

Nez Perce Tribe
Fall 2020 General Council
Chairman's Report
Shannon F. Wheeler



As Nimiipuu look to the past and remember what exactly our people secured for the future in the year 1855, we must honor “The Way of Life.” We all know the Treaty of 1855 guaranteed in perpetuity rights that fall under this vast umbrella. We also know it granted the United States rights as well within our country. It is this moment in time that the Nimiipuu the true administrators of our own territory hold the federal government accountable to hold up their end of the bargain that secures our way of life. This General Council Report will summarize the business Nez Perce Tribal Government has been doing to perpetuate our way of life.

Nimiipuu have always made sure the things most important were at the forefront for all the people. Tribal Government has been one mechanism in place to help when needed in moving such activities toward the future. However, Tribal Government can only go to a certain point, it is the people that carry the weight of exercising this way of life. The people are our makers, singers, diggers, hunters, fisherman, dancers, healers, and a plethora of other titles. When we as a people look to continue this way of life it includes many facets. We have our cultural, spiritual, and traditional healing ways. We also have our modern ways that are evident in our everyday life, technology, science, and math. We are very fortunate the creator has placed us Nimiipuu in this beautiful area that allows us to be diverse. For it is truly the gift of the creator to live amongst some of the most beautiful creations.

Our people have also been in the middle of an economy that was so large and vibrant and as a good friend has put it “beyond modern conceptual ideology of wealth.” That is who we are and the history books tend to leave the wealth piece out of the teachings. When we look to combine the past & present we find many parallels that we must balance for the future generations. The balance must be an understanding the need to diversify our revenue sources, evolve with the times, all the while expanding our traditional way of life. To do more with less and place the life sources we depend on as our highest priority. It is this balance we are working diligently to achieve through numerous departments and interactions with the people.

Salmon, Steelhead, Lamprey, Energy, Technology, Land and Water have been high on the list of movement within the tribal government. Each of these activities have generally involved federal, state and local governments, as well as agencies from each of these entities. Let’s take a look at what has been happening.

- We are of this land. We are of these waters. Salmon, steelhead, and lamprey – they connect us to these lands, these waters, and these ecosystems. They connect us to time immemorial. They connect us to our 1855 Treaty. They connect us to all of our people. They connect us to all our leaders who have gone before, and whose wisdom and work we build upon. And, they connect us to our future generations, and to what it means to be Nimiipuu. They are our food sovereignty. They are our economy. They are our way of life. They are our future.
- We have always been entrusted to be their stewards – and to be their voice when they need it most.
- They tell us to speak the truth!
- They tell us to emphasize what is obvious – restoring the Lower Snake River is urgent and overdue.

- They tell us to emphasize what we know – that the Lower Snake River is a living being – a life force—that needs to be restored.
- They tell us to continue to advance our vision for the future – and to implement that vision now.
- As Nimiipuu, salmon, steelhead, and lamprey are a part of our heart – and we are at the heart of all the efforts to restore them.
- Our leadership, in every forum, is focused on restoring salmon, steelhead, and lamprey – and building alliances around their recovery.
- Our efforts are tireless. Our voice is being heard. And, we’re achieving results.
 - We, along with the state of Oregon and our conservation group allies, have ensured that the Tribe’s voice of truth is heard in the courtroom.
 - Judge Simon, of the Oregon District Court, agreed with the Tribe in his 2016 ruling that the Federal Columbia River Power System “cries out for a new approach if wild Pacific salmon and steelhead, which have been in these water since well before the arrival of homo sapiens, are to have any reasonable chance of surviving their encounter with modern man.”
 - Following Judge Simon’s ruling, and his granting of the relief we supported of spilling additional water at the dams to aid juvenile migration of salmon, we had expected that the Columbia River System Operation Review Environmental Impact Statement (EIS) would state the truth when it comes to the impact of the Lower Snake River dams on salmon – and on tribal people.
 - When, even after the Tribe’s participation, this EIS attempted to bury breaching the Lower Snake River Dams and attempted to ignore our Treaty rights, we made sure that the record would document the heavy burden these concrete barriers in the Lower Snake River have inflicted on salmon, steelhead, and lamprey – and on us – impacting our culture, our livelihoods, our very way of life, and what it means to be Nimiipuu.
 - We conveyed this reality to Bonneville Power Administration, the Army Corps of Engineers, and the Bureau of Reclamation in our formal comments this spring, and in consultation meetings this fall as they were finalizing the Environmental Impact Statement and Record of Decision.
 - We have called it like it is with these agencies that operate the federal dams –and with NOAA Fisheries – in our Government-to-Government consultations. We have emphasized that the federal agencies’ job is to tell the truth when it comes to the impacts the federal dams – and the lower Snake River dams in particular – have had on salmon, steelhead, and lamprey; our Treaty rights; and our people.
 - We’ve continued to refuse to be “bought off” by some sort of Memorandum of Agreement or Accord with the federal agencies. In September, we politely declined the federal agencies overtures, indicating that our focus remains on restoring Snake River salmon, steelhead and lamprey – and restoring the lower Snake River by breaching the four lower Snake River dams and investing in local communities.
 - Because we speak the truth, the federal agencies’ respect for the Nez Perce Tribe has increased.

- We've reached out to our sister Tribes – the Umatilla, Yakama, and Warm Springs—in recent months to emphasize that our unity lies in focusing on recovery of salmon, steelhead and lamprey.
- And, we've begun reaching out to the other tribes in the basin – to build alliances of a common vision – for a restored Lower Snake River, and for actions to address the lack of salmon these tribes in blocked areas have suffered.
- We've participated in “energy and salmon” groups to educate the energy interests about our vision of the “old money” in the region – salmon, steelhead, and lamprey – and how they need to embrace and accommodate our vision.
- We are encouraged that the region, through the Columbia Basin Partnership, has acknowledged that we all want to have healthy, abundant, harvestable levels of salmon.
- And, thanks to the work of Joe Oatman in Idaho Governor Brad Little's salmon workgroup, we've seen all interests in Idaho embrace the goal of abundant, healthy, harvestable salmon.
- As Nimiipuu, we know leadership when we see it.
 - We appreciate the leadership Idaho Congressman Mike Simpson has shown in emphasizing what we've been saying for a very long time – we want to have healthy, harvestable salmon returning to the Snake River basin and we need to do what it takes to ensure that occurs for our future generations.
 - Leadership like Congressman Simpson's presents real opportunities. We are continuing to work with him and other members of Congress, emphasizing the need to act now, especially in light of a warming climate.
 - We've seen leadership from Governor Brown in acknowledging the importance of breaching the lower Snake River dams.
 - We've seen leadership from Governor Inslee in Washington's study of breaching the lower Snake River dams, and the acknowledgement that the impacts of those dams on the Tribe were front and center.
 - We've met directly with Governor Little to emphasize the need for leadership.
 - And, we'll be educating Governor Gianforte along the same lines.
- As we look forward, we will continue to do everything that salmon, steelhead and lamprey need – across all branches of the federal government.
 - We are prepared to pursue another round of federal court litigation with our allies.
 - We are actively –daily— engaged in discussions with Congressional leadership.
 - And, we are working to ensure the new Biden/Harris Administration—who has emphasized telling the truth, following the science, and respecting Tribal rights and sovereignty—understands the urgent need to restore salmon, steelhead and lamprey.
- We view the coming months as a time of opportunity for salmon, steelhead, and lamprey – and for the Nimiipuu.
 - As we continue to advance restoring the lower Snake River, we will continue to speak for salmon, steelhead, and lamprey to honor them, to honor all of our leaders who have gone before, and to honor all of our future leaders.
- “The Tribe continues its fight against Midas Gold's proposed Stibnite Gold Project. Located at the headwaters of the East Fork South Fork Salmon River within our beautiful homeland, the Project is an enormous open pit gold and silver mine that will destroy our

fish, ruin our habitat, and threaten our treaty rights for decades to come. The Tribe continues to actively pursue litigation in federal court against Midas Gold for illegal pollutant discharges at the Stibnite site. We also recently submitted comments on the Forest Service's environmental review of the Project. The comments were over 125 pages and documented the many significant problems the Tribe has with the Project and the Forest Service's evaluation."

