.

- Developing an Archive Bag to send out to tribal communities to families who want to record oral histories of their relatives and information on how to preserve their family collections of photos, documents, and textiles.
- Bobbi is serving on Planning Council and grant reviewing for Association of Tribal Archives Libraries and Museums and the National Endowment for Humanities.

Facility and risk management

- The Interim Finance Committee approved a proposal by the Governor's Finance Office (GFO) to use American Rescue Plan funds of \$1,145,320 to renovate the Stewart bakery/post office building for museum environmentally controlled collection storage.
- Working with Markus McEntee at State Public Works to install two electric car charging stations in museum parking area. Work will be done this summer.
- National Historic Landmark Application update from Dr. Gregory Smoak. Due to the Department of Interior's initiative to document the students who attended Indian boarding schools, the National Park Service offered to provide funding to complete the Stewart application. Dr. Smoak has had health issues that prevented him from completing the revisions to the application. We will keep track of the application and send the revised version to the board when it is completed.
- Brian Wacker at State Public Works said that the Stewart Auditorium and Old Gym will be presented as Capital Improvement Project requests for the 2023 Legislative session.

Communication and Marketing

- Updated Stewart Indian School website
- Posting weekly updates to Stewart Facebook page and Stewart Instagram account.
- Posting information to Carson City-Reno-Tahoe regional app called MOPO.
- Working with Visit Carson's new Cultural Arts Manager, Debra Soule, to include Cultural Center & Museum events and exhibits are listed on a community-wide calendar.
- News features:
 - "The Art of Jean LaMarr: representing the lives of Native Americans" KOLO 8 by Karlie Drew, May 18, 2022
 - "Indy DC Download: The Nevada Independent, by Humberto Sanchez, May 14, 2022

- "Sisolak commits to addressing Stewart Indian School Legacy, Nevada Appeal, May 13, 2022
- "Interior Department report details the brutality of federal Indian boarding schools," Nevada Current, by Shaun Griswold, May 13, 2022
- "Indigenous advocates: Feds need to expand Indian boarding school initiative," WXXI News by Noelle E.C. Evans, May 13, 2022
- "US counts Indian boarding school deaths for first time but leaves key questions unanswered" NBC US News by Graham Lee Brewer, May 11, 2022
- "Tulalip woman helped uncover dark history of Indian boarding schools" The Daily Herald by Isabella Breda, May 11, 2022
- "Tribal Art and Culture from the Great Basin" Nevada Magazine and Visitors Guide, summer 2022

Financial Report:

BA 2601 Fiscal Year 2022 Budget (July 2021-June 2022)

\$123,199 General Fund

\$170,347 Transfer of funds from Dept. of Tourism and Cultural Affairs

\$2,406 Cares Act Funds

Total FY 22 budget: \$295,952

Current Balance: \$3,768.83 (waiting for remainder of FY22 bills)

Fiscal Year 2023 Budget (July 2022-June 2023)

\$115,720 General Fund

\$189,069 Transfer of funds from Dept. of Tourism and Cultural Affairs

Total FY 22 budget: \$304,789

Current Balance: \$303,279

BA 3286 Gift Fund

\$67,540.66 donations via check and purchases

\$5,348.95 gift shop sales via check

Total: \$72,889.61

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

Balance: \$2,157.42



STEWART FATHER'S DAY POWWOW

Our June 2022 Stewart Father's Day Powwow returned and was a great success.

NIC collaborated with ITCN for a Friday, June 17 COVID Vaccination Outreach event that included performances by "Supaman" Christian Parrish, comedians James & Ernie, and DJ Element. "Supaman" also participated in Saturday's Grand Entry.

We had 116 registered dancers, 5 drum groups, and 16 volunteers and the RSIC UNITY Youth group. Beyond the two Grand Entries, highlights in the arena included recognition of Veterans, Stewart Alumni, Larry Hale, first powwow's "Coming Out" for grandson of Stewart Alum Gary Watson, and retired Nevada State employee, and all fathers.

According to signatures collected, and guest counting at the Stewart Indian School Cultural Center & Museum and at least a thousand people came to the powwow and SISCC&M Grand Opening over the two-day event. We had 40 arts & crafts vendors. 12 10x20 spaces, 28 10x10 spaces, and 6 food vendors, 10x20 spaces.

Changes made to the event due to time restrictions:

- **Two-day event June 18 & 19, 2022** – visitors, dancers, drum groups, & vendors missed having evening sessions.
- **Vendors will be moved to the main lawn** – vendors were initially skeptical about the move. However, by Saturday afternoon they were pleased with foot traffic and sales.
- **Moving Vendors** allowed for a larger arena and more seating areas. Spectators and dancers enjoyed the larger arena
- **Stewart Alumni enjoyed their time at powwow** – however missed the Alumni BBQ

Cost Saving Changes

- End powwow before dark – no need for lights (rental fees)
- Due to time restrictions/no fundraising events - no head staff
- No head staff will save on room costs
- Not hosting alumni reception – will move to a stand-alone event later in the year
-

NEVADA
INDIAN COMMISSION

5366 Snyder Avenue * Carson City, NV 89701 * (0) 775.687.8333 * (f) 755.687.8330



STEWART FATHER'S DAY POWWOW

The cost saving changes we made did help our budget. As a new committee we did make some mistakes and have learned and received feedback of how to correct these errors for next year.

The final financial statement is forthcoming, pending grant funds to be transferred and reflect in account.

2023 Stewart Father's Day Powwow:

Tents and water donations from Western Nevada Supply have been confirmed.

We have received an inquiry regarding submitting a bid for sound for 2023. Have also received recommendations for another sound system.

The Dr. Bela Toth at Washoe Tribe Health Clinic has contacted us regarding partnering with them to use their mobile health van as our First Aid for next year's powwow.

We have been contacted by two vendors who like to reserve their spaces for next year.

A powwow committee meeting will be scheduled for August 2022 to begin preparations for 2023 powwow. If you or someone you know would like to join please let me know and I will reach out prior to the August meeting.

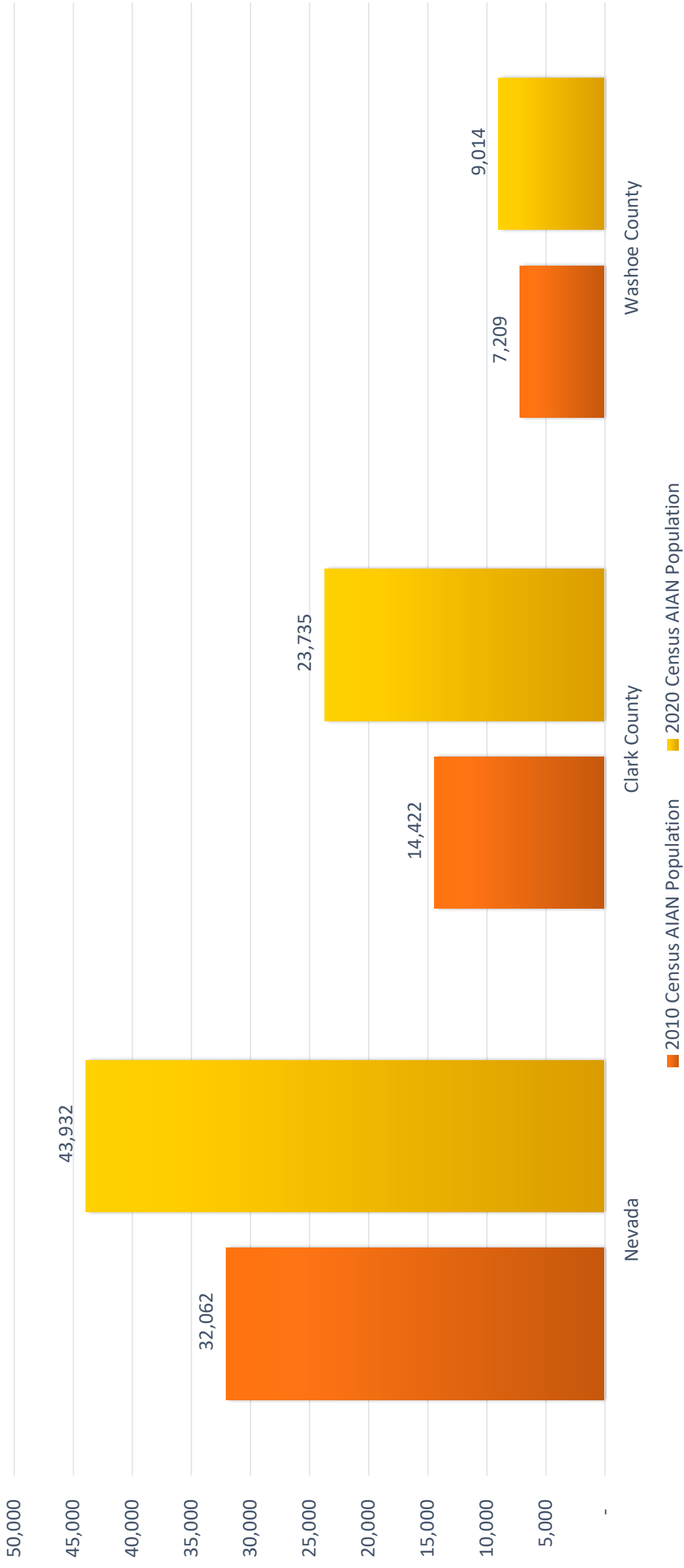
Powwow chair is also working with Travel Nevada to create an updated survey for visitors, vendors, and alumni regarding their experience at our annual powwow.



Census 2020 First Results



2010 and 2020 Census Numeric Change



Population Percent Change Census 2010-2020

64.6%



Clark County

37.0%



Nevada

25.0%



Washoe County

**Selected Characteristics for the American Indian and
Alaska Native Alone from the American Community Survey
5 Year Estimates 2016-2020**

**High School Diploma
For the Population 25 Years and Over
AIAN Alone**

16.2%



Nevada

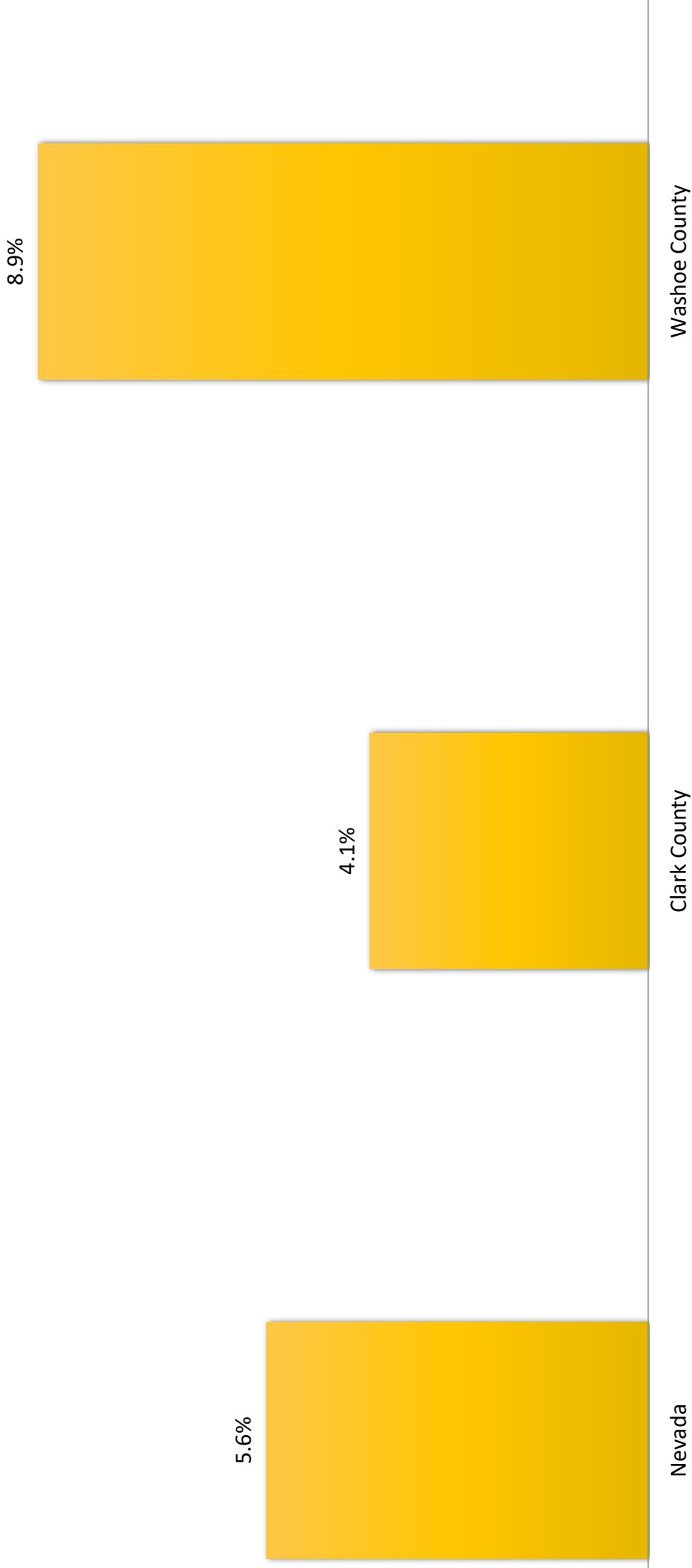
Clark County

Washoe County

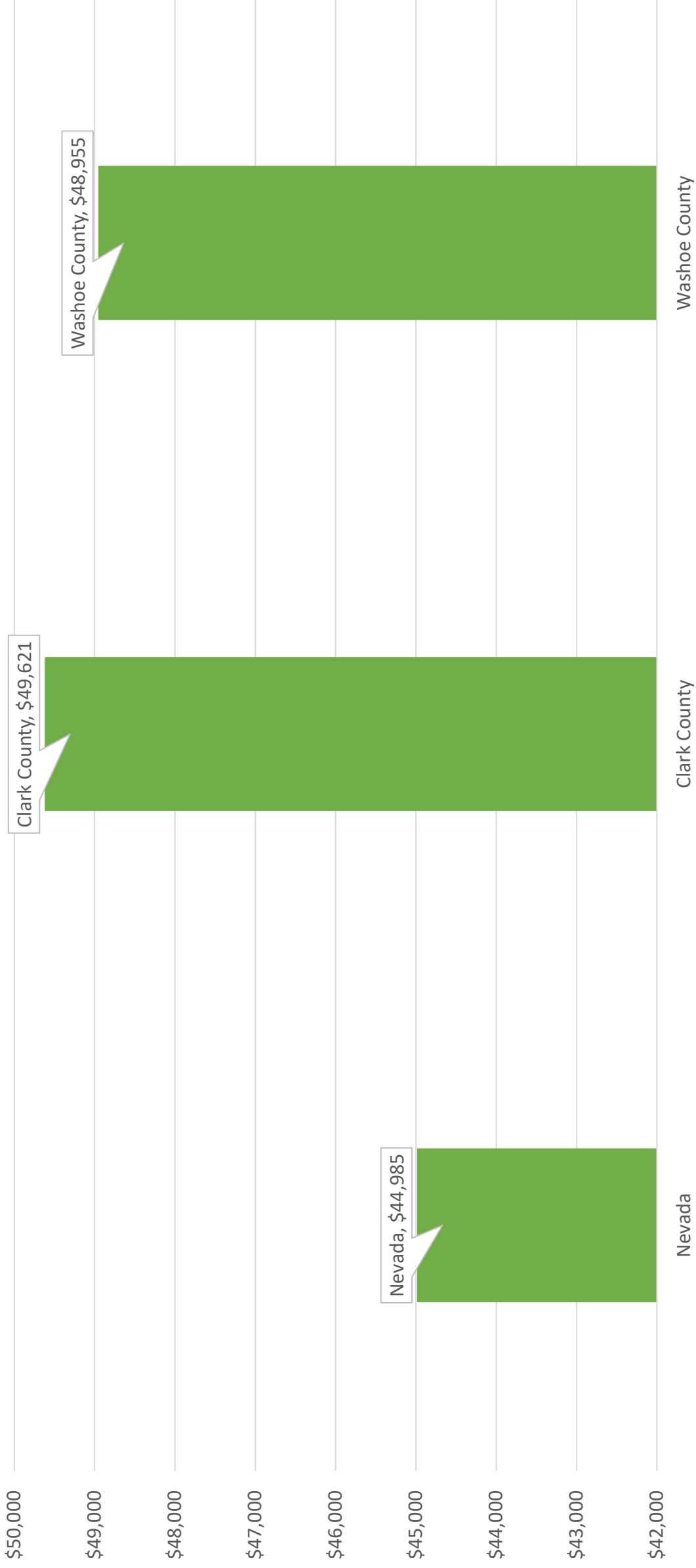
14.9%

14.2%

**Bachelor Degree or Higher
For the Population 25 Years and Over
AIAN Alone**



Median Household Income AIAN Alone



Median Age
AIAN

35.3



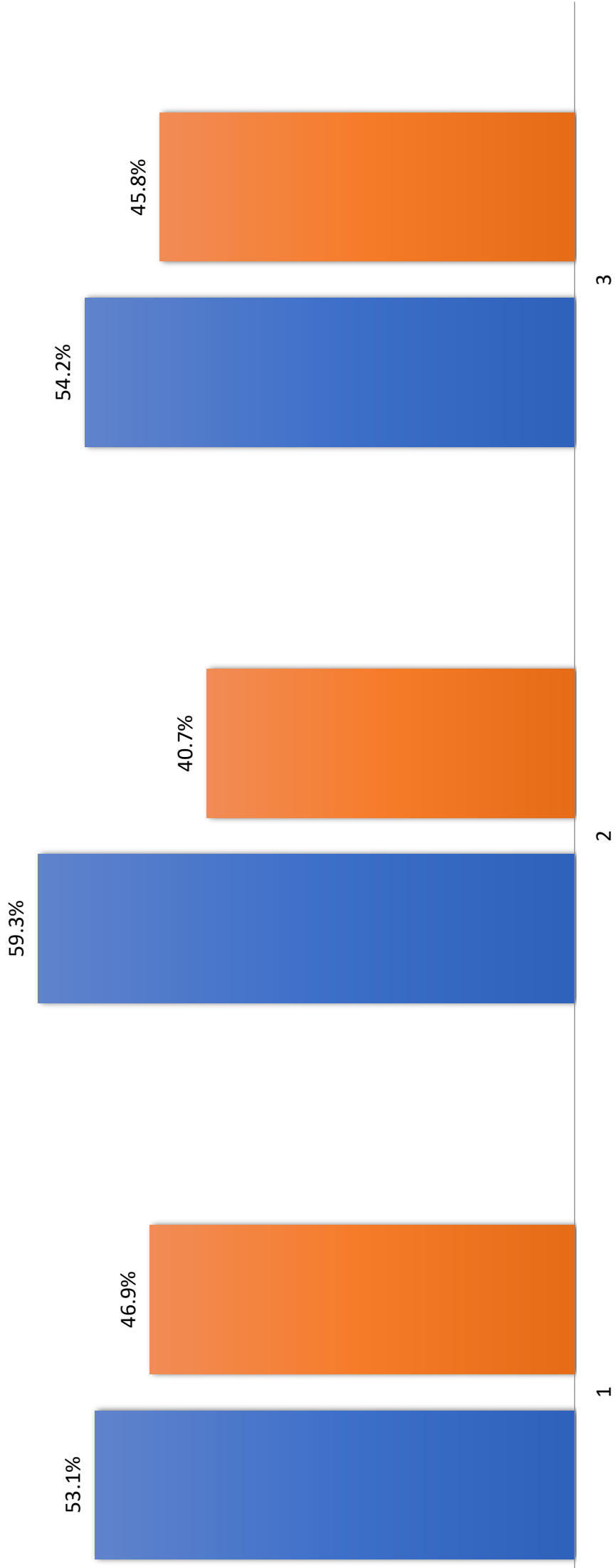
Nevada

Clark County

Washoe County

**Tenure
AIAN**

■ Owner Occupied ■ Renters



Data Profiles

American Indian And Alaska Native Alone in Clark County, Nevada is **23,735**

2020 Decennial Census

[View This Result](#)