As many may know the Nez Perce Tribe has moved forward with our first step into becoming energy independent through the deployment of solar power and storage through light commercial and residential scale systems. The project also created a workforce training and development for tribal members in facets of renewable energy education to include design, engineering, and installations of solar panels and Tesla energy storage packs. We know that sustainability and resiliency must happen for our future generations to thrive. This project also looks to saving Salmon, Steelhead and Lamprey. How one might ask? We know the 4-Lower Snake River Barriers create around 3000 megawatts of electricity. It is up to the other renewable energies like solar and wind to offset those megawatts so breaching can occur. For every megawatt produced we are that much closer to making the argument for dams disappear. We look for this technology to lead us into the future.

The Nez Perce Tribe has also advanced our communications capabilities to a new high. The need to be able to connect in today's world is of utmost importance. The current pandemic we are in is a true testament as to the need of investing into our future.

- 1) The Nez Perce Tribe invested in fiber from Spaulding to the Port of Whitman in Clarkston giving necessary backhaul to the Tribal operations. This 21 miles of fiber will provide future expansion for enterprise development. The casino will have expanded connectivity and is connected to the fiber. Surveillance will also have expanded connection independent of the casino connection to expand service into Kamiah. The extra strands will be leased to independent companies and will reimburse the Tribes investment.
- 2) The Nez Perce Tribe was awarded a \$2 million dollar fiber grant from the State of Idaho. This grant will run fiber in locations around Lapwai. This project will be completed by mid-December. We anticipate that this will connect up to 300 homes when completed. The State has included future projects for other towns on reservation in future funding requests for broadband development in the State.
- 3) The Tribe was awarded their 2.5 GHz license for coverage over the reservation. This will upgrade our wireless network. These upgrades are underway, and much of the equipment has already been ordered. This will give us faster speeds over our wireless network. This spectrum license was a significant step, giving us rights to our airwaves over our reservation.

The Land that provides for us is important, for we utilize the lands for gathering, agriculture, spiritual and cultural purposes. It also provides revenue for the Tribe. For all of its uses it also speaks to us about the changing climate. The Tribe is currently developing a Climate Change Vulnerability Assessment and Adaptation Plan and will be working with the University of Idaho on project development of dataset and tools to inform decision making for vulnerabilities to our

tribal resources and assisting resilient land use plan. The Department of Natural Resources is heading up this project through the Climate Change/Energy Sub-Committee and has accepted grant funding to help in the managed retreat, expansion, protect-in-place, and relocation options. As we study the lands we can best determine sufficient uses for allowing its resiliency to thrive.

These lands are also being considered for revenue generation in areas other than dryland farming. The Tribe is in the midst of a feasibility study to determine the cost of grape production on designated lands identified as suitable for production. The Tribe entered into a contract with Garcia Contractors, Inc. this past April to diversify its land holdings. Most of the land in our agricultural management is for dryland farming and held in trust by the Bureau of Indian Affairs. Our revenue generated is based upon a one third crop share or cash rent lease agreement with non-Indian farmers.

The Tribe is sole owner of a trust land parcel, comprising of 72.8 acres, located on the Reservation Line Road at Mann Lake. We have entered into a one-year lease agreement for dryland farming to allow for the possible transition of this property to viticulture use. When the Lewis Clark Region was designated as an American Viticulture Area (AVA) designation we opted to look at developing this site for as a wine grape vineyard. We chose Garcia Contractor's to assist us with the planning and layout of the site.

The feasibility of the project is underway. It is our intent to move forward with plans to convert the property into a vineyard for wine grape production that can be sold to the local winery's or as part of a larger goal to produce our own wine. The numbers to this point look promising as to increase what would be a hundred dollar an acre dryland to a significantly larger dollar per-acre irrigated farmland.

The Tribe also are taking the necessary steps to put in place the ordinance and regulations so our tribal membership can produce Hemp. The new ordinance that will govern hemp production on the reservation was sent through sub-committee and sent out for public comment for 30-days. The tribe received comments and are going through them currently. Once the process is complete it will be sent to the U.S.D.A. for final approval and operations can begin. The U.S.D.A. will have 60 days to complete the approval and sent back to the Tribe. The Nez Perce Tribal Enterprise also sees an opportunity to diversify the business holdings for the Tribe through planning and development of new business units. The Nez Perce Tribal Enterprise Research and Development has completed a preliminary feasibility study to analyze the potential for the establishment of a tribal agriculture enterprise to engage in dryland farming and conversion of tribal owned land to irrigated cropland for producing specialty crops, and other agriculture products.

Much of this hinged on the development of a tribal water code which has since been developed and approved by the tribe and is still awaiting approval of the Department of Interior. We are told we are just one signature away from receiving this approval.

All of this has been happening amidst the Coronavirus Pandemic which has plagued the world and our people. We have had to endure much change in the face of this pandemic. We have a list of activities that has gone on around the Tribe since February of 2020. NPTEC has also focused a lot of time and energy on the Tribe's response to the COVID-19 pandemic. At the federal level, we

have worked hard to ensure the Tribe received its fair share of federal assistance. As a result, the Tribe has received monies from the Coronavirus Relief Fund and the Paycheck Protection Program. Programs such as housing, social services, the clinic, commodity foods and others also received assistance under various provisions of the CARES act. These funds have allowed us to provide direct and indirect assistance to Nez Perce citizens to assist them during the pandemic. We have also been able to update infrastructure and purchase tools and equipment that have helped with our response to the pandemic as well.

We also have participated in weekly calls with the White House and federal agencies including the BIA, IHS, Health and Human Services among others. Coordination and collaboration with other tribes and states has been an important priority during this time too. We have hosted weekly calls with the other tribes in the area as well as conducted regular calls with Governor Little in Idaho and Governor Inslee in Washington state.

Of course, most important is the work of our programs here on the Reservation. I want to thank the leadership and staff of the clinic for working countless hours over the last 8 months to provide services to our people. In addition, tribal staff has worked hard, under difficult circumstances, to continue and provides services to the public with the least amount of interruption. Thanks to all of those who have worked so hard during this time.

We have also been part of the vaccine planning information session for tribal communities and HHS Regional Consultations. We have a delegate sitting on the Idaho COVID-19 Vaccine Advisory Committee to advise the Governor on:

- Prioritizing of vaccines when it is in limited supply;
- Implementation of the vaccination plan;
- Communication and delivery of the vaccine.

As you can see the Nez Perce Tribal Entities have been very involved in doing all we can to help combat the Coronavirus.

When we look back at the last 6-months we know we must continue our efforts in the battle with the Coronavirus. We know we are going to begin a new administration January 20, 2021. We have much hope with the new administration and their views on the environment, social injustice and the Native Communities in general.

As we forge ahead building on the foundations our people have built and creating a strong prosperous, balanced future for all, we must remember that we are all one and work together to create that healthy future as such. Thank you for your time.

Shannon F. Wheeler

RESOLUTION INDEX

JUNE 23, 2020

- NP20-292 AMENDED** Authorized grant submission to the Office of Housing and Urban Development FY2020 Indian Community Development Block Grant Imminent Threat Program provided under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, grant submission deadline June 1, 2020 and to include full compliance with the requirements of 24 CFR 1003.604 regarding citizen participation
- NP 20-314** Approved the newly-elected NPTEC members and to approve the following NPTEC Officers and Members
- NP20-315** Established subcommittee dates, times, members and liaisons
- NP20-316** Approved the Ivision Program to apply for the FY 2020 READY4Life grant funding from the U.S. Department of Health and Human Services, Administration for Children and Families (ACF) through the ACF Office of Family Assistance for its program "Relationships, Education, Advancement, and Development for Youth for Life
- NP20-317** Approved the IVISION Program to apply for the FY2020 grant from the U.S. Department of Health and Human Services , Admin. For Children and Families (ACF) Office of Family Assistance for its program "Family, Relationship and Marriage Education Works-Adults (FRAMEWorks) for the next five (5) years
- NP20-318** Approve the IVISION Program to apply for the FY2020 U.S. Department of Health and Human Services, Admin. For Children and Families (ACF) FY2020 Fatherhood FIRE grant funding to serve tribal members who are fathers with children who are ages 24 and under for the next five (5) years
- NP 20-319** Authorized the appointment of Jesse Leighton as the Interim Executive Director
- NP20-320** Approved the COVID CARES Act USDA Urban Agriculture and Innovation Production Competitive Grants Program grant application inthe amount of \$323,070.00 with an in-kind match of \$70,869.00