197 Tables, 197 Maps, 371 Pages

View: 10 | 25 | 50

Tables

Decennial Census

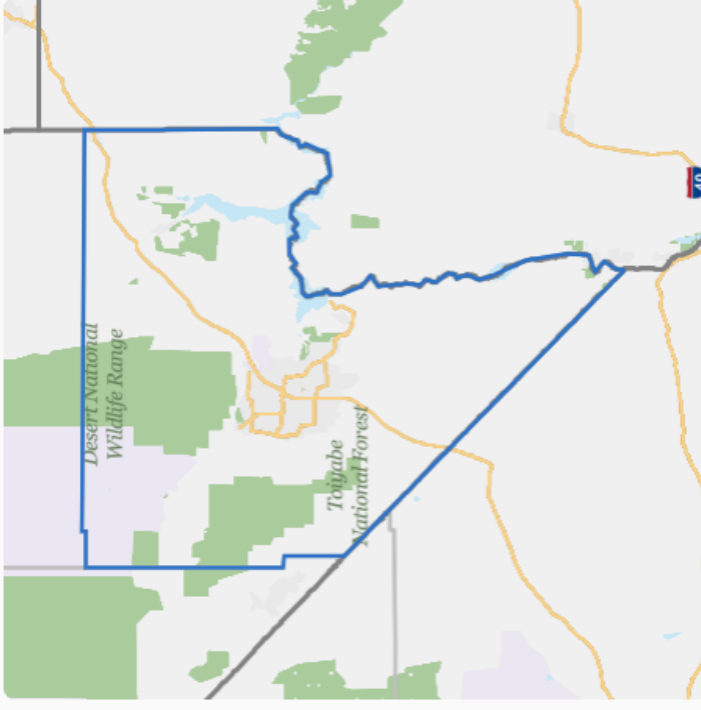
P1 | RACE

[+](#) View All 3 Products

American Community Survey

DP05 | ACS DEMOGRAPHIC AND HOUSING ESTIMATES

[+](#) View All 21 Products



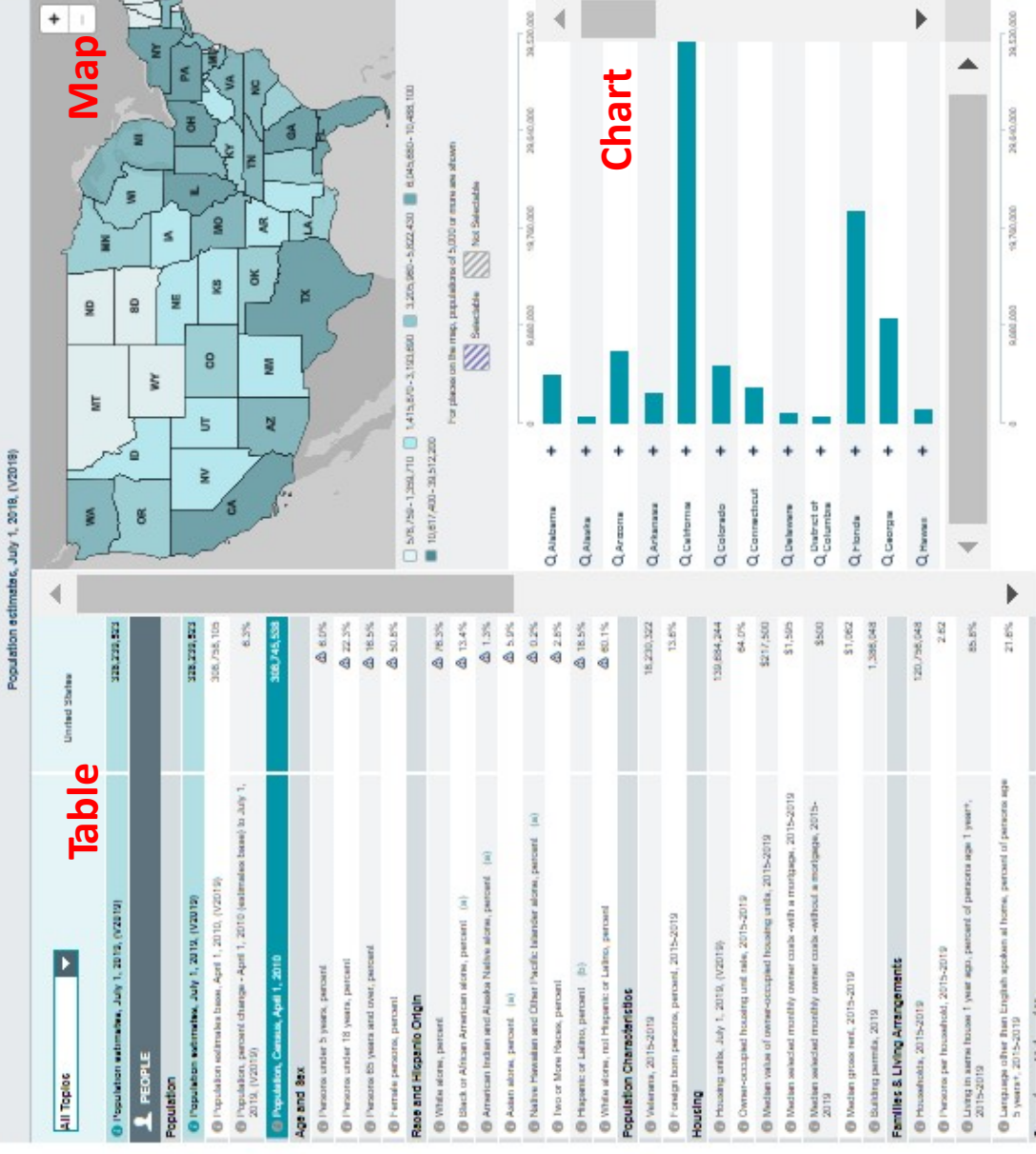
Clark County, Nevada Profile

QuickFacts

Statistics for all states and counties, and for cities and towns with a *population of 5,000 or more*.

- Compare up to Six Geographies Side-by-Side
- View Data through Tables, Maps and Charts
- Share, Embed and Download

Dashboard - United States



Selected Data Tools

- [QuickFacts](#)
- [My Tribal Area](#)
- [Data.census.gov](#)
- [Narrative Profiles](#)

Determine the Best Location for Your Business

1. What type of business do you want to research?
Select the type of business you want to research by either selecting it first from the "Most Popular" list or by typing in a keyword, or by typing the type of business you want to research.

2. What location do you want to research?
Select the location you want to research either clicking on the My Location button or by typing in a location or ZIP code.

Find My Location or

2019 Community Resilience Estimates for Equity and Disasters

Select one or more counties: [Alabama] Select one state: [United States]

Showing Statistics for: United States

Thematic Risk Factor (RF) based on the risk factor selected above

Use Layer List below to turn on or off supplemental layers

QuickFacts
United States, Virginia, Alexandria city (County), Virginia, Maryland; Prince George's County, Maryland; Suitland CDP, Maryland

QuickFacts provides statistics for all states and counties, and for cities and towns with a population of 5,000 or more.

Enter state, county, city, town, or ZIP code

| Year | ID | Name | Poverty Universe | Number in Poverty | Poverty in Poverty | 90% Confidence Interval |
|------|-------|----------------------|------------------|-------------------|--------------------------|-------------------------|
| 2019 | 00000 | United States | 330,118,791 | 38,490,096 | 38,248,096 to 38,732,096 | 12.2 to 12.4 |
| 2019 | 00000 | Alabama | 4,711,642 | 747,478 | 738,491 to 756,465 | 15.6 to 16.0 |
| 2019 | 00001 | Average County (All) | 15,844 | 6,732 | 5,517 to 7,959 | 9.9 to 14.3 |

Narrative Profiles
All Ages in Poverty (1997 - 2019)

Percentage of adults in households whose total income is not enough to pay for food

| Year | ID | Name | Poverty Universe | Number in Poverty | Poverty in Poverty | 90% Confidence Interval |
|------|-------|----------------------|------------------|-------------------|--------------------------|-------------------------|
| 2019 | 00000 | United States | 330,118,791 | 38,490,096 | 38,248,096 to 38,732,096 | 12.2 to 12.4 |
| 2019 | 00000 | Alabama | 4,711,642 | 747,478 | 738,491 to 756,465 | 15.6 to 16.0 |
| 2019 | 00001 | Average County (All) | 15,844 | 6,732 | 5,517 to 7,959 | 9.9 to 14.3 |



Contact Information to Schedule Training Sessions and Workshops



Armando Mendoza
Data Dissemination Specialist

C: 818-554-3606
armando.mendoza@census.gov



Data Dissemination and Training

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**The Nature
Conservancy**

nature.org/nevada

Jaina Moan, External Affairs Director and Climate Change Lead

Jaina.moan@tnc.org

Peter Gower, Strategy Director for Energy, Infrastructure, and Land Use

Peter.gower@tnc.org

The mission
of The Nature Conservancy is to
conserve the lands and waters
on which all life depends.



Facts

Founded in 1951

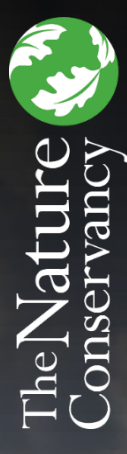
1 million+ members

~4,000 staff

50 states

70+ countries

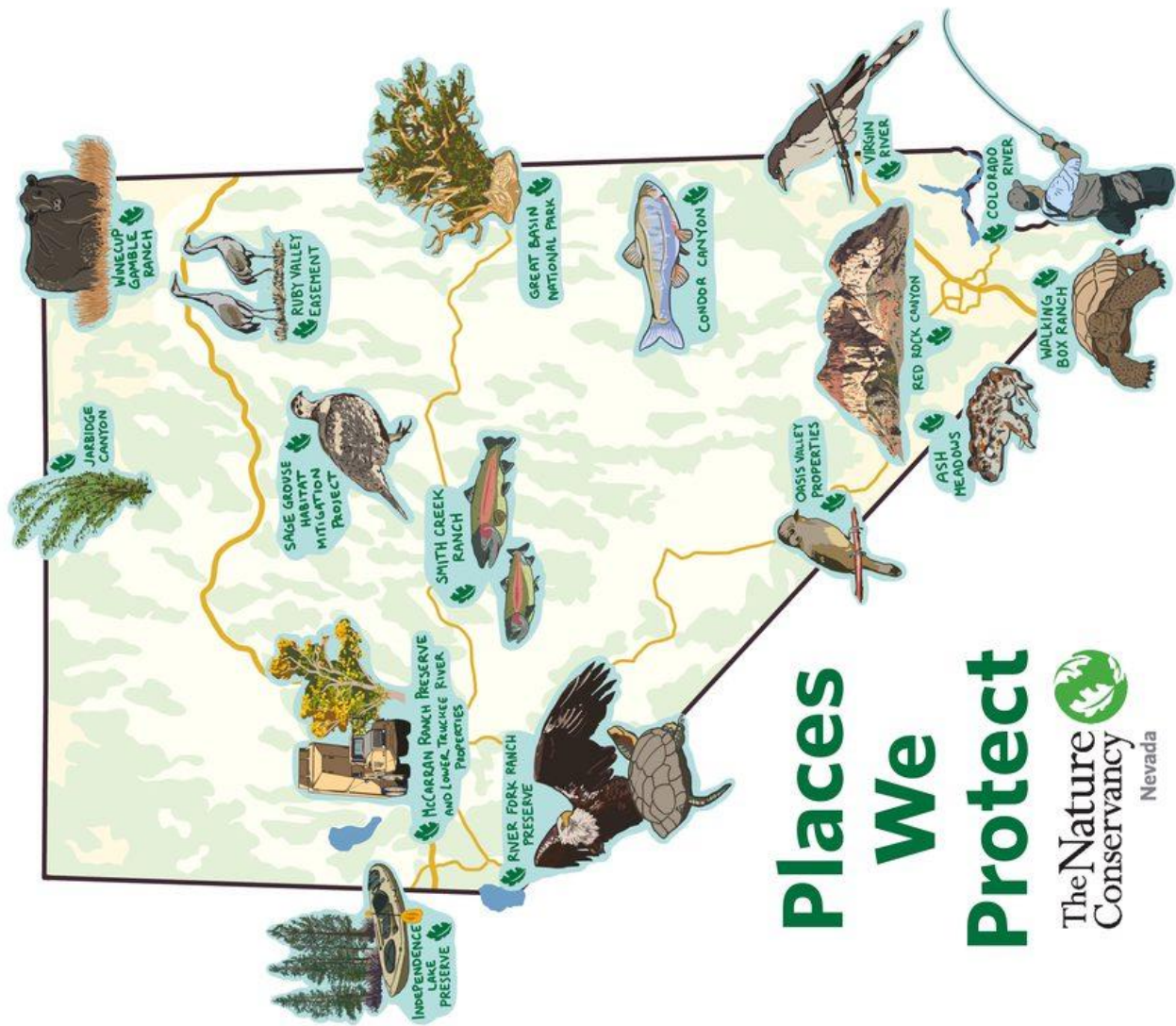
125 million+ acres protected





Our approach is collaborative.





Places We Protect

The Nature Conservancy
Nevada



Stewardship Strategy

Science Strategy

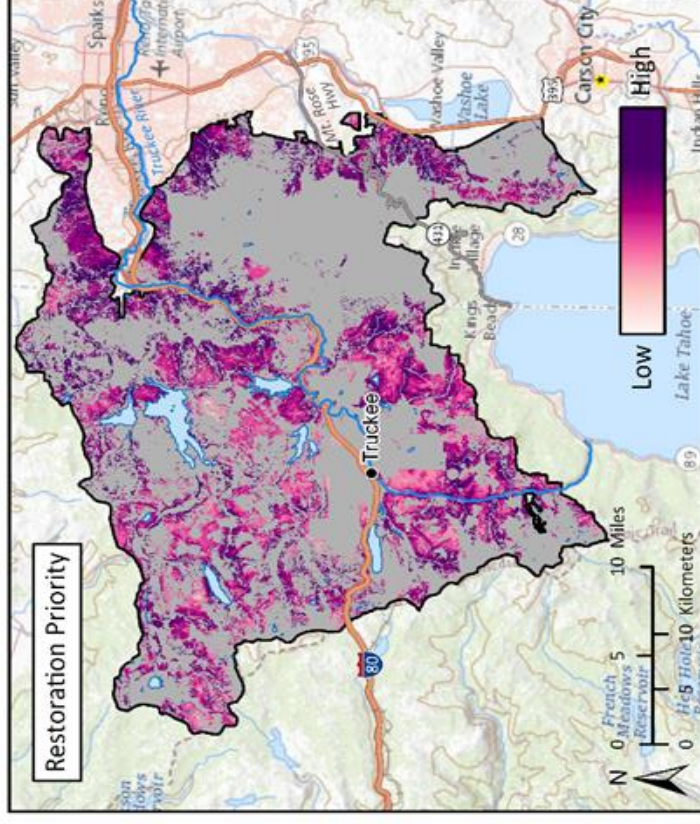
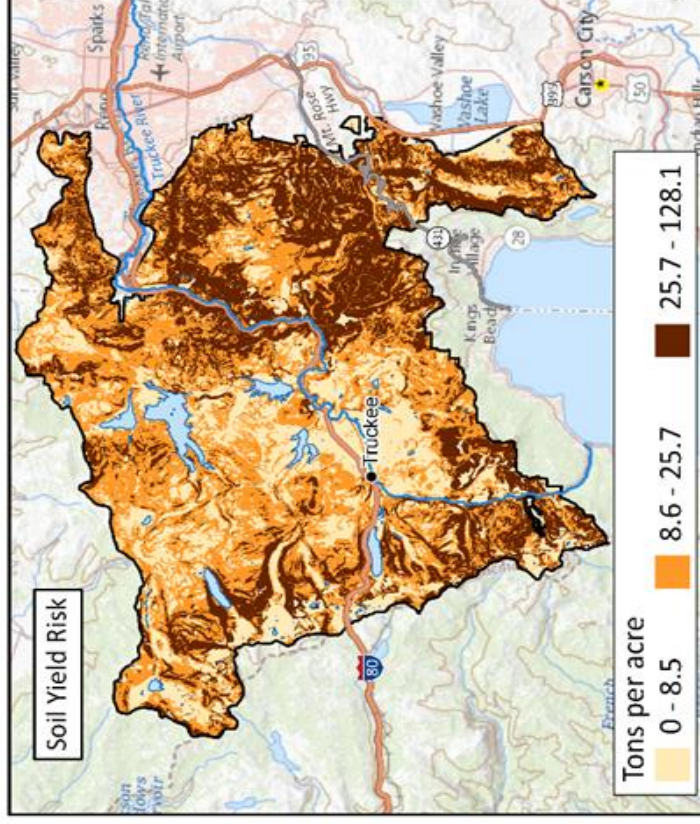
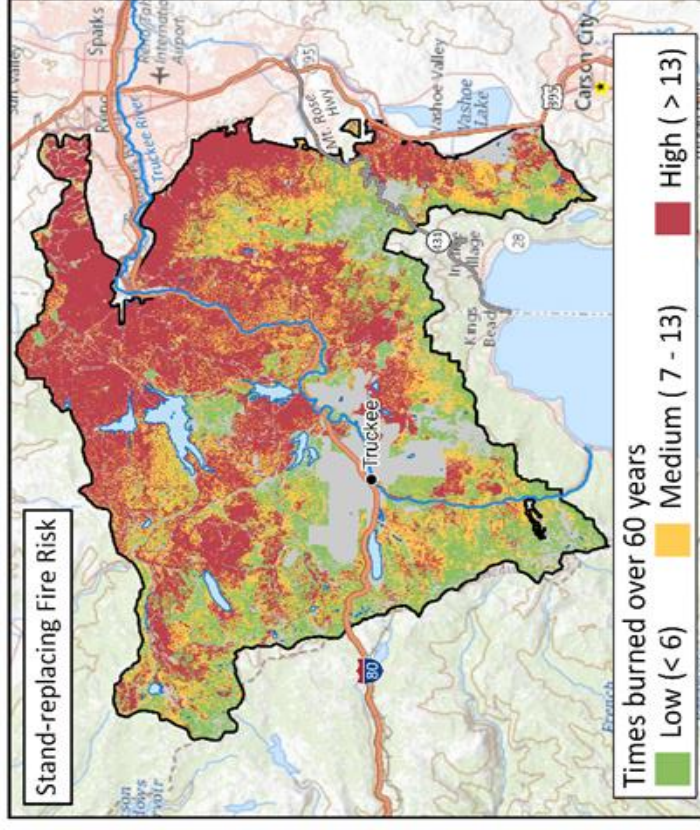
Stand-replacing Fire Risk