RESOLUTION INDEX

JULY 14, 2020

NP04-223AMENDED Amend NP04-223 for the Nimiipuu Health Building Lease for \$19,066.00 per month to \$0.00 per month

NP19-072 AMENDED to amend NP 19-072 to extend the contract with JUB for an additional ninety (90) days upon submittal of final plans, specifications and estimates contingent upon requested changes to the resolution

NP19-355AMENDED award the Forest Management Plan Revision Contract to Northwest Management Inc., of Moscow, ID for an amount not to exceed \$184,450.00 and Northwest Management, Inc., of Moscow, ID submitted a no cost contract extension request to finalize all contractual obligations by June 30, 2021

NP20-061 AMENDED Amend NP 20-061 Modification #1 to the Idaho Office of Species Conservation Whiskey Creek Culvert Replacement project #021 17i CW increasing the contract amount \$13,000.00 for a new total contract amount of \$143,000.00

NP20-321 Approved a \$1,200.00 payment from the Coronavirus Relief Fund to Nez Perce Tribal Members, 18+, including those who turn 18 by June 30, 2020

NP20-322 Approved the Cultural Resource Program to submit a grant application to the Administration for Native American (ANA) Language Preservation and Maintenance initiative for the Nez Perce Language Program's proposal entitled nimipuutimt way'aatkin'ix (The People's Language from a Distance)

NP20-323 Approved Nimiipuu Health to enter into a Personal Service Agreement with Ariel King, Orthodontic Assistant, to provide orthodontic care under the direct supervision of the Orthodontist providing care to Nimiipuu Health patients effective upon date of execution through September 30, 2020

NP20-324 Approved the revised Nimiipuu Health Medroxyprogesterone Acetate (MPA) Policy and Procedure

NP20-325 Approved the Nimiipuu Health MICRO Merchant Systems Software License, Services & Maintenance Agreement for the pharmacy

NP20-326 Approved the Nimiipuu Health Medial-Dental and Facilities Equipment Recall Policy

NP20-327 Approved the Nimiipuu Health for additional privileges for Dr. Edward Smith

- NP20-328** Approved the Nimiipuu Health reappointment for Seker Medavarapu, Physical Therapist as a member of the Allied Health Professional Staff of Nimiipuu Health
- NP20-329** Approved Uu.Yit.Kimti to enter into a contract with Meadow Outdoor Advertising for the amount of \$4,728.00 for a billboard location in Sweetwater, Idaho for a period of twelve (12) months
- NP20-330** Approved Uu.Yit.Kimti to enter into a contract with Meadow Outdoor Advertising for the amount of \$6,740.00 for a billboard location in Lewiston , Idaho for a period of twelve (12) months
- NP20-331** Approved the Nez Perce Education Department's submission of a grant application on behalf of the Nez Perce Tribe to the Administration for Native Americans (ANA), Social and Economic Development Strategies (SEDS) initiative by July 15, 2020
- NP20-332** Approved the posting for 60 days the following names for consideration for enrollment with the Nez Perce Tribe: Gordon Milton Bennett, III, Aaron Jase Johnson and Jordan Michael Sonneck Jr.
- NP20-333** Approved the letter of Agreement for funding Tribal Response Costs for the Portland Harbor Superfund Site at B1a Area with Atlantic Richfield Company, BP Projects North America, Inc. Brix Maritime Co., Exxon Mobil Corporation and Kinder Morgan Liquids Terminals
- NP20-334** Approved a Letter Agreement for Funding Tribal Response Costs for the Portland Harbor Superfund Site at River Mile 7W Bayer Project Area with Bayer CropScience, Inc.
- NP20-335** Approved a Letter Agreement for Funding Tribal Response Costs for the Portland Harbor Superfund Site at River Mile 7W Arkema Project Area with Arkema, Inc.
- NP20-336** Approved a Letter Agreement for Funding Tribal Response Costs for the Portland Harbor Superfund Site at Willbridge Cove Project Area with Chevron U.S.A., Inc., Kinder Morgan Liquids Terminals, LLC, McCall Oil and Chemical Corporation, Phillips 66 Company and Shell Oil Company
- NP20-337** Approved a Letter Agreement for Funding Tribal Response Costs for the Portland Harbor Superfund Site at the River Mile 9 West Project Area with FMC Corporation
- NP20-338** Approved Agreement for Funding Tribal Response Costs for the Portland Harbor Superfund Site at River Mile 10W Project Area with General Electric Company

- NP20-339** Approved the Letter Agreement for Funding Tribal Response Costs for the Portland Harbor Superfund Site at River Mile 10E Project Area with Union Pacific Railroad Company
- NP20-340** Approved the Letter of Agreement for Funding Tribal Response Costs at the Willamette Cove Project Area of the Portland Harbor Superfund Site with Port of Portland, City of Portland and State of Oregon by and through its Department of State lands
- NP20-341** Approved a contract between GeoEngineers, Inc. and the Nez Perce Tribe to complete final design/specifications, environmental permitting, construction bid documents and construction oversight for the Poley-Allen Diversion Fish Passage Design project in the amount of \$66,555.00 to begin at date of execution through December 31, 2021
- NP20-342** Rescinded NP 20-282 for a subcontract with R2 Resource Consultant
- NP20-343** Approved a contract between R2 Resource Consultants, Inc and the Nez Perce Tribe to complete final design/specifications, environmental permitting, construction bid documents and construction oversight for the Tumalum Creek Culvert Fish Passage & Floodplain Connectivity project in the amount of \$119,378.30 to begin at the date of execution through March 31, 2021 contingent upon TERO sign off
- NP20-344** Approved MOA between the Nez Perce Tribe, Wallowa Lake Irrigation District, Confederated Tribes of the Umatilla Indian Reservation, and the Oregon Department of Fish and Wildlife in regards to providing instream flow
- NP20-345** Approved Lostine Fish Facility MOA between NPT and the Bonneville Power Administration
- NP 20-346** Approved Agreement 3T20-10 with the Columbia River Inter-Tribal Fish Commission for the Snake River Steelhead Kelt Project in the amount of \$447,459.00 from July 1, 2020 through June 30, 2021
- NP20-347** Approved the contract with the U.S. Fish & Wildlife Service - Pacific Region Fish Health for fish health services in the amount of \$59,850.00 from January 1, 2020 through December 31, 2020
- NP20-348** Approved the Term Agreement from Idaho Department Transportation (ITD) two (2) year extension to provide Archaeological and Cultural Resource Study Services for future projects

- NP20-349** Renewed Fire Cooperative Agreement between the BIA Northwest Region and the Nez Perce Tribe to provide a mechanism to reimburse the Tribe for the actual costs incurred (non-recurring funds) for the period August 10, 2020 through April 30, 2024
- NP20-350** Awarded the 2020-1 Fuels Reduction Contract to D-3 Native Wood Works, LLC, of Grangeville, ID for \$154,790.60, the contractor will pay the 3.5% TERO fee for an amount not to exceed \$5,417.67
- NP20-351** Authorized the Professional Service Agreement with Affirma Consulting, LLC, for a term of five (5) months for an amount not to exceed \$50,000.00 from the Information Systems budget
- NP20-352** Authorized the application to the Idaho Broadband Fund for reimbursed fiber projects in the Lapwai area to be completed by Russell Excavation and upfront payments from the Department of Technology Service, Telecommunication budget for an amount not to exceed \$2,000,000.00
- NP20-353** Approved supporting Tribal Public Health Capacity in Coronavirus Preparedness and Response Grant in the amount of \$291,682.00
- NP20-354** Approved acceptance of Wallowa Lake Lodge LLC's offer to convey a Conservation Easement for the 9.22 acre Wallowa Lake Lodge property bordering Wallowa Lake with no contingencies, in exchange for the funds the Nez Perce Tribe has raised to date for the purchase of the Conservation Easement
- NP20-355** Approved purchase of up to twenty five (25) shares in Wallowa Lake Lodge LLC
- NP20-356** Approved the MOU between Healing Lodge of the Seven Nations (HL7N) and the Nez Perce Tribe for funding of an Aftercare Tribal Coordinator (ATC) beginning January 9, 2020 for the period of one (1) year in the total amount not to exceed the maximum annual sum of \$76,980.84
- NP20-357** Appointed Arthur M. Broncheau as the Nez Perce Tribe's delegate to the Healing Lodge of the Seven Nations with Liz Arthur-Attao as the alternate
- NP20-358** Appointed Chantel L. Greene as the Nez Perce Tribe's delegate to the Northwest Portland Area Indian Health Board (NPAIHB) with Rachel P. Edwards as the alternate
- NP20-359** Appointed Liz Arthur-Attao as the Nez Perce Tribe's delegate to the Idaho Juvenile Justice Council with Arthur M. Broncheau as the alternate