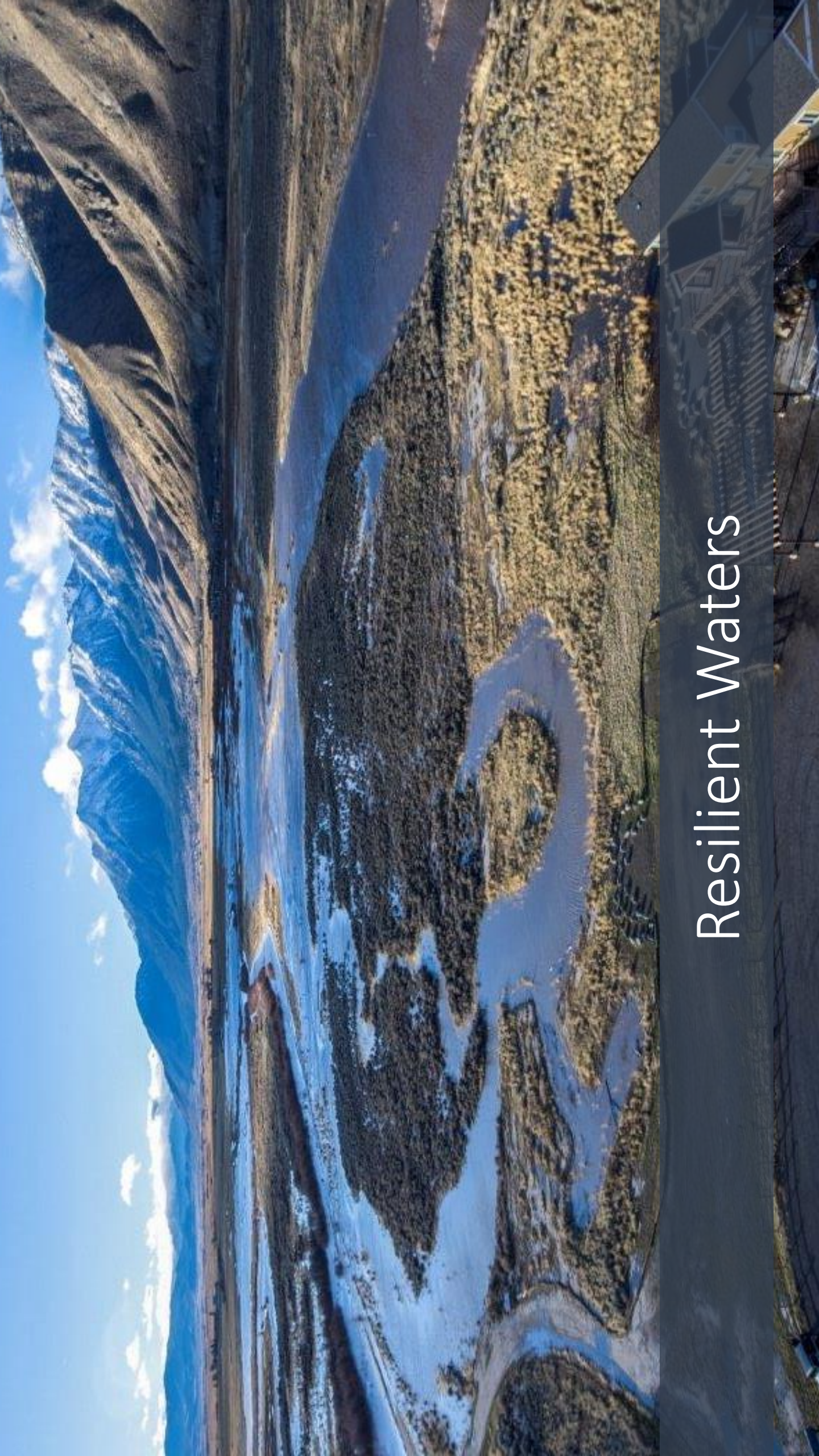
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Soil Yield Risk

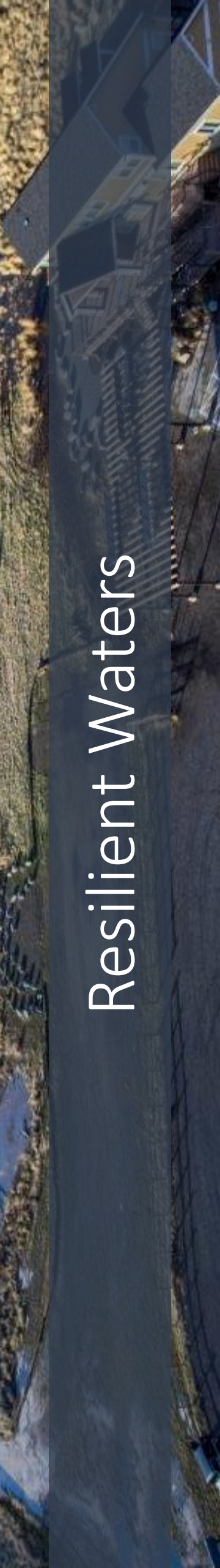
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Restoration Priority





Resilient Waters



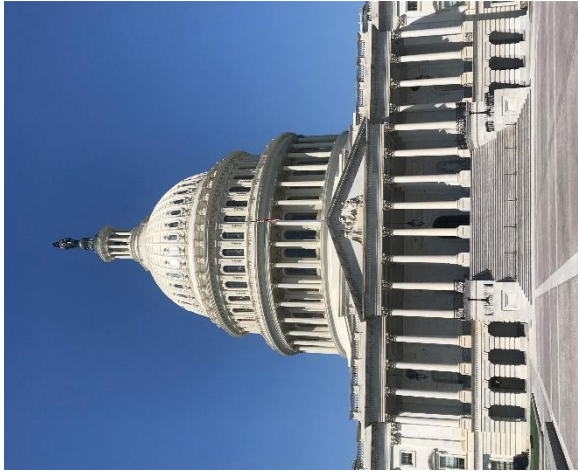
Nevada Water Project

<https://www.unr.edu/nevada-water>

- Holding online small-group discussions
 - For Tribes: July 21, 10-11:30am
- Touring the diverse urban and rural parts of Nevada to hear from network partners about their water challenges
- Holding a two-day conference (in partnership with the Nevada Water Resources Association)
- Sharing our visions
- Workshopping ideas for a fully-developed Nevada Water network





Climate Action



**Beat the heat
with nature.**
nature.org/nvclimate

The Nature Conservancy



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When nature wins, our economy wins.
nature.org/nvclimate



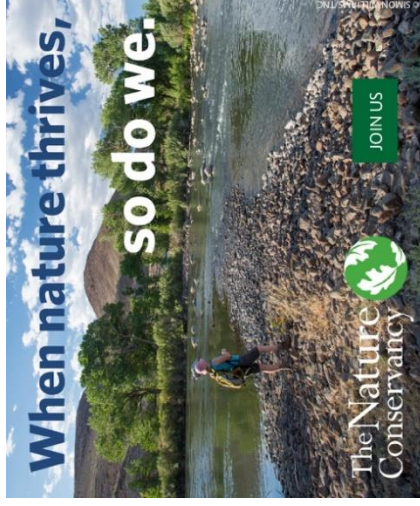
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**When nature thrives,
so do we.**

nature.org/nvclimate



[JOIN US](#)



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**Nature is
our best
solution.**

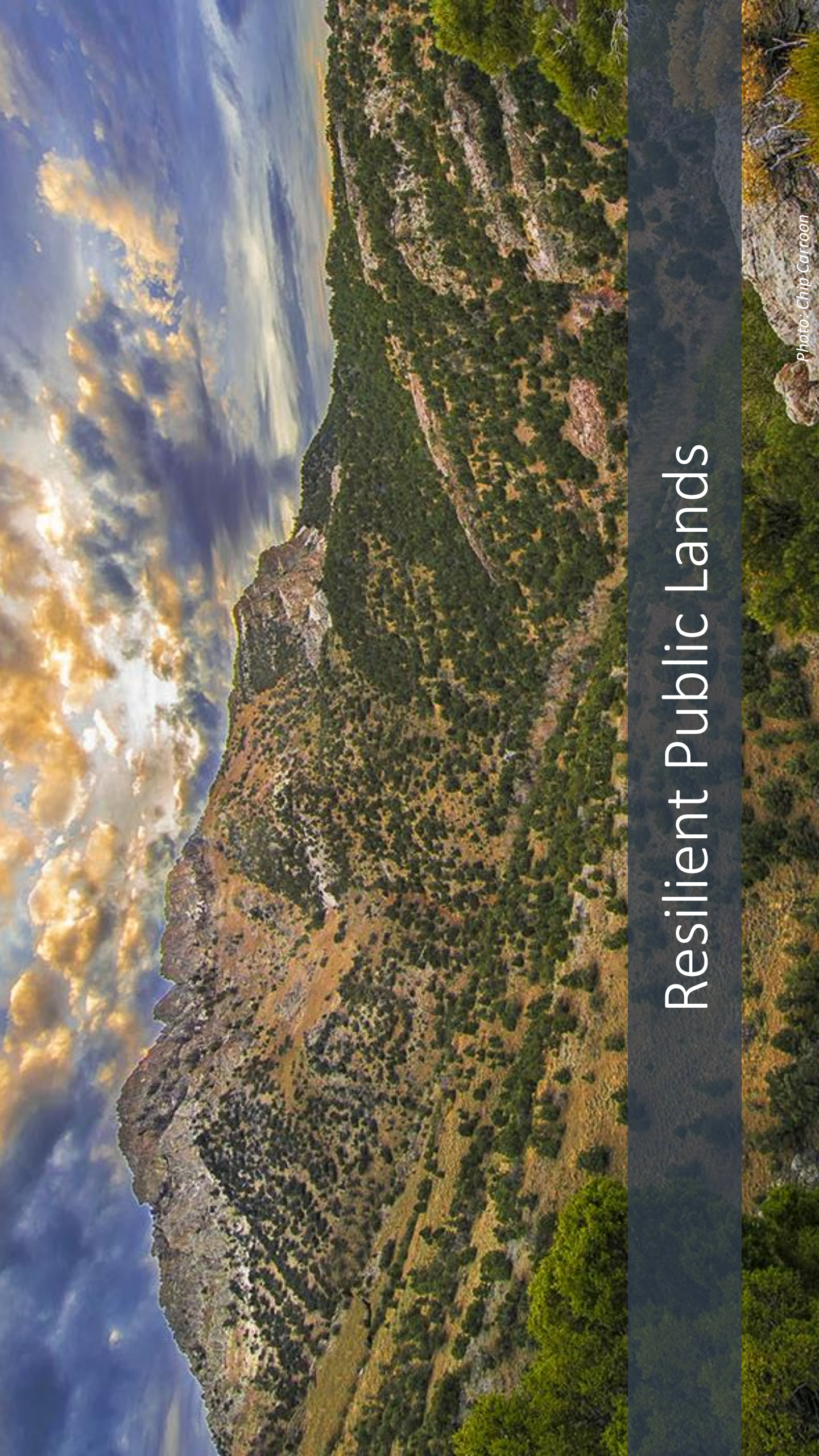
The Nature Conservancy



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Resilient Public Lands

Photo: Chip Carroon



Photo: Simon Williams/TWC

Energy, Infrastructure, and Land Use

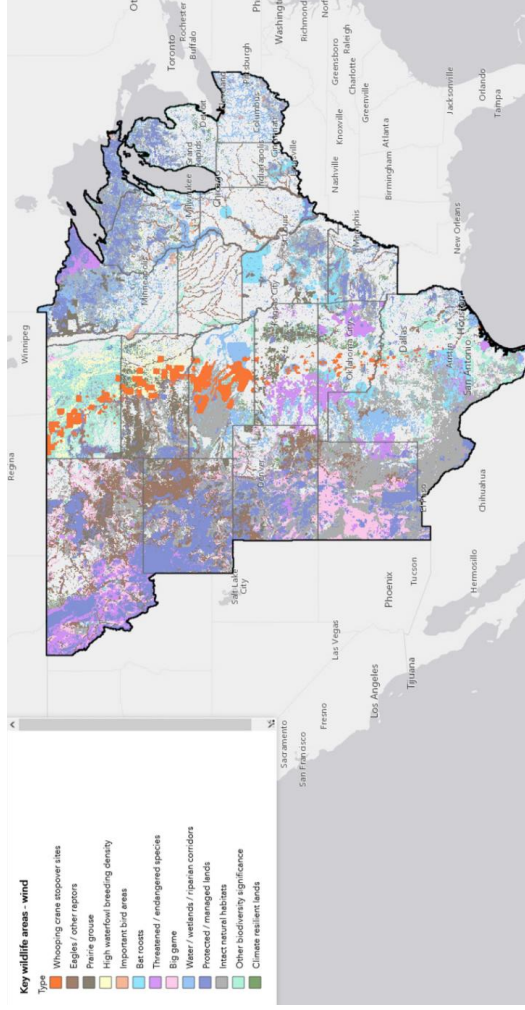


<https://www.scienceforconservation.org/products/power-of-place>

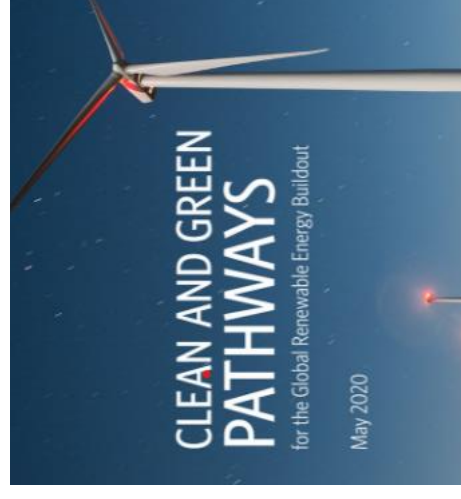
Roadmap for Solar on Mine Lands

EMERGING OPPORTUNITY TO GROW THE WEST VIRGINIA ECONOMY, ATTRACT NEW EMPLOYERS, INCREASE INVESTMENT AND CREATE JOBS

<https://www.nature.org/content/dam/tnc/nature/en/documents/west-virginia-solar-road-map-exec-summary.pdf>



<https://www.nature.org/en-us/what-we-do/our-priorities/tackle-climate-change/climate-change-stories/site-wind-right/>



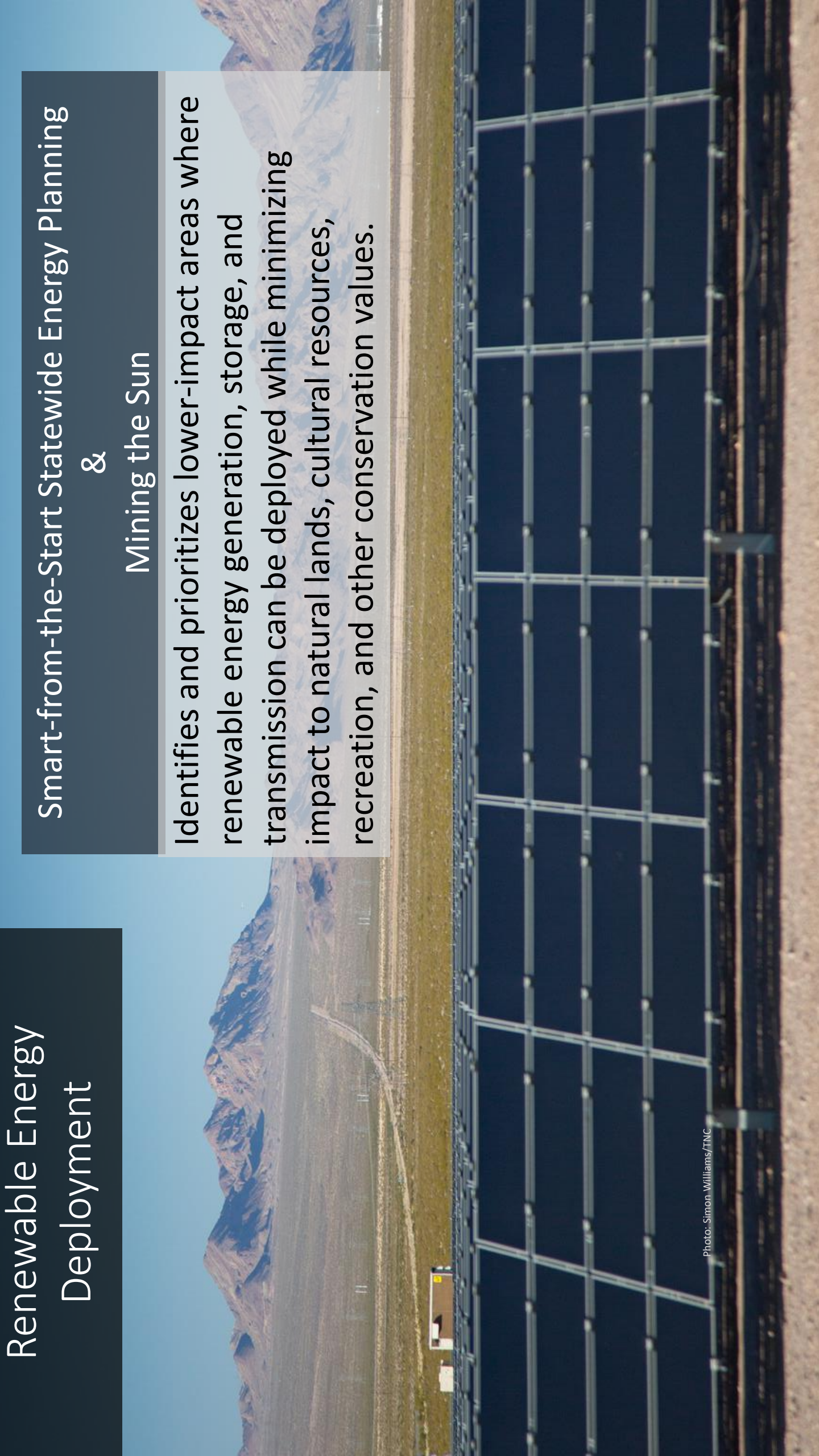
<https://www.nature.org/en-us/what-we-do/our-insights/perspectives/clean-green-renewable-energy-buildout/>

Renewable Energy Deployment

Smart-from-the-Start Statewide Energy Planning & Mining the Sun

Identifies and prioritizes lower-impact areas where renewable energy generation, storage, and transmission can be deployed while minimizing impact to natural lands, cultural resources, recreation, and other conservation values.