- NP20-360** Appointed Casey Mitchell as the Nez Perce Tribe's delegate to the InterTribal Timber Council (ITC) with Ferris Paisano as the alternate
- NP20-361** Appointed Chantel L. Greene as the Nez Perce Tribe's delegate to the InterTribal Agriculture Council with Ferris Paisano as the alternate
- NP20-362** Appointed delegates to the Affiliated Tribes of the Northwest Indian (ATNI) and authorize payment of membership dues
- NP20-363** Appointed delegates to the National Congress of American Indians (NCAI) and authorize payment of membership dues

RESOLUTION INDEX

JULY 28, 2020

NP18-412 (AMENDED) Approve the 2020-2021 Idaho Head Start Association TANF Sub-Contract Amendment #2 in the amount of \$124,512.00 contingent upon OLC review

NP20-095AMENDED Approved an amendment to NP20-095 to approve Modification #1 to the Bonneville Power Administration Master Agreement #74017 Release #054 for the Grand Ronde Supplementation O&M Project for additional funding to total \$541,477.00 for the period January 1, 2020 to December 31, 2020

NP20-364 Approved a Statewide Agreement Memorandum of Understanding (MOU) between Idaho American Indian Vocational Rehabilitation Services Programs and Idaho Division of Vocational Rehabilitation and Idaho Commission for the Blind and Visually Impaired

NP20-365 Approved the sober living home policies and procedures manual and home contract for residents to abide by while residing in the "inhimiyu'nm "My Relatives" Home established by the Indian Child Welfare/Child Protection

NP20-366 Approved the following individuals into full membership: Teyonni Weeqit Elweht Higheagle and Carli Drew Leighton

NP20-367 Approved the posting for 60 days the following names for consideration for enrollment with the Nez Perce Tribe: Madison Malia Hiding Fox Allen and by Adoption, Alexis Josephine White Cloud Allen and Isaiah Joseph Lobo Allen

NP20-368 Approved the Memorandum of Understanding for the Cooperative Agreement between the Nez Perce Tribe and USDA, Forest Service, Nez Perce Clearwater Forests effective through July 1, 2025

NP20-369 Approved the contract with Kubota Membrane USA Corporation which will be providing supplies (flat sheet membrane filters) and services for the Nez Perce Tribe Utilities Program for the Lapwai Valley Wastewater Treatment Plant for an amount not to exceed \$375,000.00

NP20-370 Approved IDIQ Agreement with the Army Corp of Engineers (ACOE) Walla Walla District to provide professional services for the management of historic properties of religious and cultural significance to the Tribes (HPRCSITs) and Traditional Cultural Properties (TCPS) for the Walla Walla District

- NP20-371** Approved the contract with the Local Highway Technical Advisory Council (LHTAC) to conduct a pedestrian survey near proposed bridge replacement in the amount not to exceed \$7,310.26
- NP20-372** Approved the Aquatic Invasive Species Project contract with the Bureau of Indian Affairs (BIA) in the amount of \$140,000.00 from October 1, 2019 through September 30, 2020
- NP20-373** Approved a five (5) year contract between the Columbia River Inter Tribal Fish Commission (CRITFC) and the Nez Perce Tribe to conduct genetic analysis work from January 1, 2020 through December 31, 2024
- NP 20-374** Approved a contract between the Nez Perce Tribe and D-3 Native Wood Works Lc to complete planting of 2,154 large 8 gallon container nursery stock within private property in the Lower Red River Meadow in the amount of \$71,340.48 beginning at date of execution through November 30, 2020
- NP20-375** Approved the Child Support Enforcement (CSEP) FY 2021 Budget and Application to the Office of Child Support Enforcement (OCSE) budget in the amount of \$907,911.44 with a non federal share match of \$181,582.29
- NP20-376** Approved the home site located on Tribal Trust Property T349 from the date of approval for a period of twenty five (25) years with a renewal of an additional twenty five (25) years
- NP20-377** Approved the 2020-2021 Local Education Program Fund awards in the amount of \$362,800.00
- NP20-378** Approved the Nez Perce Tribe's Day Labor Program funding in the amount of \$96,000.00 to come from the Former Bureau of Indian Affairs Trust Fund account at Umpqua Bank

RESOLUTION INDEX

AUGUST 11, 2020

- NP19-175 AMENDED** Approved the Meyer Memorial Trust Amendment to Subrecipient Agreement with the Confederated Tribes of the Grand Ronde Community of Oregon
- NP19-480 AMENDED** Approved the Collins Foundation Grant Third Amendment to Subrecipient Agreement with the Confederated Tribes of the Grand Ronde Community of Oregon
- NP20-379** Approved the submission of a three year 477 plan renewal for FY2021-2023 using the authority of P.L. 115-93 Indian Employment, Training and Related Services Consolidation Act of 2019
- NP20-380** Approved the following individuals into full membership: Simon Leroy Piwiyenepitit Moody
- NP20-381** Approved the posting for 60 days the following names for consideration for enrollment with the Nez Perce Tribe: Morissa Michelle McAtty
- NP20-382** Approved rejection of the following individuals from full enrollment with the Nez Perce Tribe due to insufficient blood quantum: Chrisitan Fermin Sarmienta and Lorenzo Christino Sarmienta-Mercado
- NP20-383** Approved Modification #1 to Supplemental Project Agreement #20-PA-11011700-028
- NP20-384** Approved Programmatic Agreement regarding Operation and Maintenance of constructed facilities discussed under the Memorandum of Agreement for the Pacific Northwest National Laboratory (PNNL) Richland Campus
- NP20-385** Approve the Memorandum of Agreement (MOA) between the Nez Perce Tribe and Indian Health Services (IHS) and the Nez Perce Tribe (IHS Project PO-20-M84) for the construction of sanitation facilities on the Nez Perce Reservation
- NP20-386** Approved the agreement with Century Link for a total of \$90,000.00 and the Nez Perce Tribe Department of Technology for a total of \$54,000.00 over the term of a three (3) year contract to provide high speed, high capacity fiber optic transport services from It'se Ye Ye to Clearwater River Casino contingent upon OLC Review

- NP20-387** Approved the contract with Regence Blue Shield of Idaho to provide Nez Perce Tribal Employee Health/Medical, Dental, and Vision Benefits for Fiscal Year 2021 with three plans to choose from and a 4% increase to include the three entities, tribal government, Nez Perce Tribal Housing Authority and Nimiipuu Health
- NP20-388** Approved the purchase of 80.0 acres located near Clear Creek Hatchery not to exceed \$61,000.00 with funds from the proceeds of labor account held with the Bureau of Indian Affairs
- NP20-389** Approved to accept the grant award from the Department of Interior funding for Travel Support for Adaptation Planning in the amount of \$14,913.00
- NP20-390** Approved to accept the grant award from the Department of Interior funding for support for Managed Retreat, Expansion, Protect-in-Place and Relocation Options in the amount of \$149,396.00
- NP20-391** Approved to accept the grant award from the Department of Interior funding for support for adaptation planning and dataset development for resilient food and energy system planning in the amount of \$144,460.00