Photo: Simon Williams/TNC



Smart-from-the-Start Energy Planning Consortium

- Western Solar Plan – 19 SEZs in 5 states
- BLM Wind and Solar Rule
- Desert Renewable Energy Conservation Plan
- Westwide energy corridors
- Mitigation recommendations for SEZ Funds
- Recommendations to BLM on low-impact public lands
- Smart-from-the-start energy siting in Nevada



The
Wilderness
Society



The Nature
Conservancy



Nevada Opportunities



NEVADA'S CLIMATE STRATEGY

“Proactive “smart from the start” planning posture to enhance the state’s support of optimized siting that better balances clean energy goals with impacts to natural lands, cultural resources, recreation, wildlife, and other conservation values...”

Creative solutions to land use and deployment of large-scale solar have been proposed, including using reclaimed mining lands and other degraded landscapes.”

<https://climateaction.nv.gov/policies/complex-challenges/>

SLUPAC
endorses
smart from
the start

BRADLEY CROWELL
Director
Department of Conservation
and Natural Resources

CHARLES DONOHUE
Administrator

STEVE SISOLAK
Governor



Address Reply to

State Land Use Planning Agency
901 S. Stewart St. Suite 5003
Carson City, Nevada 89701-5246
Phone: (775) 684-2723
Fax: (775) 684-2721
Web: lands.nv.gov/land-use-planning

State Land Use Planning Advisory Council
State Land Use Planning Agency

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
State Land Use Planning Advisory Council

July 9, 2021

To: Governor Steve Sisolak
Public Utilities Commission of Nevada
Nevada Governor's Office of Energy
Nevada Governor's Office of Economic Development
Colorado River Commission
Nevada State Climate Policy Coordinator
Bureau of Land Management, Nevada State Office

On behalf of the Nevada State Land Use Planning Advisory Council (SLUPAC), I am writing this letter to provide SLUPAC's support of concept for the smart-from-the-start approach for energy planning. This approach guides renewable energy development where appropriate to lands that are already impacted, close to existing transmission corridors, and away from important working lands and sensitive resources.

<http://lands.nv.gov/land-use-planning/state-land-use-planning-advisory-council>

Smart from the Start Inter-agency Consortium

- Bureau of Land Management, Nevada
- US Fish and Wildlife Service Office
- US Environmental Protection Agency
- Federal Permitting Improvement Steering Council
- Nevada Department of Conservation and Natural Resources
- Nevada Department of Transportation
- Nevada Department of Wildlife
- Nevada Division of Minerals
- Nevada Governor's Office
- Nevada Governor's Office of Economic Development
- Nevada Governor's Office of Energy
- Nevada Indian Commission
- Public Utilities Commission of Nevada
- Nevada Association of Counties



The Mining the Sun Program is a bright spot of climate action bridging **political, cultural,** and **economic** divides.

1. Identifying and mapping potential sites for renewable development
2. Working with stakeholders to implement pilot projects
3. Working with policymakers to incentivize and provide funding



Carson River Mercury Site

- Mercury
- 330 square mi.
- 130 river mi.

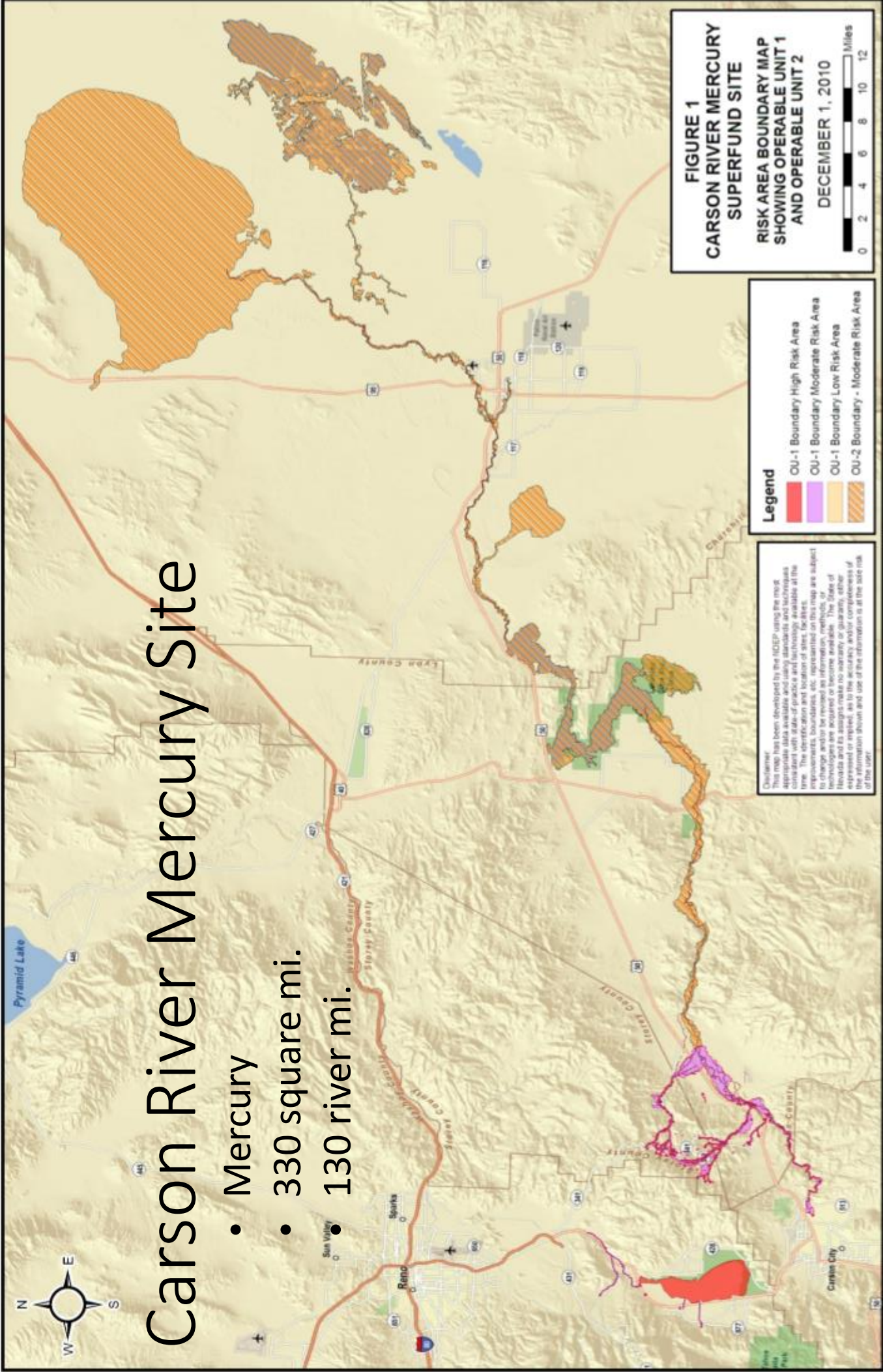


FIGURE 1
CARSON RIVER MERCURY
SUPERFUND SITE
RISK AREA BOUNDARY MAP
SHOWING OPERABLE UNIT 1
AND OPERABLE UNIT 2
DECEMBER 1, 2010

Legend

- OU-1 Boundary High Risk Area
- OU-1 Boundary Moderate Risk Area
- OU-1 Boundary Low Risk Area
- OU-2 Boundary - Moderate Risk Area

Disclaimer: This map has been developed by the IGETP using the most available data available at the time of publication. It is not intended to be used as a substitute for site-specific data. The identification and location of sites, facilities, improvements, boundaries, etc. represented on this map are subject to change and/or be revised as information, methods, or technologies are acquired or become available. The State of Nevada and its assigns make no warranty or guaranty, either expressed or implied, as to the accuracy and/or completeness of information shown and use of the information is at the sole risk of the user.



Caselton Mill site, Lincoln County, Nevada

Next Steps and Opportunities

- Key project and plans tracking and engagement
- Scaling up MTS sites

- Infrastructure for carbon management
- Host Listening Sessions with Tribes

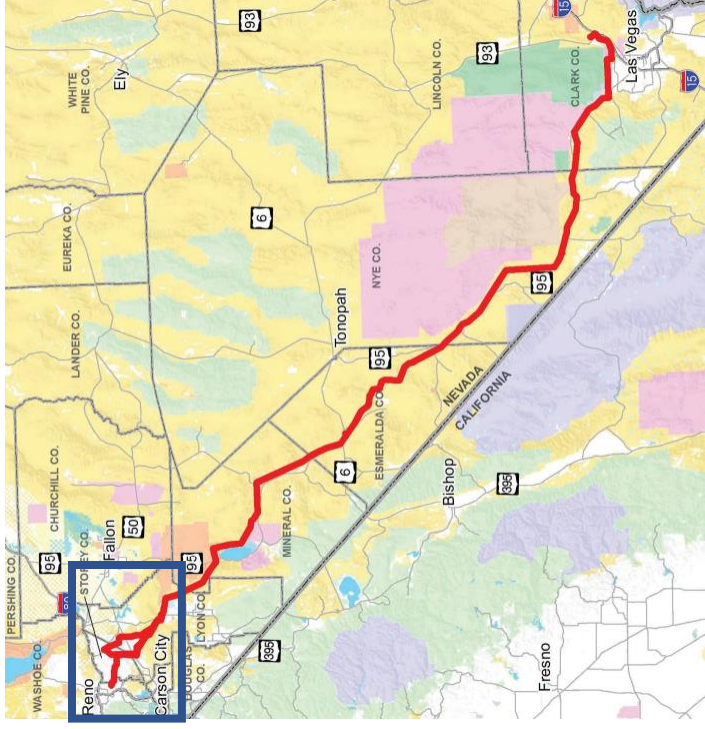
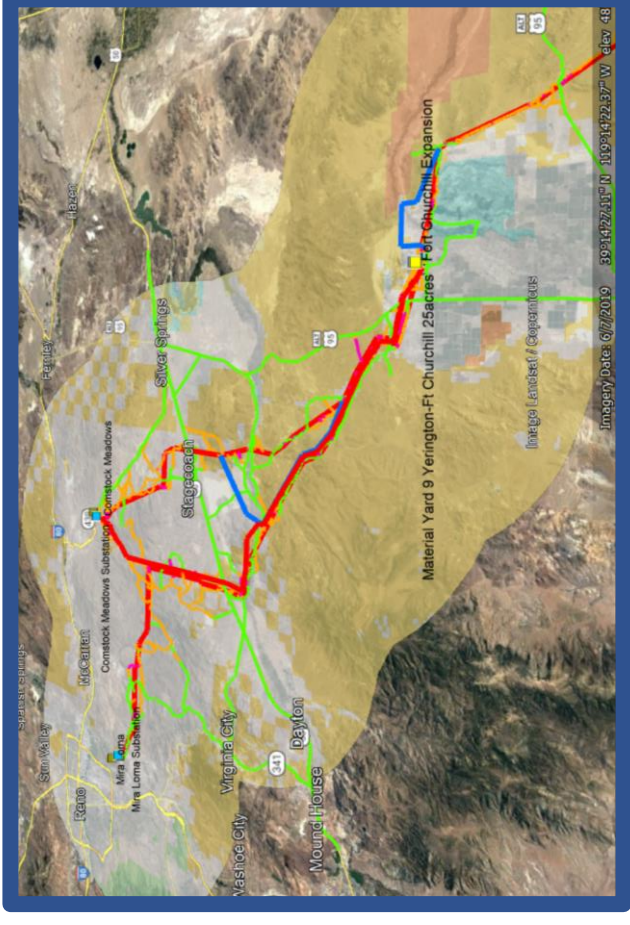
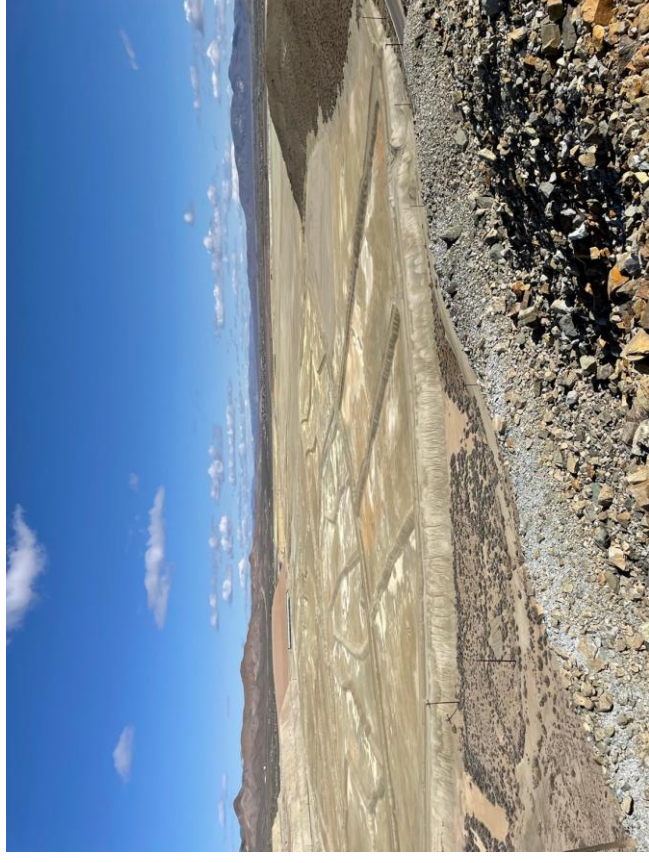


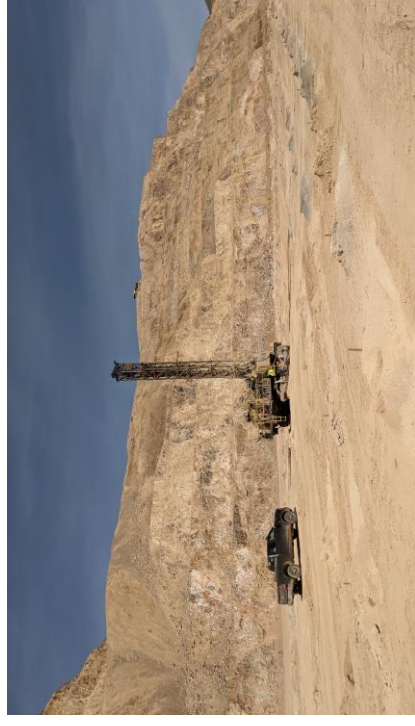
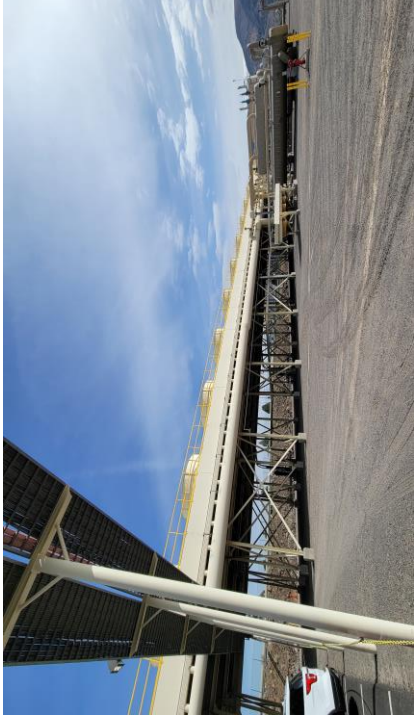
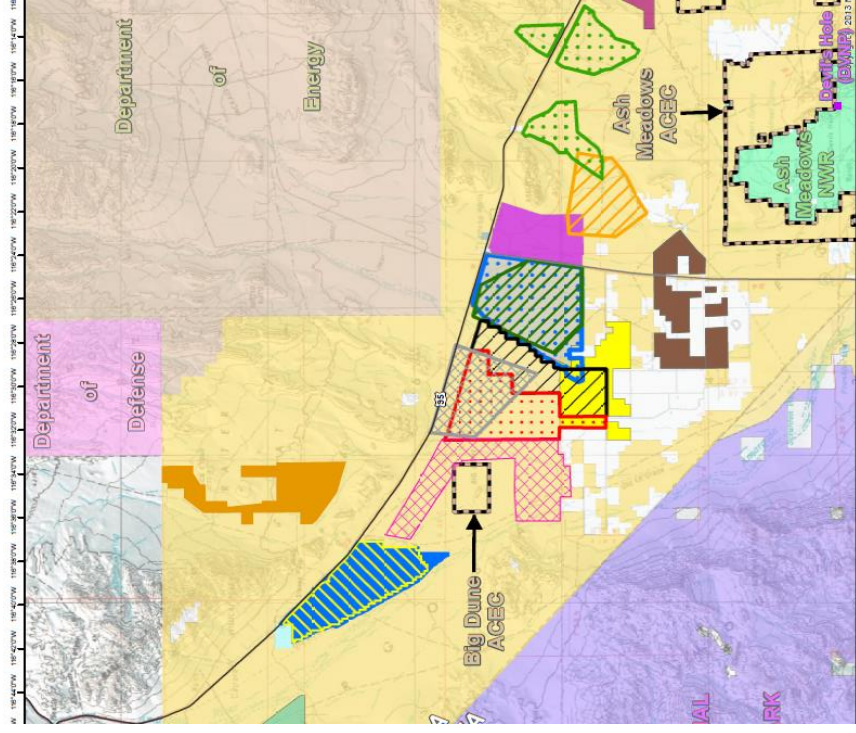
Photo: Chip Carroon



Key Project and Plans Tracking and Engagement

Examples of projects we
are tracking and engaging
on:

- Greenlink North Transmission Line
- Greenlink West Transmission Line
- Cross-Tie Transmission Line
- Solar development in the Amargosa and Pahrump Valleys
- Geothermal development
- Mineral development
- Interstate 11



Listening Sessions with Tribes

- What are the implications of a renewable energy build out in Nevada?
- From a Tribal perspective, are there lands that should be off limits/lands that are okay?
- Without asking for specific locations, how can we best work with the Tribes to understand what those resource concerns are so it can be part of the discussion from the beginning?
- What can be done in terms of improved collaboration?
- We are concerned with an equitable build out scenario
- Are energy needs for Tribal communities being met?
- What are your thoughts on carbon capture and storage technologies?

Listening Sessions with Tribes

- Visit each Tribe in Nevada.
- Host Listening session – 2 hours
- We will travel to you to listen
- Tribal Council, administrative staff, and interested community members
- Honorarium to honor your time
- Asking for your help to set up listening sessions

Thank You!

Jaina Moan, External Affairs Director and Climate Change Lead

Jaina.moan@tnc.org

Peter Gower, Strategy Director for Energy, Infrastructure, and Land Use

Peter.gower@tnc.org



nature.org/nevada



WATER RESILIENCE - INDIGENOUS PERSPECTIVES

Authors: Brian McGreal and Susanna Eden
with Taylor McHugh
Layout: John Polle
Executive Publisher: Sharon B. Megdal
Cover Photo: David DeJong, MAR 5 site,
Gila River Indian Community

INTRODUCTION

The water resilience of Native peoples to climate and other exogenous shocks has depended largely on the perseverance of the Native Tribes themselves and will depend increasingly on their own intentions and agency. The University of Arizona Water Resources Research Center's 2021 Annual Conference, *Tribal Water Resilience in a Changing Environment*, provided a platform for Native American participants to present and discuss their experiences, knowledge, and visions of water resilience. This *Arroyo* draws extensively on their words.

The history of relations between Native Americans and European settlers in North America has been fraught with tension and conflict. For centuries, colonial powers forcefully asserted control over North American Native people and their lands. This power dynamic led to the existence of a "dominant culture" that has continued

to disparage Tribal approaches and practices. Although some rights were secured by Native Tribes both by treaty and through federal court decisions, these rights were repeatedly violated as non-Native Americans pushed westward across what is now the United States. Rights to water were among the many disregarded by settlers, who frequently diverted water away from Tribal lands to support their own agriculture, mining, and growing municipalities. These often-sacred waters represent a vital aspect of Tribal identity and are fundamentally associated with many ancestral traditions and customs.

In the late 19th and early 20th centuries, some redress of Native American grievances regarding treaty rights was accomplished through legal action. A major change in the development of Indian law occurred in the 1970s, as a wave of Native attorneys emerged from law schools in the West, determined to advocate for the rights of their people. Notable among them was Rodney "Rod" Blaine



COLLEGE OF AGRICULTURE & LIFE SCIENCES
COOPERATIVE EXTENSION

**WATER RESOURCES
RESEARCH CENTER**

The *Arroyo* is published by the Water Resources Research Center
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Lewis, an Akimel O’odham (Pima) from the Gila River Indian Community (GRIC) in Arizona, who was a dedicated and tenacious Tribal lawyer. His efforts for GRIC culminated in the 2004 Arizona Water Settlements Act, by which GRIC’s legal rights to water were recognized and quantified. Today, due in large part to the work of champions like Lewis, many of Arizona’s 22 federally recognized Tribes find themselves able not only to provide for the water needs of their people, but also to affect water policy statewide and throughout the Colorado River Basin.

Despite the hard-fought legal victories of Native American activists over the last half century, Native people continue to face many water-related challenges. The Southwest, an arid region, is becoming hotter and drier due to climate change, placing enormous strain on water supplies for Arizona and neighboring states. Despite the development of water infrastructure on some Tribal lands, many Native Americans live without access to running water, an issue highlighted by the severity of the COVID-19 pandemic on the Navajo Nation. Native American leaders of today and tomorrow will have to deal with these water challenges, but they are aided in this task by their heritage and culture, their deep connections to their lands, and the progress made by those who came before them.

Much of the information and many of the quotations contained on the following pages are drawn directly from presentations given by Native American participants at the WRRC’s 2021 Annual Conference. This *Arroyo* would not have been possible without these presenters and the perspectives and experiences they shared. Full video recordings of each of their presentations are available on the Water Resources Research Center website.

IDENTITY AND RESILIENCE: LINKED CONCEPTS

Identity

Where do we find our identity? This is a complicated question for people throughout the world, and especially so for Indigenous peoples living alongside a predominant culture different from their own. Deep connections to family, traditions, places, and beliefs foster a strong sense of identity among many Native Americans today. Indigenous identity is defined most prominently through an awareness of and connection to



Rod Lewis

Few people get the opportunity to change the lives of an entire community for the better. Even fewer possess the talent and determination necessary to seize that opportunity and turn it into reality. Rodney “Rod” B. Lewis, to whom the WRRC’s 2021 conference was dedicated, was one such person. Rod Lewis was born into the Gila River Indian Community (GRIC), the son of Sallie and Roe Lewis of the Pima Indian Tribe. Growing up, he and his brothers John and Robert were accustomed to families in the community hauling water for their daily needs by horse and wagon. His father, a farmer and pastor, would pray during droughts as crops withered in the fields due to lack of water from their traditional water source—the Gila River. All this impressed on Lewis the importance of water and agriculture on Tribal lands, and from an early age he was always eager to listen to the advice of Tribal elders. After serving in the U.S. Army, he began to study at the University of California - Los Angeles, one of the few schools in the country to offer courses on Indian law. Advocating for treaty rights and Tribal sovereignty required expertise, and hiring outside attorneys was often prohibitively expensive for Native communities. Lewis was part of a cohort of Tribal attorneys graduating from law school in the early 1970s who were able to provide legal counsel to Native communities. He served as GRIC’s general counsel beginning in 1978 and continued to work for the community throughout his life. In his career, he also represented the Tohono O’odham Nation and other Native communities in Arizona. He was a founding member of the Native American Rights Fund, a legal defense association designed to relieve the financial burden on Native communities in need of legal representation. In 1980, he became the first Native American to successfully argue a case before the U.S. Supreme Court. The crowning achievement of his career was securing billions of gallons of water for Arizona Tribes through the 2004 Arizona Water Settlements Act. This settlement, decades in the making, restored to GRIC the water the community needed to continue their traditional ways of life.

As a student of history, Rod Lewis understood that the experiences of previous generations would help justify and strengthen his case regarding Native water rights. He believed that moving forward to meet future obstacles required maintaining a connection to the past. Purpose driven and disciplined, he saw his work as part of an ongoing struggle to care for his community and lands. His daughter Katherine Lewis recalled that, after the passage of the 2004 Arizona Water Settlements Act, he did not take a break from his work but continued to advocate for GRIC and other Native communities. His son, GRIC Governor Stephen Roe Lewis, remembered his father would say, “It’s eternal vigilance: when you watch over your natural resources, your water, you are caretakers, you are stewards of this.”

Rod Lewis practiced this stewardship not only in his work, but also in his mentorship of other Tribal attorneys. He believed in being rooted in a community and recognized the influence his work had on younger generations of Native American legal professionals. He also hoped that through his work, GRIC might become a model for other Native governments to invest in their own people and create their own pathways forward. Because he saw that true water resilience is found at the intersection of law, policy, science, engineering, and tradition, he believed educating young people in those disciplines and in their history of water stewardship would ensure Tribal water resilience. Rod Lewis died in 2018 at the age of 77. Today, his legacy lives on in those who knew and worked with him, in those whose lives were touched by his work, and in the waters that flow through the Gila River Indian Community.

<https://wrrc.arizona.edu/dedicated-legacy-rodneylewis>

belief systems and cultural practices that have existed for millennia. These beliefs and practices vary among different groups with distinct ways of life but are linked by historic connections. Karletta Chief, a University of Arizona associate professor and member of the Navajo Nation, cited the example of creation stories that situate humans among the youngest members of creation to explain why humans were not given specific wisdom about the world and therefore are obliged to learn from other creatures and things.

For many Native peoples in the arid Southwest, the sense of an identity born out of shared history and customs is inextricably linked to the lands and waters of their homelands. Chairwoman Gwendena Lee-Gatewood of the White Mountain Apache Tribe summarized the relationship between water and Indigenous identity: “Water is the giver of life.” Other Tribal leaders and academics echoed this sentiment, describing water, personhood, and traditional ways of life, not as separate ideas, but as one and the same.

This profound identification with lands and waters is deeply felt when these things are degraded. Brian Golding, Sr., Quechan Economic Development Administration Director, described what happened when levee systems constructed on the Colorado severed the community's connection to the river. “We turned our back on the river, leaving it to invasive species and social deterioration.” Degradation of their physical and spiritual resources destabilizes Tribal economic security and inflicts cultural wounds, especially when Indigenous groups lack capacity to reverse the harms to their communities. Tribal Chairman Timothy Williams reflected that, as fishers, the Fort Mojave Indian Tribe had been in tune with the ecosystem before Hoover Dam was constructed. Although they were not farmers, tribal members had to build farming capacity to survive. The Tribe “may never recover from the devastation caused by the dam, but we are a resilient people.”



The Ak-Chin Have Been Farmers for Generations. Historical Photo Source: Ak-Chin Indian Community/Ak-Chin-Dak Eco-Museum

The Law of the River

Death is not the end
it is reaching the river
and reclaiming it.

It is becoming the river.
This is the Law of the River.

I have reached my river now
and I have reclaimed it for all eternity.

I am the river now
and the river is me.
This is the Law of the River.

But my journey to the river was always for you
and I have reclaimed it just for you.

And when you reach your river
you will find me there waiting for you.

And together we will become the river
and the river will be all of us together.

This is the Law of the River.

I have lived the Law of the River
with the river as my guide.

I am the river now
and the river is me.

This is the Law of the River.

by Willardene Lewis

Climate researcher Nikki Tulley spoke of how her grandmothers hauled water by wagon, made offerings and prayers with the water, and taught her the language of the land on the Navajo Nation. Living in a home without running water early in her life instilled in her the value of water as “the giver of life” entwined in her identity and her resilience since she was a child. Her grandmothers taught her that “everything has a purpose and a relationship to the overall ecosystem,” which she has continued to implement in her work and her studies.

Today, conceptions of identity among Indigenous peoples are also complicated by the need to function in both the predominant or mainstream cultural context and the traditional world. Navajo Nation President Jonathan Nez recognized that “our lens, our world view—that water is life—may be different from other world views.” This has meant, as Water Resources Specialist Jake Golden, a member of the Cherokee Nation, stated, “We must walk two paths: the mainstream path and the Native path.” As Native American communities work to exercise their sovereignty and bolster their water security in the face of climate change, a greater level of participation in the dominant culture is necessary. As Rod Lewis’ life and career demonstrate, walking the path between two worlds can lead to tremendous accomplishments.

Traditions often underscore the bond between a people and their lands. As these traditions are often rooted in specific lands that may have been home for countless generations, the identity and resilience of Native people are not only connected to their history,

but also to their lands and waters. Colorado River Indian Tribes Council Member Tommy Drennan spoke to the deep connections of river Tribes with the waters upon which their ways of life are founded: “Our people grew their crops on the banks of the river, lived off the animals and the bounty that were maintained by the river’s ecosystems. Our songs and stories are tied to the river, and our historical methodology of sustaining life and agriculture in an arid desert environment are preserved within them.”

On the Hopi Mesas, Michael Kotutwa Johnson’s practice of traditional Hopi dryland farming has linked him to his ancestors and their lands. These farming techniques evolved over millennia to preserve soil moisture as a response to arid conditions, allowing growers to continue to farm and find bounty in the same lands for countless generations.

In addition to applying their allotment of Colorado River water directly to domestic, commercial, or agricultural uses, the GRIC has elected to create a series of Managed Aquifer Recharge (MAR) projects where Central Arizona Project (CAP) water is used to replenish groundwater supplies. To support the community’s water needs, the projects pump stored water from rehabilitated wells. Additionally, the flagship project, MAR 5 (cover photo), saw Colorado River water delivered by CAP directly into the channel of the Gila River, creating an active riparian habitat and returning flowing water in this stretch of the river. Rod Lewis’ daughter Katherine Lewis described the impact of the restored Gila River flows on the community:

“With the opening of the MAR 5, those of you who happened to be there, you saw firsthand the resiliency of our people and the spiritual tie of the water to our people. We had community members who wanted to touch the water, feel the water, because they hadn’t seen it in so long, and they were so appreciative of having it back in such a beautiful environment. We are a river people, and it was a reawakening of ourselves as a river people, with this water being returned back to our community.”

Revitalization of the river has led to a new sense of identity among GRIC members that today’s Tribal leaders hope to continue to develop in future generations.

Resilience

Resilience is a multifaceted concept that expresses itself differently in each Native community. At its core, resilience refers to the ability of a person or community to continue to thrive during and after disruptive shocks. Percy Deal, Tó Nizhóní Ání board member, spoke of the role his parents and grandparents played in preparing him “for [a] life challenge, before it happens, during, and after. To be prepared for the unexpected. When it happens, how to handle it, how to resolve it, and understand why it happened.”

One academic conception of Tribal resilience, described by Karletta Chief, involves identifying factors that contribute to a household’s or community’s ability to respond positively to an exogenous disruption. Thus, from Tribal perspectives, resilience frequently includes carrying the culture and traditions of ancestors into the future.

Chief described her grandmother maintaining her livelihood when coal mining destroyed her land and contaminated its water. She spoke of her parents

Australian Aboriginal Scholarship on Resilience

“[Indigenous resilience] is the ability to have a common connection and belonging to one’s land, family and culture: therefore, identity. Resilience allows the pain and suffering caused from adversities to heal. It is the dreaming, where the past is brought to the present and the present and the past are taken to the future. Resilience is a strong spirit that confronts and conquers racism and oppression, strengthening the spirit. It is the ability to thrive not just survive in today’s dominant culture.”



Marion Kickett, an Aboriginal scholar and educator, conducts research on the resilience of Aboriginal Australians and seeks to understand why many Aboriginal people are unable to live in two cultures successfully. A Noongar leader from the Balrdong language group, Kickett was born in York, Western Australia, and grew up on the

York Aboriginal Reserve, impoverished but surrounded by extended family. She draws personal resilience from her family’s traditional lands, her family, her identity, her spirituality, her culture, and her education, as well as from the various adversities she has encountered throughout her life. Her work as director of the Centre for Aboriginal Studies at Curtin University Perth includes an effort to define resilience from an Aboriginal perspective and establish links between Indigenous resilience with physical and mental health. Her definition is useful in considering the role resilience plays among colonized Indigenous cultures worldwide. From conversational group interviews with Aboriginal people across Australia, a method rooted in the oral traditions of Indigenous Australians, she drew out a definition of Indigenous resilience as a continuous process through which one’s sense of culture and identity is cultivated based on positive factors, while negative factors such as anger, oppression, shame, and racism are let go.

maintaining their language and culture despite being taken from their homes and made to attend American Indian boarding schools thousands of miles away. Throughout these hardships, Chief’s family preserved their traditions and passed them on to her. She attributed their resilience to the connection they had with their ancestors, echoing Marion Kickett’s conclusion (see sidebar) that the adversities faced by colonized



COVID-19 Spotlighted the Failures of Water Infrastructure on the Navajo Nation. Source: Crystal Tulley-Cordova <https://wrrc.arizona.edu/sites/wrrc.arizona.edu/files/pdfs/Crystal-Tulley-Cordova-WRRC-2021-Conference.pdf>

Indigenous peoples further strengthen their sense of resilience.

While anecdotes paint a picture of the foundational elements of Tribal resilience, a body of academic work led by Native researchers is helping to define Indigenous resilience. Chief identifies five categories of factors that contribute to Tribal resilience at the household, community, or Native Nation levels: socioeconomic, political, infrastructural, environmental, and spiritual/cultural. The impact of an exogenous shock to an Indigenous community depends on how robustly supportive factors in these categories are established. The recent outbreak of COVID-19 on the Navajo Nation provides an example in which the lack of developed water delivery infrastructure adversely impacted the ability to respond to the pandemic in the short term. The effects of and responses to COVID-19 on the Navajo Nation highlight the urgent need to develop the resilience factors that equip Indigenous peoples to navigate future adversities.

WATER RIGHTS AND SETTLEMENTS

The progress in establishing legally defined Tribal water rights, represented by the 2004 Arizona Water Settlements Act, did not occur in a vacuum. It resulted not only from the tremendous work and dedication of Rod Lewis and others, but also from significant legal precedent and water settlements dating back to the early 20th century. The Constitution of the United States authorizes the President to enter into treaties with the advice and consent of the Senate; and these treaties, along with congressional legislation and executive orders, recognize Tribes' rights within the U.S. legal system. Treaties are grants of rights from tribes, with concomitant reservations of rights - to land, water, and resources like hunting and fishing - by tribes. Treaties

and the establishment of Tribal reservations provided the legal structure from which various court cases involving federally recognized tribes, and the decrees, settlements, and congressional actions resulting from them, have been possible.

Legal precedent continues to play a crucial role in advancing equitable solutions to Tribal complaints. Because of the influence of this legal history on current issues, they are worth exploring at length.

Two significant early cases were *U.S. v. Winans* (*Winans*, 1905) and *Winters v. U.S.* (*Winters*, 1908). *Winans* focused on fishing rights and *Winters* focused on water rights. Together, these cases created precedent that the reservation of Tribal lands implied the reservation of associated rights. *Winans* involved lands along the Columbia River ceded in a treaty by the Yakima Nation, which retained rights to use of the lands. The court's ruling, as articulated by Heather Whiteman Runs Him, director of the Tribal Justice Clinic at the University of Arizona James E. Rogers College of Law, "established the principle that a treaty is not a grant of rights to the Indians, but a grant of rights from them," and Tribes retain all rights not otherwise specifically enumerated in the treaty. This ruling provided foundational support for what would come to be known as the Reserved Rights Doctrine, which has been used since to assert federal and Tribal reserved rights to water.