RESOLUTION INDEX

AUGUST 25, 2020

- NP 20-392** Authorized Nimiipuu Health to enter into a Memorandum of Understanding (MOU) with the Northwest Portland Area Indian Health Board (NPAIHB) to provide contact tracing to identify and support people confirmed or potential COVID-19 infection as well as those who are at high risk to the virus
- NP 20-393** Approved the posting for 60days the following names for consideration for enrollment with the Nez Perce Tribe: Bonnie Kay Goff, Jessie Jean Goff, Johnathan Crazy Horse Goff and by Adoption: Dionne Marie Halley-Zimmerman
- NP 20-394** Approve the Nimiipuu Health Power Outage/Generator Failure Policy for the Dental Department
- NP 20-395** Approve the Nimiipuu Health After Normal Hours of Operation Policy for the Dental Department
- NP 20-396** Approve the contact with Scott Trotter, Principal of Graphic Design Center, as a sole source operator to provide signage and wall murals at the three (3) community centers in an amount not to exceed \$10,000.00
- NP 20-367** Approve the ALSC Architectural Services Proposal for the Pharmacy Remodel Project in the amount of \$32,375.00
- NP 20-398** Approve a 25 year plus 15 year residential lease for Carter Lopez on Home Site #14 of the NPTHA Indian Housing Area, also known as the 135 Skyline Drive, Kamiah, Idaho
- NP 20-399** Approve a five-year contract between Nez Perce Tribe, Forestry and Fire Management Division, and the United States Department of Agriculture, Natural Resources Conservation Services (USDA, NRCS) for Conservation Stewardship Program (CSP) to implement conservation stewardship practices for improving conditions of forest resources in the amount of \$302,454.00 for a five-year period from 2020 through 2024
- NP17-177 AMENDED** Approve a thirty day extension of the Attorney Contract with Julie S. Kane, Managing Attorney in satisfaction of the Revised Constitution and Bylaws of the Nez Perce Tribe, Article VIII, Section 2 for a three-year term effective August 25, 2020
- NP 20-400** Approve Bureau of Indian Affairs Fiscal Year 2021 Funding Request for Water Rights Negotiation/Litigation (R31)

NP 20-401 Approve Bureau of Indian Affairs Fiscal Year 2021 Funding Request for Water Management Planning and Pre-Development (N34)

RESOLUTION INDEX

SEPTEMBER 8, 2020

- NP 20-079 AMENDED** Approve the Clearwater River Coho Salmon Monitoring and Evaluation Project contract with the National Oceanic & Atmospheric Administration (NOAA/Mitchell Act) award #NA19NMF4360186 in the total amount of \$261,080.00 for the time period October 1, 2019 through September 30, 2021
- NP 20-402** Authorize the Department of Fisheries Resources Management Watershed Division to enter into the Bureau of Reclamation Assistance Agreement #R19APOO272 for the Little Salmon River Watershed Advisory Group Project in the amount of \$67,155.00 from the date of last signature to November 20, 2022
- NP 20-403** Authorize termination of Tribe's employment of Nez Perce Tribal Public Defender, Mr. Robert Van Idour, effective September 4, 2020
- NP 20-404** Award the 2020 Plantskydd Application contract to D-3 Native Wood Works, LLC, Grangeville, Idaho in the amount not to exceed \$38,000.00
- NP 20-405** Approve the contract with Frank Gurney, Inc. to remove/install five guardrails on Tolo and Parade Avenue utilizing the FHWA Safety Grant 2019 award and contract total of \$41,724.00
- NP 20-406** Approve Mary Beth Clark to be a tribal representative as an "ex-officio" member with Wenona Holt as Alternate on the Interagency Working Group committee; the committee purpose is analyzing public transportation needs in the State of Idaho
- NP 20-407** Approve the NPTE Marketing Department to enter into desired leases with Yesco Advertising on all leases up for renewal in FY2021 through FY2023 not to exceed the applicable Fiscal Year Budget
- NP 20-408** Approve the NPTE Marketing Department to enter into desired leases with Sun Outdoor Advertising on all leases up for renewal in FY2021 through FY2023 not to exceed the applicable Fiscal Year Budget
- NP 20-409** Approve the NPTE Marketing Department to enter into desired leases with Meadow Outdoor Advertising on all leases up for renewal in FY2021 through FY2023 not to exceed the applicable Fiscal year Budget
- NP 20-410** Approve the NPTE Marketing Department to enter into desired leases with Lamar Advertising on all leases up for renewal in FY2021 through FY2023 not to exceed the applicable Fiscal Year Budget

- NP 20-411 Authorize the Memorandum of Understanding (MOU) between the Nez Perce Tribal Enterprises and the Port of Lewiston to pursue high-speed communication infrastructure
- NP 20-412 Approve the annual contract, beginning October 1, 2020 until September 30, 2021, with Regence Blue Shield of Idaho to provide the Nez Perce Tribal Enterprise an Employee Health/Medical Benefits for FY2020
- NP 20-413 Approve an Agreement with PDI to provide an inventory system for the Nez Perce Express and the Camas Express in the amount of \$87,400.00
- NP 20-414 Authorize the FY2020 BIA-NADBI grant application for funding a feasibility study for for-profit Tribal businesses and enterprises located within Federal Opportunity Zones, specifically the former Blue North Mill site
- NP 20-415 Authorize the submission of a grant application to the Economic Development Administration for assistance with the construction of the Nez Perce Business Park in the amount of \$4,000,000.00 with no cash match required
- NP 20-416 Approve the sale of home, shed and shop located on fee property 16-026
- NP 20-417 Approve the sale of home and shed located on fee property 19-363
- NP 20-418 Authorize the Power Purchase Agreement between the Nez Perce Tribe and RevolvuSUN Cleaner, Smarter, Energy to install Solar Energy Systems in the amount of \$1,437,384.00 to be paid from CARES ACT funding
- NP 20-419 Authorize the Social Services Department and its New Beginnings program to apply for a Department of Justice (DOJ) Office of Violence Against Women (OVW) grant funding, Purpose Area 1, for Tribal Government Programs in an amount not to exceed \$99,340.00 through the OVW Covid-19 grant program
- NP 20-420 Authorize the Social Services Department and its New Beginnings program to apply for a Department of Justice (DOJ) Office of Violence Against Women (OVW) grant funding, Purpose Area 2, for Tribal Sexual Assault Program in an amount not to exceed \$94,030.00 through the OVW Covid-19 grant program
- NP 20-421 Concur with the interview panel's recommendation to hire Anthony Johnson as the Nez Perce Tribe's Human Resources Manager effective September 7, 2020
- NP 19-222 AMENDED Approve the extension to the contract with Mark A. Ryan at Ryan & Kuehler, PLLC

NP 19-479 AMENDED Approve the extension to the contract with Michael Taylor,
Cascade Economics

NP 20-422 Approve the agreement between the Nez Perce Tribe and the City of Lewiston
for Sewage Maintenance Services

NP 20-423 Approve the purchase of the Hays Property with funds from the SRBA line of
credit

RESOLUTION INDEX

SEPTEMBER 22, 2020

- NP 20-424 Approve the appointment of Kimberly Merrell, Pharmacist to the Medical-dental Staff of Nimiipuu Health
- NP 20-425 Approve the appointment and privileges of Jeffrey Lathen as a member of the allied Health Staff from August 25, 2020 to August 25, 2023
- NP 20-426 Approve additional clinical privileges for Dr. Thanh Danae Vu to perform colposcopy procedures
- NP 20-427 Approve the creation of the Planning Committee for the 25th Anniversary of the Spalding-Allen Collection Acquisition and Re-naming Celebration and the allocation of funds to support the celebration
- NP 20-428 Approve the enrollment of the following individuals into full membership with the Nez Perce Tribe: Gordon Milton Bennett, III, Aaron Jase Johnson and Jordan Michael Sonneck, Jr.
- NP 20-429 Approve the posting for 60 days the following names for consideration for enrollment with the Nez Perce Tribe: Amaya Echo Henry, Aries Wayne Henry, Helios James Henry, Odin Joel Henry, Rashawn Russell Henry and Zoe Rose Henry
- NP 20-430 Approve the following name change to the enrollment files. Vivian Mae Wilson to VIVIAN MAE HENRY
- NP 20-431 Approve the following blood degree correction for Nez Perce Tribal Member #4245 and his children
- NP 20-432 Authorize the Department of Army Easement between the U.S. Corps of Engineers and the Nez Perce Tribe for continued maintenance of improvements to five (5) parking spaces and the walking trail around the perimeter of Dworshak National Fish Hatchery from August 26, 2020 to August 25, 2035
- NP 20-433 Authorize the subcontract with Hillcrest Aircraft Company in the amount of \$37,410.00 to begin at the date of execution through December 31, 2020
- NP 20-434 Approve the appointment of John Wheaton, Emergency Management Planner, as the Primary and Jack Bell, Environmental Restoration and Waste Management Director, as the Alternate points of contact for the Nuclear Regulatory Commission's advanced notification for shipments of irradiated reactor fuel

- NP 20-435 Approve the recommendation of the CARES Committee to allocated \$5,118,207.00 as the initial operating budget for the projects and programs impacted by the COVID-19
- NP 20-436 Authorize the Lease and Maintenance Agreement with Canon Inc. for the Canon imageRUNNER ADVANCE DX C7700 Series in the amount of \$29,000.00 for a period of sixty (60) months
- NP 20-162 **AMENDED** Approve the Services Agreement with Peggen & Mara Political Consulting, LLC for continued Washington State Lobbying and Legislative Services
- NP 17-414 **AMENDED** Approve the contract with Cindy Darcy for continued Washington, D.C. Lobbying and Legislative Information Services
- NP 20-437 Approve the Renewal of Contract with Courtney Johnson, Crag Law Center, for continued consultation services in connection with cleanup at the Portland Harbor Superfund Site
- NP 20-438 Approve the Memorandum of Agreement between the Nez Perce Tribe and Nez Perce County Region II Detention Center
- NP 20-439 Approve the use of the home site and structures located at Tribal Fee property 20-211 by the Department of Fisheries Resource Management for a three (3) year period.
- NP 20-440 Approve an agriculture lease on 4.5 acres of Allotment 1353A with the lease to begin on October 1, 2020 and expire on October 1, 2022 and each year of the lease thereafter
- NP 20-441 Approve the Agreement to Terminate "Nez Perce Tribe/City of Lewiston Agreement for Use of Sewage Treatment Facilities and Operation and Maintenance of Tribal Owned Sanitary Sewer System
- NP17-177 **AMENDED** Approve extending the Attorney Contract with Julie S. Kane, Managing Attorney in satisfaction of the Revised Constitution and Bylaws of the nez Perce Tribe, Article VIII, Section 2 for an additional thirty (30) days through October 31, 2020
- NP 20-442 Approve the FY2021 Indirect Cost Budget in the amount of \$14,484,431.00
- NP 20-443 Approve the FY2021 Gaming Allocation Budget in the amount of \$6,257,302.00
- NP 20-444 Approve the FY2021 SRBA Water & Sewer Projects Budget in the amount of \$79,370.00

NP 20-445 Approve the FY2021 SRBA Funding Budget in the amount of \$8,324,398.00

NP 20-446 Approve the FY2021 Youth Affairs Budget in the amount of \$55,000.00

NP 20-447 Approve the FY2021 Fuel Tax Budget in the amount of \$2,292,756.00

NP 20-448 Approve the FY2021 Tobacco Tax Budget in the amount of \$1,736,741.00

NP 20-449 Approve the FY2021 TERO Budget in the amount of \$581,111.00

NP 20-450 Approve the FY2021 Utilities Budget in the amount of \$1,784,722.00

NP 20-451 Approve the FY2021 Tribal Scholarship Budget in the amount of \$481,297.00

NP 20-452 Approve the FY2021 General fund Budget in the amount of \$2,209,191.00

NP 20-453 Approve the FY2021 Gaming Facility License Fee in the amount of \$673,973.00

NP 20-454 Approve the FY2021 Gaming Commission Budget in the amount of \$673,973.00

NP 20-455 Approve the FY2021 Broadband Revenue in the amount of \$863,337.00

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE
INTER-OFFICE
M E M O R A N D U M

TO: NPTEC Members

FROM: Rachel P. Edwards, Secretary

SUBJECT: Administrative Actions - September 22, 2020

DATE: September 22, 2020

The following Administrative Actions were approved by the Nez Perce Tribal Executive Committee meeting in Special Session, September 22, 2020 in the Richard A. Halfmoon Council Chambers, Lapwai, ID. You are hereby authorized to disburse funds and/or take proper action.

HUMAN RESOURCES SUBCOMMITTEE - SEPTEMBER 21, 2020

1. Idaho Business for Education Dues Approve the membership renewal and payment of membership dues to Idaho Business for Education.
2. Re-Schedule Human Resources Subcommittee Re-schedule the Human Resources Subcommittee meeting from Monday, October 5, 2020 to Thursday, October 8, 2020 at 8:30 a.m. due to the Bear's Paw Memorial.

NATURAL RESOURCES SUBCOMMITTEE - SEPTEMBER 15, 2020

3. Appointment Authorize appointment of Jay Hesse as the Dworshak Board Chair for managing the release of 200,000 acre-feet of Dworshak Reservoir water to benefit fish under the Snake River Basin Adjudication Agreement.
4. Letter Authorize a letter to the Army Corps of Engineers regarding the Dworshak Trails work at Elkberry Creek, Evans Creek, and Elk Creek Meadows.
5. Meeting Request Send an invitation to Asotin County and respective entities to meet with the Nez Perce Tribal Executive Committee.

BUDGET & FINANCE SUBCOMMITTEE - SEPTEMBER 16, 2020

6. Healing Lodge of the Seven Nations LEPP Grant Authorize the revised scope of work for the Healing Lodge of the Seven Nations Local Education 2020-2021 Grant in the amount of \$9,000.00.

7. July 2020 NPTEC Treasurer's Report Accept the NPTEC Treasurer's Report for the period ending July 31, 2020.
8. August 2020 NPTEC Treasurer's Report Accept the NPTEC Treasurer's Report for the period ending August 31, 2020.
9. Nez Perce Tribal Enterprises Financials Accept the Nez Perce Tribal Enterprises Financials for the period ending July 31, 2020.

LAW & ORDER/INTERGOVERNMENTAL SUBCOMMITTEE - SEPTEMBER 21, 2020

10. Reschedule Law & Order/Intergovernmental Subcommittee Re-schedule the Law & Order/Intergovernmental Subcommittee from Monday, October 5, 2020 to Thursday, October 8, 2020 at 2:00 p.m. due to Bear's Paw Memorial.

OFFICE OF LEGAL COUNSEL

11. Letter Motion/Mr. Ellenwood, second/Mr. Mitchell to authorize a letter to the Bonneville Power Administration, the Corps of Engineers, and the Bureau of Reclamation regarding Memorandum of Understanding, motion carried.
12. Letter Approve a letter to Forest Service Region 10 regarding participation in the Custer-Gallatin Forest Plan objection resolution process.
13. Letter Approve a letter to Payette National Forest Service requesting an extension on the Stibnite Gold Project Draft Environmental Impact Statement comment period.

NEW BUSINESS

14. Walkthrough Ratify the walkthrough of September 18, 2020 to authorize the Nez Perce Tribe to join the Native American Rights Fund's (NARF) *amicus* (friend of the court) brief in *Standing Rock Sioux v Corps of Engineers* (Dakota Access Pipeline litigation) concerning appropriate remedy for National Environmental Policy Act violations.
15. June Employee of the Month Name Orlando Thunder Garcia as June 2020 Employee of the Month.
16. July Employee of the Month Name Melissa Guzman as July 2020 Employee of the Month.

17. August Employee of the Month Name Mary Beth Frank as August 2020 Employee of the Month.

BY: Rachel P. Edwards

Rachel P. Edwards, Secretary

ATTEST:

Shannon F. Wheeler

for Shannon F. Wheeler, Chairman

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE
INTER-OFFICE
M E M O R A N D U M

TO: NPTEC Members

FROM: Rachel P. Edwards, Secretary

SUBJECT: Administrative Actions - September 8, 2020

DATE: September 10, 2020 - CORRECTED

The following Administrative Actions were approved by the Nez Perce Tribal Executive Committee meeting in Regular Session, September 8, 2020 in the Richard A. Halfmoon Council Chambers, Lapwai, ID. You are hereby authorized to disburse funds and/or take proper action.

NATURAL RESOURCES SUBCOMMITTEE - SEPTEMBER 1, 2020

1. NIHB Participation Authorize the Wildlife staff to participate in the National Indian Health Board (NIHB) interview to gather information regarding lead exposure and prevention.
2. Monthly Report Accept the Conservation Enforcement Division monthly report.
3. Letter Authorize a letter to Barry Thom, Regional Administrator, National Marine Fisheries Service, delegating authority to Columbia River Inter-Tribal Fish Commission for lethal removal of sea lions taken under section 120(f) of the Marine Mammal Protection Act.
4. Treaty Buffalo Hunt Authorize the 2020-2021 Treaty Buffalo Hunt season in West Yellowstone opening effective 6 a.m. (MST) September 11, 2020, based on the Nez Perce Tribe 2019-2020 Treaty Buffalo Hunt Regulations."