Winters dealt with a dispute that arose over "non-Indian water" diversions occurring upstream of the Fort Belknap Reservation in Montana. The reservation had been established by a treaty that did not specifically enumerate water rights. The Supreme Court's ruling noted a "conflict of interpretation" and determined that terms of treaties are to be construed in the way the "Indians" would have understood them. This ruling established the *Winters* Doctrine, which fixed the priority date of Tribal water rights as the date a reservation was established, making them almost always the oldest (most senior) water rights in western basins.

Arizona v. California further developed the *Winters* Doctrine decades later (1963). In that case, the U.S. Supreme Court rejected the idea that Tribes must have signed a formal treaty with the United States to have a water right. The court found that the nature of reserved rights was consistent across reservations, even if they were established by agreement or executive order after the United States had ceased making treaties with Tribes.

Arizona v. California is also notable for articulating the "practically irrigable acreage" (PIA) standard as a metric for quantifying Tribal water rights on the assumption that Native people would be farmers. Thus, it should be unsurprising that Native producers make up 60 percent of the agricultural producers and manage 80 percent of the farmland in Arizona. The PIA standard was modified through a later reinterpretation of *Winters* described below.

STATUS OF TRIBAL WATER RIGHTS IN ARIZONA

SETTLED OR DECREED

- Cocopah Indian Tribe (AZ v. CA, 1963)*
- Colorado River Indian Tribe (AZ v. CA, 1963)*
- Fort Mohave Indian Tribe (AZ v. CA, 1963)*
- Quechan Indian Tribe (AZ v. CA, 1963)*
- Ak-Chin Indian Community (1978/1984)
- Salt River Pima-Maricopa Indian Community (1988)
- Fort McDowell Yavapai Nation (1990)
- Yavapai-Prescott Indian Tribe (1994)
- Pueblo of Zuni (2003)
- Gila River Indian Community (2004)
- White Mountain Apache Tribe (2010)

NOT YET FULLY SETTLED OR DECREED

- Navajo Nation (Partial, 2005, 2020) (LCR Adj.)
- Hopi Tribe (LCR Adj.)
- San Juan Southern Paiute Tribe (LCR Adj.)
- Pascua Yaqui Tribe (Gila Adj.)
- San Carlos Apache Tribe (Partial, 1992) (Gila Adj.)
- Tohono O'odham Nation (Partial, 2004) (Gila Adj.)
- Tonto Apache Tribe (Gila Adj.)
- Yavapai-Apache Nation (Gila Adj.)
- Havasupai Tribe (Gila Adj.)
- Hualapai Tribe (Partial, 2014)
- Kaibab Band of Paiute Indians

*Refinements and adjustments to AZ v. CA were made in 1964, 1966, 1979, 1983, 1984, 2000, 2006

Gila Adj: Gila River Adjudication

LCR Adj: Little Colorado River Adjudication

TABLE 1. Status of Tribal Water Rights in Arizona. Source: Modified from Robyn Interpreter
<https://wrrc.arizona.edu/sites/wrrc.arizona.edu/files/WRRC-Pre-Conference-Interpreter-8-13-21.pdf>

Another pivotal Tribal water rights case, *The Confederated Tribes of Colville Reservation v. Walton* (Walton, 1981), centered on establishing the priority date for the water rights of individual Tribal members. The case applied the 1952 McCarran Amendment, congressional legislation that allowed the U.S. to be made subject to the jurisdiction of state courts, including for the adjudication of Tribal water rights. This ensured that, if a stream adjudication was already underway in state court, a federal court would not later step in to adjudicate on its own. In *Walton*, the state court recognized that the water rights of individual allottees (Tribal members who had been allotted water from the Tribe's water right) have the same priority date as the Tribe's water right.

Two major water rights adjudications, the Little Colorado River and the Gila River respectively, began in the 1970s, with the goal of quantifying the rights to use appropriable water from these two rivers and their tributaries. These cases include federal claims for water for Tribal reservations along with claims of many non-Native water users. These adjudications, which are ongoing, have included many decisions that affect Tribal water rights. During the adjudication of the Gila River and its tributaries, the court relied on the conclusion of Justice Joseph McKenna in the *Winters* case that the purpose of a federal American Indian reservation is to serve as a "permanent home and abiding place" for the people living there. Because reservations need water for domestic use, irrigation, Tribal development projects, other economic uses, and any traditional cultural practices and religious uses, water sufficient for these uses is reserved. In addition, the Gila River adjudication extended federal reserved water rights to some water that had been considered groundwater under state law.

This history of litigation, adjudication, negotiations, and congressional actions has had a tremendous impact on many Native communities that previously had experienced disputes and uncertainty over water entitlements. As a result of negotiation and adjudications, 14 Arizona Tribes have settled or decreed water rights. As of August 2021, 11 other Tribes are still working to secure quantified water rights (see Table 1).

One example of the effects that water settlements have on Native communities comes from Rod Lewis' own community. In accordance with the 2004 Arizona Water Settlements Act, GRIC holds the largest entitlement of Colorado River water delivered to any entity via the CAP canal. This entitlement has enabled GRIC to plan and implement a strategy for restoring the community's economic vitality and Gila River heritage.

When the promise of federal funding plays a role in reaching agreement, as is usually the case, water settlements and consequent congressional actions have two major stages. The first is the settlement itself, consisting of the agreement among the state, federal, and Tribal parties, as spelled out in legislation approved by Congress. The second is "appropriation" by Congress of the money the tribe requires to take possession and make use of the water. Congressional follow-through is often needed before a settlement can yield its promised resilience and long-term sustainability.

One example of this two-part process is the water rights history of the White Mountain Apache Tribe, whose lands are located on the major headwaters of the Salt River—a vital supply of water for agriculture and domestic use in and around the Phoenix Metropolitan area. Disputes over Salt River water continued throughout a century of conflict between the Tribe and downriver water users. Lacking resources for infrastructure to store

KEY LEGAL CASES FOR TRIBAL WATER LAW

| Case Name | Decision | Tribes | Key Conclusions |
|---|----------|---|--|
| U.S. v. Winans | 1905 | Yakima Nation | Tribes retain all rights not relinquished in the treaty |
| Winters v. U.S. | 1908 | Fort Belknap Reservation | Priority date of Tribal water right is date that reservation was established; treaties to be construed as the “Indians” would have understood them |
| Arizona v. California | 1963 | Various Colorado River Tribes | A signed a formal treaty with the U.S. not needed for Tribes to have a water right; “practicably irrigable acreage” (PIA) water right quantification standard |
| The Confederated Tribes of Colville Reservation v. Walton | 1981 | The Confederated Tribes of Colville Reservation | 1952 McCarran Amendment (1952) applied to adjudication of Tribal water rights in state courts; individual allottees with water rights have same priority date as Tribe |
| General Stream Adjudications of All Rights to Use Water in the Gila River System and the Little Colorado River System | Ongoing | Various Arizona Tribes | 1999: federal reserved water rights extended to some water considered groundwater under state law; 2001: “permanent homeland” standard reserves sufficient water for domestic use, irrigating arable lands, Tribal development projects, other economic uses, traditional cultural practices, and religious uses |

TABLE 2. Chronology of Significant Legal Decisions and Key Conclusions Relevant to Tribal Water Law. Source: WRRRC

and distribute water, the Tribe watched its water flow away. As the city of Phoenix grew, the White Mountain Apache faced water outages and declining water quality. In 2009, the Tribe entered into a Water Rights Quantification Agreement with nine cities in the Phoenix Metropolitan area, several major water stakeholders in the area, including irrigation districts, and the state of Arizona. This settlement agreement prompted the U.S. Congress to pass the 2010 White Mountain Apache Tribe Water Rights Quantification Act, which authorized, among other things, funding for the development and operation of a sophisticated water delivery network on the White Mountain Apache Reservation. Named the White Mountain Apache Rural Water System, this delivery network, when completed, will include a dam and accompanying storage reservoir, a pumping plant, water treatment facilities, and over 50 miles of pipeline for distribution. Without the 2010 settlement and subsequent congressional appropriations, none of this infrastructural development would have been within the Tribe’s financial capability. Now, for the first time, all communities on the Tribe’s lands will be provided with a secure supply of safe, clean drinking water, and there is hope that the system will provide additional commercial and recreational benefits. The water system is an essential step toward Tribal water resilience for the White Mountain Apache. In a future characterized by climate extremes and water variability, the 2010 settlement should ensure a long-term and reliable water supply for current and future generations.

PARTNERSHIPS

Across Arizona, partnerships among Native and non-Native entities have been essential to the achievement of water resilience goals. These

partnerships may take many forms, including cooperative agreements between Native communities, participation in Tribal organizations, and collaborations with both public and private non-Native entities. Expressing sentiments shared by other Tribal leaders, Navajo Nation President Nez emphasized that dealing with water issues requires collaborative efforts. The passage of the 2004 Arizona Water Settlements Act, the development of the White Mountain Apache Tribe’s water delivery infrastructure, and the establishment of the MAR 5 wetlands are three examples of achievements that would have been much more difficult, if not impossible, without strong partnerships.

Inter-Tribal partnerships play a crucial role in cultivating resilience and accomplishing community goals. For example, Tribes, including the Navajo Nation and Colorado River Indian Tribes (CRIT), aided the Hopi when flooding created a state of emergency on the reservation. The Native American Rights Fund (NARF) is another example of inter-Tribal partnerships. NARF was founded in 1970 to provide legal expertise and support to Tribes, Native organizations, and individuals who might otherwise have been unable to afford adequate assistance or representation. The organization formed and governed by members of various tribes, has successfully represented the interests of Native American communities in hundreds of major cases.

John Echohawk, a NARF founder and contemporary of Rod Lewis, knew water rights would be among the principal legal issues faced by Native communities throughout the country. The establishment of NARF ushered in numerous successful suits upholding treaty rights that had been suppressed or ignored. Since its foundation, NARF has provided legal support for more than 275 Native groups and contributed to the

development of influential Indian law principles and precedents.

In addition, instances of successful partnerships between Native communities and non-Native entities are plentiful. A well-known example concerns the COVID-19 pandemic, when the Navajo Nation worked closely with



Integrating Drip Irrigation Technology into CRIT Irrigation Practices is Increasing Water Use Efficiency. Source: Joshua Moore <https://wrrc.arizona.edu/sites/wrrc.arizona.edu/files/pdfs/Joshua-Moore-WRRC-2021-Conference.pdf>

multiple non-Native entities to build 59 transitional water points to serve communities at greatest risk of viral infection because they lacked access to running water for sanitation. These partners included the U.S. Department of Health and Human Services, the University of Arizona, and Johns Hopkins University, among others. The Navajo Nation also has worked with the U.S. Geological Survey for years to monitor and describe aquifers on Tribal lands. In La Paz County, CRIT partners with CAP, the University of Arizona, and the micro-irrigation company N-Drip to develop practices that will improve irrigation water efficiency. The partnership with N-Drip has involved CRIT farmers in the development of new knowledge about irrigation water efficiency, which in turn is expected to ease the transition away from flood-based irrigation.

In addition, common Native and non-Native goals can be achieved through partnerships. GRIC and CRIT are currently working with the U.S. Bureau of Reclamation, CAP, and the Arizona Department of Water Resources (ADWR) under Arizona's implementation plan for the Colorado River Basin Drought Contingency Plan (DCP) to actively conserve and store water in Lake Mead, reducing the probability of severe shortage. GRIC also is partnering with the Salt River Project on a program of aquifer storage to create water credits for those developers and water providers who must show ADWR they have rights to a sufficient quantity of water for planned growth.

A SEAT AT THE TABLE

Until recently, Native peoples were not routinely invited to participate in high-level discussions involving water issues in Arizona. During the drafting of the 2007 Colorado River Interim Guidelines for Lower Basin Shortages, later augmented by the DCP, Native tribes were not among the agencies and organizations invited to the negotiating table. Instead, the Bureau of Indian Affairs acted as liaison with Tribes that held claims to Colorado River water. In the 15 years since, Tribal involvement has increased in developing solutions to the myriad water problems faced by western states.

Contributing to Policy Solutions

As conflicts between Native tribes and non-Native water users have given way to negotiations or adjudications, Tribes throughout the region with secure quantified water rights have become essential participants in policy discussions.

Tribal Sovereignty

Tribal sovereignty is a critical concept that many people outside of Tribal communities do not understand. Tribes have a right to self-determination, and it is through their inherent sovereignty that they enjoy this right. Tribal sovereignty underpins the capacity to take actions that further community values. It empowers Tribes to decide what is important to them and then design and implement action plans based on those decisions. Hopi Tribe member Carrie Joseph described Tribal sovereignty as the ability to practice and continue to express “who we are as Hopi people” without interruption and without interference from external policies.

Tribal sovereignty is interpreted not only as a right, but also as an obligation. Fort Mojave Indian Tribe Chairman Timothy Williams expressed the generally shared conviction that, as sovereign Tribes, “we have to take care of our own with our own.”

The history of Tribal sovereignty in the United States is contentious. Although Tribal sovereignty is implicit in the U.S. Constitution, in practice Tribes often have found themselves unable to actualize their sovereign rights. The conflict between Tribes' right to self-determination and restrictive federal and state legislation has existed since the founding of the United States. Over time, mistrust has characterized relations between Indigenous populations and the populations that displaced them.

Efforts continue to define statutory and regulatory jurisdiction on issues relating to the land and people of sovereign Tribes. For example, tribes are challenging rules found in some congressionally enacted water settlements that impose restrictions on off-reservation use of Tribal water. Efforts, like these, to remove restrictions on Tribal sovereignty are playing out through litigation and negotiation, as well as through the legislative process. In fact, the quickest way to remove some water use restrictions may be through convincing lawmakers to change the law.

An example of the shift toward Tribal inclusion in policy planning occurred in 2014, when Reclamation initiated a collaboration with the Ten Tribes Partnership, a coalition of Upper and Lower Colorado River Basin Tribes, to produce the Colorado River Basin Ten Tribes Partnership Tribal Water Study. The goal of the study was to learn the perspectives and positions of each of the ten partner Tribes as a vital followup to Reclamation's 2012 report on Colorado River water demand and supply, which lacked Tribal participation. Reclamation Commissioner Camille Calimlim Touton described honoring Tribal relationships as "paramount to the mission of the Bureau of Reclamation." The 2009 Water Rights Quantification Agreement between the White Mountain Apache Tribe and various stakeholders in the Phoenix Metropolitan area put an end to over a century of dispute over water and paved the way for funding and constructing essential infrastructure on the White Mountain Apache Reservation.

The presence of representatives from CRIT, GRIC, and the Tohono O'odham Nation during the drafting of the DCP was a major step toward ensuring Arizona Tribes have a seat at the negotiating table. During the DCP negotiations, both GRIC and CRIT worked toward acceptable solutions with government agencies, farm associations, water and energy organizations, business advocacy groups, and irrigation districts from across the Southwest. While these negotiations were not always harmonious, they resulted in a robust framework for dealing with ongoing drought in the Colorado River's Lower Basin. In total, the basin-wide Colorado River agreement included Mexico, all seven Colorado River Basin states, and Reclamation. Of the negotiations, then-Arizona Senator Martha McSally said, "It has never been more important for Tribal, state, and other stakeholders to work together to address shared challenges—like protecting the water supply for millions of people. The DCP agreement serves as an example of the progress that can be made when stakeholders come together to tackle critical issues."

Speaking to the importance of Tribal representation in high-level discussions concerning the Colorado River, CRIT Tribal Council Chairwoman Amelia Flores remarked, "We must remain active and vocal for what we want for our people and for the life of the river." Arizona Native people are keenly aware that, despite recent strides, maintaining their position as equal negotiating partners will require continued assertion of their voices and their rights. For example, Flores maintained that saving the life of the Colorado River requires direct and immediate action. It is only through maintaining a seat at the table that CRIT will be able to secure federal legislation to overcome restrictions on rights to develop and protect environmental resources on its lands. GRIC Governor Stephen Roe Lewis amplified Flores' sentiment when he stated it is necessary to have Native Americans



U.S. Bureau of Reclamation Commissioner Camille Calimlim Touton Speaking at the WRRRC 2021 Annual Conference. Source: WRRRC

involved in every aspect of local, state, and federal policymaking and governance.

Integrating Traditional Knowledge

As climate change strains already overallocated western water supplies, Tribes may hold the keys to regional water sustainability. Around the world, Indigenous peoples make up less than 5 percent of the world population and protect 80 percent of global biodiversity on a mere 25 percent of the planet's land. These pockets of biodiversity can be protected by creating conditions in which Indigenous cultures can survive. Hopi farmer Johnson, who holds a Ph.D. from the University of Arizona, said, "We need to listen to [Indigenous people]. The dominant culture has been trying this and that, but without the help of Indigenous people, I don't know if they'll ever be able to solve some of these environmental problems." The cultures that have supported this biodiversity for millennia have much to teach dominant cultures around the world, but they can only do so if their voices are heard.

Water hauler and former Navajo County Supervisor Percy Deal echoed these sentiments, "Having Native Americans consistently at the table will help everyone come together to overcome these [water] issues."

NARF Executive Director John Echohawk said tribes will be involved in addressing the crisis caused by climate change. Describing his father's thoughts, Rod Lewis' son John B. Lewis underscored the fact that "climate change is real and climate action is necessary on the part of Tribes and Tribal communities." Tribal reservations are usually remote and without commercial development, making them particularly vulnerable to climate shocks such as drought and flooding. Native American communities will always be among the first to be adversely impacted by global climate change. Selso Villegas, executive director of water resources for the Tohono O'odham Nation, said of Mother Earth, "We are giving our mother a fever," and we owe her better care. Only through maintaining the ability to advocate for themselves and the environment can Native Americans integrate their vital contributions

into efforts to mitigate the adverse impacts of climate change.

VISION – HOPES, WARNINGS, AND EXHORTATIONS

After all that has come before, what comes next? The answer depends on the extent to which Tribal sovereignty governs the development of plans and actions, the amount by which partnerships among Native communities and between these communities and non-Native groups can contribute to advancing shared goals, and the degree to which a plurality of pathways to resilience are encouraged. While Arizona Tribes have made tremendous strides in the last 50 year in terms of self-determination, water resilience, and participation in policymaking, they continue to face immense water challenges.

These challenges are driven chiefly by a lack of essential services on Tribal lands and are exacerbated by a changing climate. Drought is the most apparent — but not the only—climate-related water difficulty threatening Native communities in the arid Southwest. As mentioned earlier, the Hopi Reservation experienced extensive flooding in 2021, leading Chairman Timothy Nuvangyaoma to declare a state of emergency. The incidence of intense and damaging flood events is likely to increase in the future as weather patterns become more erratic. In the coming decades it will fall to succeeding generations to continue the work of those who came before them: building water resiliency and carrying on the traditions of their ancestors.



Hopi Farmer Shares His Knowledge with the Next Generation. Source: Michael Kotutwa Johnson <https://wrrc.arizona.edu/sites/wrrc.arizona.edu/files/pdfs/Michael-Kotutwa-Johnson-WRRC-2021-Conference.pdf>

Blessings for Water

by Ofelia Zepeda

I've imagined the Gila River as it ran through the desert with all its bounty
Where today the children say they can hear the river running
I've touched the waters of the White River in eastern Arizona
And I have put my foot in the slow currents of the San Pedro
I have ridden the waves of the Colorado and rested on its flows
Paying homage to the deities and spirits that call the canyons home
I've seen the Rio Grande run rapids in the north and meander through the flats of southern New Mexico, where whooping cranes rest on their way home
I've lived in a place called Red River where there was no river, but was named for a movie
I live near the Rillito River, a river named twice, a river that can flow with the best during rainy winters and rich summer monsoons
A dry riverbed most of the year, harboring the homeless and those alone
As for large bodies of water, we must pray at their feet and give gifts
I have done so and record them here to be witnessed
I have offered blessings at the Pacific Ocean in San Diego, Los Angeles, La Jolla, and Ventura Beach, surrounded by vacationers and dogs chasing frisbees
I've offered a prayer at a dry, hot desert beach at the Gulf of California, with only Mexican fisherman caring for their nets as my alibi
I've humbled myself on the black beaches of Hawai'i, twice on the beach at Waikiki, oblivious to bronze bodies and surfers who would testify
I've offered blessings only once at the Atlantic Ocean, at Martha's Vineyard, with a woman who shook a language from sleep as my witness

A related concern is diminished flow in the Colorado and other rivers in Arizona. While their senior rights to water have placed some Tribes in a position to assume statewide leadership roles in developing water policy, Native leaders suspect that non-Native entities will eye their water as Arizona's supply diminishes. Native communities also face many challenges resulting from centuries of political and economic disenfranchisement. Many Tribes' water rights have yet to be adjudicated or settled and many Native Americans still live in homes with no access to running water, a public health threat underscored by the COVID-19 pandemic.

Looking ahead, today's Tribal leaders, like Rod Lewis before them, understand that teaching younger generations the importance of water is crucial to building a water-resilient future. Native leaders are interested in formalizing mentorships between community members with expertise in fields like law, policymaking, and water engineering and young Tribal members just beginning to assume their roles in the community. John Lewis emphasized the importance of mentorships, saying it is "always in our best interest to create positions and support our own people. That will be how we get things done."

Modeling the resiliency of their elders and their land can empower young Tribal members to learn about and protect their natural resources and build Tribal knowledge and capacity for the future. Katherine Lewis, echoing the sentiments of her father and brother, emphasized the importance of showing the younger generations what is possible by recognizing and modeling the dedication and purpose of older generations. Jesse Navarro, a specialist in government affairs for the Tohono O'odham Nation, said, "We need to pray for our strengths, the water, the safety, and the health of our people. We need the younger generation to get educated and to understand the sacred element of water. We need to advocate for the rights of water."

Possession of legally robust, quantified, and extremely senior water rights have put Tribes in a position to shape water policy in Arizona and throughout the West for decades to come. In addition to the central policy position given by their settled and decreed water rights, Native communities have seen a shift in recent years to greater mainstream acceptance of Native ways and greater attention to Native voices in mainstream culture. The next generation of Native leaders may well find their impact extending far beyond the borders of their communities and exercising substantial influence over dominant cultural attitudes toward water management. Navajo leader Percy Deal, retelling his father's story, said, "The Creator, after making Mother Earth, [gave] instructions to Diné telling them ... always remember you do not own the land... The land belongs to the Creator. You are only a steward... Should you not follow these instructions, there will be consequences." These include drought, water shortages, wildfires, climate changes, and coronavirus, Deal added. Many people outside of Native communities now seem prepared to learn those lessons.

Today, new forms of Tribal resilience are created through the reconciliation of Native knowledge and

spirituality with science. Governor Lewis said, "The community believes that the only way to address difficult issues like drought is through innovation." A new generation of Native American professionals is well placed to innovate water management. Just as Rod Lewis had hoped, a growing number of these young professionals in the fields of law, water policy, natural resources management, and engineering are beginning to integrate Indigenous perspectives with these disciplines. When calling upon younger generations to retain Tribal seats at crucial negotiating tables, Echohawk said the time has come for Native Americans to "get educated and be ready to deal with these issues at the legal and technological level." He continued, "Tribes will need them. We need all the help we can get. Our people are well-equipped to [deal with these issues] if they get that education, because they will be crucial to our future in the West."

Chairwoman Gwendena Lee-Gatewood of the White Mountain Apache Tribe said, "We owe it to [children] to guide, protect, and nurture them to be sure that this next generation is strong and will care for the resources that we have. Our Creator then also will bless us

for teaching his children, and life goes on as we know it."

For Arizona's Tribes, the future looks both promising and challenging. To navigate through conditions that reflect a lingering legacy of colonialism and worsening climate change will take vision and persistence. Fortunately, in recent decades, Native peoples have had cause for optimism. By maintaining strong connections to history, tradition, and culture; by encouraging the professional development of their young people; and by continuing to advocate for their rights, Arizona's Native communities will prevail in the face of current and future challenges and contribute to water resilience for all.



A Hopeful Sign Posted on the Navajo Nation. Source: Percy Deal <https://wrrc.arizona.edu/sites/wrrc.arizona.edu/files/pdfs/Percy-Deal-WRRC-2021-Conference.pdf>

Acronyms

ADWR: Arizona Department of Water Resources.

CAP: Central Arizona Project, which operates the canal bringing Colorado River water to Central Arizona.

CRIT: Colorado River Indian Tribes, including the Mohave, Chemehuevi, Hopi, and Navajo Tribes.

DCP: Drought Contingency Plan, an agreement among the seven Colorado River Basin states and the U.S. Bureau of Reclamation attempting to forestall catastrophic declines in reservoir levels at Lake Powell and Lake Mead.

GRIC: Gila River Indian Community, including the Akimel O'odham (Pima) and the Pee-Posh (Maricopa) Tribes.

MAR: Managed Aquifer Recharge, projects that replenish groundwater.

NARF: Native American Rights Fund, a Tribal organization that provides legal expertise and support to Tribes and Native organizations and individuals.

Reclamation: U.S. Bureau of Reclamation, the federal agency that owns and operates the Colorado River storage and distribution system.



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Land Acknowledgement

We respectfully acknowledge the University of Arizona is on the land and territories of Indigenous peoples. Today, Arizona is home to 22 federally recognized tribes, with Tucson being home to the O'odham and the Yaqui. Committed to diversity and inclusion, the University strives to build sustainable relationships with sovereign Native Nations and Indigenous communities through education offerings, partnerships, and community service.

About the Authors

Brian McGreal graduated in December 2021 with a MS in applied econometrics and policy analysis from the University of Arizona Department of Agricultural and Resource Economics. He will pursue a Ph.D. in applied economics at Oregon State University beginning in fall 2022. Since 1988, Susanna Eden has held various positions at the university's Water Resources Research Center, including 10 years as assistant director. She holds a Ph.D. from the UArizona Department of Hydrology and Water Resources (now Hydrology and Atmospheric Sciences). Taylor McHugh is a Coverdell Fellow and UArizona graduate student in landscape architecture.

Acknowledgements

Production of this Arroyo was funded in part by the UArizona Agnese Nelms Haury Program in Environment and Social Justice and Southern Arizona Water Users Association.

The WRRC thanks the Advisors to the WRRC Indigenous Water Dialogues Initiatives: Philbert Bailey, Kevin Black, Darrah Blackwater, Karletta Chief, Maria Dadgar, Percy Deal, David DeJong, Leonard Drago, Levi Esquerra, Sen. Rosanna Gabaldón, Gary Gold, Jake Golden, Robyn Interpreter, Lawrence Marquez, Susan Montgomery, Katosha Nakai, Nancy Petersen, Jay Tomkus, Rebecca Tsosie, Nikki Tulley, Crystal Tulley-Cordova, Margaret Vick, Daryl Vigil, Althea Walker, Dave Wegner, Jay Weiner, Chairman Timothy Williams

The authors thank the following reviewers for their comments and suggestions on this Arroyo. Any errors or misstatements are the authors' and cannot be attributed to these conscientious reviewers: Karletta Chief, Percy Deal, David DeJong, Tommy Drennan, John Echohawk, Jake Golden, Brian Golding, Robyn Interpreter, Valerisa Joe-Gaddy, Michael Kotutwa Johnson, Willardene Lewis, John Blaine Lewis, Katherine Lewis, Leslie Meyers, Jesse Navarro, Nikki Tulley, Crystal Tulley-Cordova, Dave Wegner, Jay Weiner

Suggested citation: McGreal, Brian and Susanna Eden, with Taylor McHugh. "Water Resilience - Indigenous Perspectives." *Arroyo*. Tucson, AZ: University of Arizona Water Resources Research Center, 2022. <https://wrrc.arizona.edu/arroyo-2022>

BY-LAWS OF THE
INDIAN EDUCATION ADVISORY COMMITTEE
FOR THE NEVADA INDIAN COMMISSION

INTRODUCTION

The Nevada Indian Commission, pursuant to NRS 233A.100, Powers of Commission, is authorized to appoint advisory committees whenever necessary or appropriate to assist and advise the Commission in the performance of its duties and responsibilities. At a meeting duly held on June 20, 2001, the Commission authorized the formation of an advisory committee on Indian Education.

Education for American Indian/Alaska Native (AI/AN) is defined as the continuum from early childhood through post-graduate education.

ARTICLE I. NAME

This organization shall be known as the Nevada Indian Education Advisory Committee. **"Committee" defined.** Unless the context otherwise requires, "committee" means the Nevada Indian Education Advisory Committee.

ARTICLE II. PURPOSE/GOALS AND OBJECTIVE

The purpose of the Committee is to advocate for AI/AN students and act as an advisory body to the Nevada Indian Commission. The Committee is to support, promote, and assure optimum educational inclusivity for AI/AN Students in Nevada.

The Committee will seek to:

1. Promote equity and inclusion to ensure all students including AI/AN are considered in the delivery of education.
2. Advocate, address, and act on issues on education for AI/AN at the tribal, local, state, and national levels.
3. Update a strategic plan every 3 years to align with the Nevada Department of Education's Statewide Plan for the Improvement of Pupils (STIP),

and the District Performance Plans and school site Continuous Improvement Plans (CIP).

ARTICLE III. MEMBERSHIP

Appointment of voting members

1. Members of the committee shall be selected from among residents, state agencies, tribes, tribal organizations, and communities both rural and urban who are familiar with the education of AI/AN students to ensure inclusive educational advancement and development of students.
2. Committee Member openings will be posted for 30 days. At the next posted commission meeting, all applications will be considered for voting members and non-voting members.
3. All members will need to fill out an *Official Appointment of Representative* form to the Indian Education Advisory Committee for review by Chair and NIC Executive Director to be forwarded to the IEAC. After approval by committee, the *Appointment of Representative* form will be sent to the Nevada Indian Commission for final approval and ratification during a quarterly meeting.
4. If a voting member is no longer available to fulfill their duties, a non-voting member will be considered to fill the voting member spot.
5. A non-voting member will go through the same process of voting membership.

CATEGORIES OF MEMBERSHIP.

The categories of membership shall be as follows:

1. **VOTING MEMBERSHIP.** Voting membership shall consist of the first nine people to apply for voting membership and approved by NIC.
2. **NON-VOTING MEMBERSHIP.** Non-voting members shall have the full rights and responsibilities of the voting membership apart from voting on committee issues.
3. **STUDENT MEMBERSHIP.** Students who are in college may apply to be a non-voting member.

Voting membership will be determined on out-going members. A deadline will be determined by the IEAC posted 30 days prior to exiting the position.

RULES OF MEMBERSHIP.

1. Each member serves a term of 2 years. A member may be re-appointed for additional terms of 2 years in the same manner as the original appointment.
2. A vacancy occurring in the membership of the Advisory Committee must be filled in the same manner as the original appointment. The committee, upon a majority vote, may recommend a member to fill a vacant position until the next regular scheduled meeting of the Nevada Indian Commission where an appointment will be made to fill the position for a two (2) year term.
3. The Advisory Committee may meet at least quarterly and may meet at such times and places as it considers necessary to carry out its purposes.
4. At its first meeting and annually thereafter, the advisory committee shall elect a chairman and vice-chairman from among its members.
5. The Executive Director of the Nevada Indian Commission serves as the Executive Director of the Committee, and that individual's administrative assistant serves as the Executive Secretary, both of which are ex-officio positions. Ex-officio members do not have voting privileges
6. QUORUM: A simple majority of five members of the nine voting members.
7. TRANSFERABILITY. Memberships shall not be transferable or re-assigned.
8. RESIGNATION. Any member may resign by filling a written notice of such intention with the Nevada Indian Commission.
9. ABSENCES: Any voting member absent, must notify the committee chair prior to the next scheduled meeting. Any voting member that misses three consecutive scheduled meetings, with no notice, will be removed as a voting member.
10. REMOVAL OF MEMBERS. Any member may be terminated for cause by the Nevada Indian Commission Board. Cause for removal will include, but not be limited to, falsely representing him/herself as an official of IEAC, willfully promoting false information about IEAC or deliberately provoking actions that would result in harm to the IEAC. The Chair shall notify, in writing, any member who has been removed for just cause. Any member so removed, may re-apply for admission in the same manner as an initial application for membership.

ARTICLE IV. OFFICERS

Officers of the Committee shall be voting members in good standing. The Officers shall be the Chair, Vice-Chair, and Secretary.

1. Officers of the Committee shall be members of the IEAC.
2. In the case of the Office of the Chair being declared vacant, the Vice-Chair shall assume the position of the Chair. If the Vice-Chair's seat becomes vacant at the same time as the Chair's vacancy, the remaining Officers of the IEAC will assume these positions in the following succession: Secretary. The new Chair will appoint a secretary to fill the vacated positions.
3. If any office of the Committee, other than the Chair, is declared vacant for any reason, the Board of the Nevada Indian Commission shall select IEAC members to fill the expired term.
4. Committee as a whole: The Committee serves as the Advisory Committee for the Nevada Indian Commission. The Committee provides support to promote and assure optimum educational inclusivity for AI/AN students in Nevada.
5. Nomination of officers: Only voting members can nominate new officers.
6. Voting for officers will take place at the first regular scheduled meeting of the year, typically in January.
7. Each officer serves a term of 2 years. An officer may be re-appointed for additional terms of 2 years in the same manner as the original appointment.

ARTICLE V. DUTIES OF OFFICERS

1. The Chair shall preside at all Committee meetings and any other meeting called by the Committee. The Chair or the Chair's designee shall be the official representative of the IEAC. The Chair shall not vote on issues, unless there is a tie vote, whereas the Chair must vote to break the tie.
2. The Chair will report to the Nevada Indian Commission Board at the Board's meetings.
3. The Chair shall coordinate with the executive director in planning the upcoming meeting agenda.
4. The Vice- Chair shall preside at all meetings in the absence of the Chair. The Vice- Chair shall perform such other duties as the Chair.

5. The NIC staff or a committee volunteer will draft meeting minutes and send them to the Nevada Indian Commission. It shall be the responsibility of the Nevada Indian Commission or its designee to send the agenda and meeting minutes to the IEAC Members.

ARTICLE VI. MEETINGS

1. Shall meet at least quarterly.
2. The executive Committee shall meet at least monthly.
3. A simple majority of the IEAC plus the Chair or in the absence of the Chair, the Vice-Chair, shall constitute a quorum.
4. Committee meetings shall be open, however only IEAC members will be voting on issues. If the committee must deal with removal issues, the Committee Chair and Vice-Chair will adjourn into executive session. During the executive session only, persons directly involved with the issues may be present. At the conclusion of the executive session the Committee shall go back into open meeting and enter into the minutes any action taken.
5. Minutes of each meeting will be recorded by the Executive Secretary. Meeting minutes will be published and disseminated in draft form to Committee members as soon as possible after each meeting, and consistent with the requirements of NRS 241.035, for review of content accuracy.
6. Meeting minutes in final form will then be presented for Committee approval at the next regularly scheduled Committee meeting.

ARTICLE VII. AMENDMENTS

These By-laws may be altered, amended, or repealed and new By-laws may be adopted by 2/3rds of the Nevada Indian Commission Commissioners present at meeting, if at least (30) days written notice is given of intention to alter, amend or repeal of, to adopt new By-laws at such meeting. The revised By-Laws will be provided to the voting membership via facsimile or electronic methods, as determined by the Nevada Indian Commission Board, for a 30-day comment period. If no concerns are brought to the Nevada Indian Commission Board within that 30-day comment period,

the revision will be considered final and binding upon Nevada Indian Commission approval.

ARTICLE VIII. ANNUAL CONFERENCE

1. The IEAC will assist with the planning of the Annual Nevada Department of Education American Indian Education Summit. The Registration fee will be waived for the IEAC members assisting on the Summit Planning Committee
2. The Annual Business Meeting shall be held during the day of the conference. The Annual Business meeting will consist of the following agenda items:
 - o Chair's Annual Report
 - o Other Business

ATTACHMENT

Attachment A: Tribe's in Nevada with Population and Land Base

<https://nevadaindiancommission.org/tribal-directory/>

Record of Review and Approvals:

1. Approval by Review Committee

First reading of By-Law revisions took place at the January 3, 2017 IEAC meeting and was approved by the review committee members on September 4, 2018 with a motion to approve the By-Laws made by Fredina Drye-Romero, seconded by Lori Pasqua. Bylaws were approved with a unanimous vote.
2. Review by Attorney General's Office

By-Laws submitted for review by Deputy Attorney General Wayne Howle on January 3, 2017. By-law review complete on January 12, 2017.
3. Approval by Nevada Indian Commission

By-Laws submitted for approval and ratification by the Nevada Indian Commission at a board meeting duly held on December 3, 2018. Vice-Chairman Lathouris motioned to approve, seconded by Commissioner Krolicki. The motion carried with a vote of 5 for, 0 against, 0 abstentions (0 Absent).