BUDGET & FINANCE SUBCOMMITTEE - SEPTEMBER 2, 2020

5. Fall 2020 General Council Authorize administrative leave for Enterprise employees who are enrolled tribal member employees, who are scheduled to work during the Fall General Council meeting, with supervisor approval, to attend the Fall 2020 General Council at the Pi-Nee-Waus Community Center, Lapwai, Idaho.

LAW & ORDER/INTERGOVERNMENTAL SUBCOMMITTEE - SEPTEMBER 3, 2020

6. Hemp Ordinance Code Amendment Authorize a thirty (30) day posting for proposed addition to the Nez Perce Tribal Code to include the Nez Perce Tribal Hemp Ordinance.
7. Tribal Hemp Ordinance Plan Authorize Office of Legal Counsel to create a draft of Tribal Hemp Ordinance for review by Law & Order Subcommittee to submit for final USDA Regulatory approval.

LAND ENTERPRISE COMMISSION SUBCOMMITTEE- SEPTEMBER 1, 2020

8. Non-Disclosure Agreement Approve a non-disclosure agreement between the Nez Perce Tribe and the owners of the Hays Ranch Property.

NEW BUSINESS

9. Campaign Donations Authorize campaign donations for U. S. Congressional campaigns of Rudy Soto in the amount of \$1,000.00 and Paulette Jordan in the amount of \$1,000.00 and for Asotin County Public Utility District Commissioner campaign for tribal member, Joe Louis in the amount of \$500.00 with funds from the Public Relations line item.
10. General Council Draft Minutes Accept the General Council Spring Draft Minutes.
11. Fall General Council Postponement Approve General Council to schedule tentative dates for 2020 Fall General Council due to COVID.

OFFICE OF LEGAL COUNSEL

12. Letter Approve a letter to Congressional delegation on recommendations for COVID-19 response legislation.

BY: Rachel P. Edwards
Rachel P. Edwards, Secretary

ATTEST:

Shannon F. Wheeler
Shannon F. Wheeler, Chairman

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE
INTER-OFFICE
M E M O R A N D U M

TO: NPTEC Members

FROM: Rachel P. Edwards, Secretary

SUBJECT: Administrative Actions - August 25, 2020

DATE: August 25, 2020

The following Administrative Actions were approved by the Nez Perce Tribal Executive Committee meeting in Special Session, August 25, 2020 in the Richard A. Halfmoon Council Chambers, Lapwai, ID. You are hereby authorized to disburse funds and/or take proper action.

HUMAN RESOURCES SUBCOMMITTEE - AUGUST 17, 2020

1. Students for Success Nimiipuu Prevention Coalition Grant Approve the Students for Success Program to continue administering the SAMHSA Nimiipuu Prevention Coalition Grant for \$196,703.00 for grant period September 30, 2020 through September 29, 2021.
2. Students for Success Nez Perce Native Connection Grant Approve the Students for Success Program to continue administering the SAMHSA Nez Perce Native Connection Grant for \$210,532.00 for grant period September 30, 2020 through September 29, 2021.
3. Human Resources Subcommittee Re-schedule the Human Resources Subcommittee meeting from Monday, September 7, 2020 to Thursday, September 3, 2020 at 8:30 a.m. due to the Labor Day Holiday.
4. Mamáay' asnim Hitéemenwees Plan to Improve Quality Approve the Mamáay' asnim Hitéemenwees Plan to Improve Quality developed in partnership with the Office of Head Start.
5. Mamáay' asnim Hitéemenwees Re-Opening Plan Approve the Mamáay' asnim Hitéemenwees Re-Opening Plan for the 2020-2021 school year.
6. Mamáay' asnim Hitéemenwees Operational Levels Approve the Mamáay' asnim Hitéemenwees proposed Covid-19 Operational Levels for the 2020-2021 school year.

BUDGET & FINANCE SUBCOMMITTEE - AUGUST 19, 2020

7. Employee Day 2020 Authorize eight (8) hours of administrative leave, above and beyond the 16-hour limitation, for tribal government employees to observe a day off for "Employee Day" anytime between August 31, 2020, and December 31, 2020, with supervisor approval.
8. June 2020 NPTEC Treasurer's Report Accept the NPTEC Treasurer's Report for the period ending June 30, 2020.
9. Nimiipuu Health Financials Accept Nimiipuu Health's Financials for the period ending June 30, 2020.
10. Nez Perce Tribal Enterprises Financials Accept the Nez Perce Tribal Enterprises Financials for the period ending June 30, 2020.
11. LCSC Golf Scramble approve two (2) Bachelor's Level Sponsorships for the Lewis Clark State College (LCSC) 11th Annual Scholarships Golf Scramble to be held August 29, 2020 at the Clarkston Golf & Country Club with funds from the Public Relations line item.

LAND ENTERPRISE COMMISSION SUBCOMMITTEE- AUGUST 18, 2020

12. Tribal Fee Property 16-087 Proceed with proposal of a lease for Tribal Fee Property 16-087.

NEW BUSINESS

13. Walkthrough Ratify the following walkthrough: August 12 - authorized Nimiipuu Health to enter into a Memorandum of Understanding (MOU) with the Northwest Portland Area Indian Health Board (NPAIHB) to provide contact tracing to identify and support people confirmed or potential COVID-19 infection as well as those who are at high risk to the virus NP20-392.
14. Re-schedule Law & Order Subcommittee Re-schedule the Law & Order Subcommittee from Monday, September 7, 2020 to Thursday, September 3, 2020 at 2:00 p. m. due to the Labor Day holiday.

OFFICE OF LEGAL COUNSEL

15. Amicus Brief Authorize Office of Legal Counsel to file a joint amicus brief in *Neighbors Against Bison Slaughter, et al v The National Park Service, et al.*

BY: Rachel P. Edwards
Rachel P. Edwards, Secretary

ATTEST:

Shannon F. Wheeler
Shannon F. Wheeler, Chairman

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE
INTER-OFFICE
M E M O R A N D U M

TO: NPTEC Members

FROM: Rachel P. Edwards, Secretary

SUBJECT: Administrative Actions - August 11, 2020

DATE: August 11, 2020

The following Administrative Actions were approved by the Nez Perce Tribal Executive Committee meeting in Regular Session, August 11, 2020 in the Richard A. Halfmoon Council Chambers, Lapwai, ID. You are hereby authorized to disburse funds and/or take proper action.

HUMAN RESOURCES SUBCOMMITTEE - AUGUST 3, 2020

1. IHBG-CARES Indian Housing Plan Approve the Chairman's Signature on Indian Housing Block Grant (IHBG)-CARES Indian Housing Plan page 15 Tribal certification attesting document has been provided for review and approval of submission by the Nez Perce Tribal Housing Authority (NPTHA) as the TDHE.

NATURAL RESOURCES SUBCOMMITTEE - AUGUST 4, 2020

2. IDFG Request Approve the request from Idaho Fish and Game (IDFG) to access Tribal Unit 11 to conduct research permit for its Integrated Population Modeling Study.
3. SRBA Individual Water Program Approve an additional allocation in the amount of \$275,000.00 for the Snake River Basin Adjudication (SRBA) Individual Water & Sewer Program for Fiscal Year 2020.

BUDGET & FINANCE SUBCOMMITTEE - AUGUST 5, 2020

4. Nez Perce Tribal Enterprise Financials Accept the Nez Perce Tribal Enterprise financials for the period ending May 31, 2020.
5. Nez Perce Tribal Enterprises Hazard Pay Schedule Authorize the Nez Perce Tribal Enterprise Hazard Pay Schedule for Enterprise employees.
6. Fall 2020 General Council Administrative Leave Authorize administrative leave for enrolled tribal member employees, with supervisor approval, to attend the Fall 2020 General Council meeting on September 24-26 at the Pi-Nee-Waus Community Center, Lapwai, Idaho.

7. Sponsorship Authorize the Intertribal Timber Council Sponsorship in the amount of \$1,000.00 from the NPTEC Public Relations Line Item.
8. Audit Firm FY 2020 Approve Bluebird CPA's to provide audit services for the Nez Perce Tribal Government, Nimiipuu Health, and the Nez Perce Tribe's 401(k) for Fiscal Year (FY) 2020.
9. Indirect Cost Rate Proposals Authorize the Indirect Cost Rate Proposal Preparation Services Agreement with Ribail Advisory Services, PLLC, for September 30, 2022 through 2024.