/S/ Sherry L. Rupert, Executive Director
State of Nevada Indian Commission

4. Approval by Nevada Indian Commission

By-Laws submitted for approval and ratification by the Nevada Indian Commission at a board meeting duly held on January 24, 2020. Commissioner Staci Emm motioned to approve, seconded by Commissioner Krolicki. The motion carried with a vote of 5 for, 0 against, 0 abstentions (0 Absent).

/S/ Stacey Montooth, Executive Director
State of Nevada Indian Commission

5. Approval by Nevada Indian Commission

By-Laws amended by the Nevada Indian Commission at a board meeting duly held on April 25, 2020. Underneath Article VII, Amendments, it reflects that there be two, 30-day written notice periods. This is a type-o and should be changed to one, 30-day notice period. Chair Lathouris noted this is a procedural change, and directed the NIC Executive Director to make correct the type-o as the commissioners approved the amendment, in January, thus removing the second 30-day written notice.

/S/ Stacey Montooth, Executive Director
State of Nevada Indian Commission

By-Laws of the Stewart Indian School Preservation Alliance

ARTICLE I- NAME, PURPOSE, AND STATUS

The name of the corporation shall be: Stewart Indian School Preservation Alliance (SISPA)

The purpose of the corporation shall be to protect and preserve the history of the Stewart Indian School and the campus in Carson City, Nevada, and to work in conjunction with the Nevada Indian Commission (NIC) and the Stewart Indian School Cultural Center & Museum (SISCC&M).

The Stewart Indian School Preservation Alliance will comply with federal, IRS, and state regulations as a non-profit, tax-exempt entity and shall be incorporated under the statutes of the State of Nevada.

ARTICLE II- MISSION

The mission of the Stewart Indian School Preservation Alliance is to promote, fundraise, advocate, and support the Stewart Indian School Cultural Center & Museum and Nevada Indian Commission's efforts to protect and preserve the history of the Stewart Indian School in Carson City, Nevada. SISPA is the non-profit entity that raises funds to preserve the Stewart Indian School site buildings and interpretive displays specifically.

ARTICLE III- MEETINGS

General Meetings shall be held annually.

- a. A special meeting may be called by the presiding officer of the Board of Directors. Notice of such meeting shall be given at least two (2) weeks in advance and must denote the purpose of such meeting.
- b. A simple majority of board of directors shall be necessary to enact motions under consideration by the corporation. Action requires a quorum of (4) Board of directors present.

ARTICLE IV- OFFICERS AND BOARD OF DIRECTORS

The Officers for the corporation shall be: Chair, Vice-Chair and Secretary/Treasurer.

- a. The Chair shall:
 - i. Preside at the Board of Directors Meetings.
 - ii. Appoint chairs of standing and special committees.
 - iii. Serve as ex-officio member of committees with power to vote in the event of a tie.
 - iv. Sign contracts and papers of obligation authorized by the Board of Directors.
 - v. Approve correspondence of the Stewart Indian School Preservation Alliance.
 - vi. Call special meetings of the Board of Directors.
- b. The Vice-Chair shall:
 - i. Perform the chair's duties in his/her absence.
 - ii. Perform such other duties as assigned by chair.
- c. The Secretary/Treasurer shall:
 - i. Be custodian of the funds of the Stewart Indian School Preservation Alliance.
 - ii. Prepare reports of accounts for the Board of Directors.
 - iii. Present the books annually to the Board of Directors for tax purposes.

- iv. Have responsibility for all official documents relating to incorporation, state tax-exempt status, IRS 501 (c) (3) status, and other corporation papers.
 - v. Read pertinent correspondence received at Board of Directors meetings.
 - vi. Write correspondence as required. Correspondence shall include minutes for each Executive Board Meeting. Minutes shall be recorded by the Secretary/Treasurer and disseminated for approval at the next regularly scheduled Board meeting for approval.
- d. There shall be four additional at large board members.

ARTICLE V- STANDING COMMITTEES

The chair shall appoint standing and special committee chairs who may select their own committee members. Special committees of at least three members may be formed to meet the needs of the corporation.

Standing Committees:

- a. Fundraising 1: To conduct various fundraising events and projects to benefit the Stewart Indian School Father’s PowWow and Awards Dinner.
- b. Fundraising 2: To conduct various fundraising events and projects to benefit the Stewart Indian School Cultural Center & Museum.
- c. Grant 1: To apply for grants to benefit the Stewart Indian School Cultural Center & Museum
- d. Grant 2: To apply for grants to preserve the buildings and grounds of the Stewart Indian School.
- e. Volunteer: Coordinates volunteer activities and orientation.

ARTICLE VI- BOARD OF DIRECTORS

The Board of Directors shall be appointed by the Nevada Indian Commission tri-annually (every 3 years by staggering years). A Board of Directors may be appointed to the same position for consecutive terms. No member of the Board shall receive any compensation for serving in such office. The Board of Directors will elect the officers.

Board of Directors

- a. The Board of Directors shall consist of the three elected officers of the corporation, four members- at-large, and an assigned ex-officio member (non-voting). All Board of Directors must be in good standing.
- b. Following the presentation of the slate of candidates by the Nevada Indian Commission the members will vote.
- c. Election of officers will be determined by the existing board members.
- d. The members-at-large shall participate in Board of Directors Meetings and serve as a voting member of the Board of Directors.
- e. The Executive Director of the Nevada Indian Commission shall serve as a non-voting ex-officio member and attend all Board of Director Meetings. If unable to attend a Board of Directors meeting, the Executive Director may designate a representative to attend on there behalf. The Executive Director shall also act as the liaison between the Stewart Indian School Preservation Alliance and the Nevada Indian Commission.

Duties:

- a. The business and policies of the Stewart Indian School Preservation Alliance shall be conducted and managed by the Board of Directors.
- b. Action on routine business or policies of the corporation requires the majority vote of the Board of Directors with a quorum of members present.

Meetings:

- a. The Board of Directors shall meet as frequently as necessary to accomplish the tasks at hand.

Vacancies:

- a. Any Director unable to complete a term of office shall submit there resignation in writing to the Board of Directors. Vacancy of an elected office may be filled for the unexpired term by appointment by the Board of Directors.

Removal:

- a. A Director who fails to attend three consecutive regular meetings of the Board of Directors may be removed by a majority vote of the remaining Directors, at a meeting called for such a purpose, even if not constituting a quorum. A director may be removed for conduct detrimental to the corporation, at a meeting called for such purpose, by a majority vote of Directors where a quorum is present. Such conduct may include but is not limited to conviction of any felony or misdemeanor related to illegal activity in federal, state, tribal court; or performance of or participating in any act contrary to the goals of the corporation.

ARTICLE VII – FUNDS

- A. Fiscal Year
 - a. The fiscal year shall be from January 1 to December 31.
- B. Stewart Indian School Preservation alliance:
 - a. Stewart Indian School Preservation Alliance funds the net proceeds of fundraising activities, and/or grants as approved by the Board of Directors.
 - b. Authorized signatories will be decided by the Board of Directors but shall be limited to those members on the Board.

ARTICLE VIII- AMENDMENTS

These bylaws may be altered, amended, or repealed and new bylaws may be adopted by proposing any change at a regular meeting of the Board of Directors and adoption by majority vote of the Board of Directors where a quorum is present.

Revisions:

- a. Upon discussion and following the regular meeting, in which the proposed changes were discussed, the Board of Directors will vote on the amendments the following meeting.
- b. To approve or disapprove the changes the Board of Directors will vote upon the draft changes at a duly convened General Meeting following handout of the proposed changes.

- c. The Bylaws may be amended by a majority of those present.

ARTICLE IX- DISSOLUTION OF THE CORPORATION

Upon dissolution of the corporation of Stewart Indian School Preservation Alliance by a simple majority vote of the, all assets, without exception, shall be transferred to the Gift Fund established by the Nevada Indian Commission for the preservation of the Stewart Indian School.

CERTIFICATION

The original bylaws were approved by the Stewart Indian School Preservation Alliance on October 6, 2015 at a regular meeting where a majority of the Board of Directors were present. The foregoing bylaws have been ratified by the Stewart Indian School Preservation Alliance on April 26, 2022.

_____ Date _____

SISPA Secretary and Treasurer, NIC Commissioner Kelly Krolicki

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 Nevada's twenty-seven (27) federally recognized tribes and colonies (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 of activities require formal tribal consultation. The formal policy could also ensure that there

Deleted: Brian Sandoval,

Commented [SN1]: 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](#).

is appropriate training and mechanisms for maintaining relationships between the Tribes and the State Agencies.

- H. The Nevada Indian Commission has used US Post, electronic mail and fax machines (March 14, 2020, June 3, 2020, January 26, 2021, February 1, 2022) to distribute letters to our Tribal Nations, Bands, Colonies, Nevada Department heads, Tribal Liaisons and other stakeholders such as ITNC, NUI and Las Vegas Indian Center, asking for feedback on what such policy should contain. The Nevada Indian Commission addressed the need for feedback on what such policy should contain in several in-person and virtual meetings including: September 25, 2019, November 8, 2019, January 31, 2020, April 6, 2020, September 9, 2021, at Nevada Indian Commission quarterly meetings, ITCN Executive Leadership meetings, Ag & Natural Resources Tribal Summit. In addition to providing a matrix on November 7, 2019, that breaks down the requirements and spirit of AB264, Chair of the Nevada Indian Commission, Kostan Lathouris initially drafted our AB264 Policy on December 6, 2020.

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. 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 Agencies recognize and acknowledge the trust responsibility of the U.S. government to the Tribes.
- 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.
- 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.

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

Commented [SN2]: 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 [SN3]: 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 definition would be incomplete. See ITCN letter for more detailed comments on sovereignty.

Commented [SN4]: To clarify that Nevada does not hold such trust responsibilities, NDCNR recommends amending the last sentence to state, "The State Agencies are not a party to, but do recognize and acknowledge the unique and important trust responsibilities of the U.S. government to the Tribes."

Commented [SN5]: Recognizing the importance of collaboration, communication, and cooperation with the Tribes, NDCNR is concerned about the breadth and vagueness of the term "indirectly" and recommends removing it from the second to last sentence. NDCNR is also concerned how this policy will affect the thousands of permitting decisions its divisions and programs make, particularly those frequent actions that are nondiscretionary and have mandatory timeframes.

Commented [SN6]: The Silver State Health Exchange would like to request that the policy does not supersede other specific agreements regarding consultation with the tribes.

Commented [SN7]: The DHHS would like to ask the policy to indicate that it does not supersede other specific agreements regarding consultation with the tribes, including existing consultation relationships. The DHHS has MOAs with each Tribe that discuss the Consultation

Commented [SN8]: NDCNR recommends amending the first sentence to state, "The State Agencies recognize that Tribes provide an important and unique perspective when providing input regarding State Agency Actions."

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.

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Commented [SN9]: 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.

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.

Commented [SN10]: 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

F. Informal Communication. The State Agencies recognize that formal consultation may not be required in all situations or interactions. 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.

Commented [SN11]: NDCNR recommends amending the first sentence to state, “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.”

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.

Commented [SN12]: ITCN Section III (F)(G), there is no reference to a record keeping process. Are there state statutes that outline record keeping compliance?

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.

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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.

Commented [SN13]: . Is this section limited to Health and Human Services or to all services interested to Tribes? (SOS)
Deleted: .

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.

Commented [SN14]: DHHS would like to change “to strive for adequate...
Commented [SN15]: Silver State Health Exchange would like replace ensure with strive

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.

Commented [SN16]: Housing would like us to change to “strive to inform”
Commented [SN17]: Is the Gov Office of Economic Development and the GOED Board included? (SOS) NIC says yes. All agencies must assign a liaison.

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

Commented [SN18]: NDOT Additional clarification on the types of “resources and assistance to enhance the development of the Tribes’ communities” would be helpful, or a clarifying statement such as “within the existing authority and funding availability of the State Agency”.

Commented [SN19]: NCNR wants “may seek”, DEM want “shall seek”
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Commented [SN20]: DEM unclear on this. Consider rewording

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.

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- 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.

Commented [SN21]: 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.

Section IV. Definitions

The following definitions shall apply to this Policy:

- A. "American Indian/Alaska Native" shall mean 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" shall mean 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" shall mean the verbal, electronic, or written exchange of information between the State Agencies and the Tribes.
- D. "Consensus" shall mean 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" shall mean 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

Commented [SN22]: 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.

Commented [SN23]: 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 [SN24]: 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."

Commented [SN25]: 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” shall mean 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.
- G. “Culturally Relevant” shall describe a condition where programs or services are provided according to the recipient’s cultural backgrounds.
- H. “Indian Organizations” shall mean 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.
- I. “Indian Tribe” shall mean 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.
- J. “Linguistic Competency” shall refer to one’s capacity to communicate effectively and convey information in a manner that is easily understood by culturally diverse audiences.
- K. “Participation” shall describe an ongoing activity that allows interested parties to engage one another through negotiation, compromise, and problem solving to reach a desired outcome.
- L. “State Agency” shall mean an agency, bureau board, commission, department, or division of the Executive Department of State Government.
- M. “State Agency Tribal Liaison” or “SATL” shall refer 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.
- N. “Tribal Advisory Body” shall mean a duly appointed group of individuals established and organized to provide advice and recommendations on matters relative to the State Agency Actions.
- O. “Tribal Government” shall mean the governing structure of an Indian Tribe.
- P. “Tribal Implications” shall refer to State Agency Actions that directly affect American Indians/Alaska Natives, Indian Tribes, or on the relationship between the State and the Tribes.

Commented [SN26]: 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.”

Commented [SN27]: 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.

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Commented [SN28]: DHHS wants to know if these means Division Administrator or is following the chain of command appropriate.

Commented [SN29]: 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 [SN30]: 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 [SN31]: NDCNR recommends clarifying who is responsible for appointing the Tribal Advisory Body, whether it be the Governor, Nevada Indian Commission, or other authority.

Commented [SN32]: ITCN question: Will Tribes have representation? It benefits tribes if the Liaison is a non-state employee and a member or a descendant of a Nevada Tribe.

Commented [SN33]: NDCNR recommends more clearly defining “Tribal Government.”

- Q. “Tribal Officials” shall mean those elected or duly appointed or delegated officials of the Tribes or authorized intertribal organizations.
- R. “Work Groups” shall mean 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.

Commented [SN34]: Silver State Health Exchange questions What is the formal way that these would need to be set up and developed to comply with this definition?

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.

Commented [SN35]: Duck Valley Chairman Thomas “, it’s pretty clear that the burden is on the state agencies to reach out to tribes, and that’s good. There’s one section that talks about developing protocols. I’d say that might be work that’s not needed if there is clear intent to work with tribes.”

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.

Commented [SN36]: DHHS would like to include “except when otherwise agreed to in writing (including writings and agreements which are already in place at the time of this policy)

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, 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 [SN37]: 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.

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.

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:

- 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.

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.

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

Commented [SN38]: 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/>

Commented [SN39]: 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.

Commented [SN40]: 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."

Deleted: ¶

Commented [SN41]: SOS wants to know, where do third party consultant fall in this policy? Are these considered advisory bodies?

Commented [SN42]: Silver Health Exchange question: Does attending the monthly Tribal Health Director's meetings comply with this?

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.

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.

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.

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.

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.

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.

4 Initiation.

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

Commented [SN43]: 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?

Commented [SN44]: 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 [SN45]: SOS Would like clarity on what level of policy changes require consultation

Deleted: impacts

Commented [SN46]: How do state agencies identify the appropriate officials with whom to communicate? (Scott Anderson SOS

Deleted: may impact

Commented [SN47]: 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 [SN48]: 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 [SN49]: 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 [SN50]: Silver State Health Exchange question: Currently the Exchange participates in the DHCFP quarterly consultations. May the Exchange continue to do this?

Deleted: tribal implications,

Commented [SN51]: 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.

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 description of the topic(s) to be discussed, a timeline of the process, and possible outcomes. 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 *Process.*

- 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

Commented [SN52]: NDCNR recommends defining "tribal resources" so it is understood whether this term refers to cultural resources, fiscal resources, natural resources, or other resources. NDCNR also recommends clarifying whether "impacts" has the same or different meaning than "directly affects," which is used elsewhere throughout the draft.

Commented [SN53]: In addition to initiating discussion of specific issues, consider adding guidance to the initial outreach/introduction of the State Agency to the individual Tribal Nation. Again, for issues that require discussion or consultation, perhaps design a standard state contact sheet to capture basic information and track the issue, communication and resolution (Scott Anderson SOS)

Commented [SN54]: NDCNR recommends adding the following to the end of the first sentence, "and the direct contact information for State Agency staff involved."

Commented [SN55]: NDCNR recommends inserting "by letter or email," so the second sentence states, "Requests should be made in writing by letter or email"

Commented [SN56]: For clarity, NDCNR recommends defining "reasonable and periodic efforts."

Commented [SN57]: Silver State question What satisfies this requirement? Suggest defining a timeframe for how long "periodic efforts" should be attempted and what methods of repeating the invitation need to be fulfilled.

Commented [SN58]: SOS Suggestion: In addition to initiating discussion of specific issues, consider adding guidance to the initial outreach/introduction of the State Agency to the individual Tribal Nation. Again, for issues that require discussion or consultation, perhaps design a standard state contact sheet to capture basic information and track the issue, communication and resolution

Commented [SN59]: 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.

process, the State Agencies shall so inform the Tribes at the earliest opportunity in the process.

- 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.
- 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.

6. *Implementation of Final State Agency Action.* 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.

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 [SN60]: 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.

Commented [SN61]: Does this include NIC and ITCN (Scott Anderson SOS)

Commented [SN62]: 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

Commented [SN63]: 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.

Commented [SN64]: 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."

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

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 [SN65]: For clarity, NDCNR recommends defining "regular basis."

Commented [SN66]: Has this training been developed and available to the agencies (Scott Anderson SOS) NIC In process. Not yet.

Commented [SN67]: Silver Health Exchange would like to be notified when the trainings are completed and ready to be taken.

Commented [SN68]: 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.

Commented [SN69]: 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 [SN70]: 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 [SN71]: SOS question: Has this policy been reviewed by the Commission's DAG? (Scott Anderson) NIC, yes.

Commented [SN72]: SOS: Please ensure that the policy has been reviewed by counsel for form and content.