LAND ENTERPRISES SUBCOMMITTEE COMMISSION - AUGUST 4, 2020

10. Letter Approve a letter regarding the Stedman Property.

NEW BUSINESS

11. Fireworks Retail License Fees Authorize reimbursement to Fireworks Retailers and Wholesalers 2020 permit license fees paid due to COVID 19 related hardships and financial burdens placed on tribal member retailers and wholesalers.
12. ACF Tribal Consultation Written Testimony Authorize submission of written testimony to the Administration for Children and Families (ACF) in response to tribal consultation on issued related to social service programs and Temporary Assistance for Needy Families (TANF) by the August 11, 2020 deadline.
13. Letter Authorize a letter to the Governors of Idaho, Washington and Oregon regarding the Colombia River System Operations.

BY: Rachel P. Edwards
Rachel P. Edwards, Secretary

ATTEST:

Shannon F. Wheeler
Shannon F. Wheeler, Chairman

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE
INTER-OFFICE
M E M O R A N D U M

TO: NPTEC Members

FROM: Rachel P. Edwards, Secretary

SUBJECT: Administrative Actions - July 28, 2020

DATE: July 28, 2020

The following Administrative Actions were approved by the Nez Perce Tribal Executive Committee meeting in Special Session, July 28, 2020 in the Richard A. Halfmoon Council Chambers, Lapwai, ID. You are hereby authorized to disburse funds and/or take proper action.

NATURAL RESOURCES SUBCOMMITTEE - JULY 21, 2020

1. Monthly Report Accept the Conservation Enforcement Division monthly report ending June 30, 2020.
2. Letter Authorize a letter to Brandon Knapton, Nez Perce-Clearwater National Forests, submitting comments on the Pete King Wildlife Habitat Restoration Project.
3. General Council Resolution Refer General Council Resolution,SPGC 20-02 to the Office of Legal Counsel to utilize the resolution as supporting documentation and for any entities for future litigation uses or as needed. **REFERRED**
4. Letter Authorize a letter from the Chairman to Asotin County requesting a meeting regarding sensitive and cultural sites along the Snake River corridor.

BUDGET & FINANCE SUBCOMMITTEE - JULY 22, 2020

5. Contract Funds Approve the Nez Perce Tribe Endowment 2020 contract funds to move to cash funds in the amount of \$250,000.00.
6. Spring General Council Resolution Refer General Council Resolution SPGC-01 to the Executive Director to meet with the Education manager and to provide a report to August 5, 2020 Budget and Finance Subcommittee. **REFERRED**

LAW & ORDER SUBCOMMITTEE - JULY 20, 2020

7. CSEP Quarterly Report Approve the submittal of the Nez Perce Tribe Child Support Enforcement (CSEP) Program's 3rd Quarter Financial Report with Chairman's signature to the Office of Child Support Enforcement (OCSE) in the amount of \$67,529.00.
8. CSEP Match Waiver Letter Approve the Nez Perce Tribe's Child Support Enforcement Program (CSEP) FY 2020 Emergency Match Waiver Letter to Commissioner Scott M. Lekan, Office of Child Support Enforcement (OCSE).
9. Fireworks Ban Authorize a notice to ban the discharge of fireworks on the Nez Perce Reservation effective immediately per Nez Perce Tribal Code Chapter 6-3 Fireworks Ordinance. §6-3-8 Right to Close Fireworks, due to dry weather conditions.

LAND ENTERPRISES SUBCOMMITTEE COMMISSION - JULY 21, 2020

10. Tribal Fee Property 20-211 Refer the home site and structures located on Tribal Fee Property 20-211 by the Department of Fisheries Resource Management to the August 4, 2020 Land Enterprise Commission meeting. REFERRED

NEW BUSINESS

11. Administrative Leave Authorize eight (8) hours of Administrative Leave with supervisor's approval for tribal employees to attend the Wallowa Lake Day Trip event on either August 4, 2020, August 11, 2020 or August 12, 2020.

BY: Rachel P. Edwards
Rachel P. Edwards, Secretary

ATTEST:

Shannon F. Wheeler
Shannon F. Wheeler, Chairman

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE
INTER-OFFICE
M E M O R A N D U M

TO: NPTEC Members

FROM: Rachel P. Edwards, Secretary

SUBJECT: Administrative Actions - July 14, 2020

DATE: July 15, 2020

The following Administrative Actions were approved by the Nez Perce Tribal Executive Committee meeting in Regular Session, July 14, 2020 in the Richard A. Halfmoon Council Chambers, Lapwai, ID. You are hereby authorized to disburse funds and/or take proper action.

BUDGET & FINANCE SUBCOMMITTEE - JULY 8, 2020

1. Law & Justice Hazard Pay Schedule Authorize the Nez Perce Tribe's Law & Justice Hazard Pay Schedule for governmental employees.
2. NPTE Financials Accept the Nez Perce Tribal Enterprise (NPTE) financials for the period ending April 30, 2020.
3. NPTEC Treasurer's Report Accept the NPTEC Treasurer's Report for the period ending May 31, 2020.
4. Local Education Fund Application Review Reschedule the Local Education Fund application review meeting to July 17, 2020 at 10:00 a.m.
5. Nez Perce Tribe Hazard Pay Schedule Authorize the Nez Perce Tribe Hazard Pay Schedule for governmental employees.
6. Nimiipuu Health Accept the Nimiipuu Health Financials for the period ending April 30, 2020.
7. Nimiipuu Health Financials Accept the Nimiipuu Health Financials for the period ending May 31, 2020.
8. FY 2020 I.H.S. Funding Agreement Accept the FY 2020 I.H.S. Funding Agreement Amendment in the amount of \$1,467,186.00.

9. I.H.S. Funding COVID-19 for Operated Programs Accept the I.H.S. Funding for COVID-19 Operated Programs in the amount of \$107,668.00.
10. State of Idaho Department of Health and Welfare Approve the State of Idaho Department of Health and Welfare Tobacco Cessation WIC Sub-grant in the amount of \$21,500.00.
11. CARES Act Provider Relief Funding Accept the CARES Act Provider Relief Funding in the amount of \$1,302,186.00.

NEW BUSINESS

12. General Council Resolution SPGC20-01 Accept General Council Resolution SPGC 20-01 and refer to Budget and Finance Subcommittee and Human Resources Subcommittee. REFERRED
13. General Council Resolution SPGC20-02 Accept SPGC 20-02 and refer to Natural Resources Subcommittee and Climate Change/Energy Subcommittee. REFERRED

OFFICE OF LEGAL COUNSEL

14. Letter Authorize a letter to Wallowa Lake Lodge, LLC, regarding closure on the Wallowa Lake Lodge Conservation Easement.

NEW BUSINESS

15. Walkthroughs Ratify the following walkthroughs: June 23 - rescinded NP05-041; June 26 - approved a \$1,200.00 payment from the Coronavirus Relief Fund to Nez Perce Tribal Members, 18+, including those who turn 18 by June 30, 2020 NP 20-321; June 29 - approved a letter to Michelle Dale, Idaho Department of Environmental Quality, conveying Nez Perce Tribe's request for issue paper during the state of Idaho's 2020 Triennial Review regarding sustenance fishing; June 30 - approved the Cultural Resources Program to submit a grant application to the Administration for Native American (ANA) Native American Language Preservation and Maintenance initiative for the Nez Perce Language Program's proposal entitled nimipuutimt way'a?atkin'ix (The People's Language from a Distance, NP20-322; July 7 - approved a letter to Shane Jeffries, Ochoco National Forest Supervisor, requesting Cooperating Agency status on the proposed Eastside Screens forest plans amendment; July 7- authorize Nimiipuu Health to enter into a Personal Service Agreement with Ariel King, Orthodontic Assistant, to provide orthodontic care under the direct supervision of the Orthodontist providing care to Nimiipuu Health patients effective upon the date of execution through September 30, 2020 NP 20-323.

16. Administrative Leave Authorize four (4) hours of Administrative Leave with supervisors approval, for tribal government employees to attend the Mud Springs Memorials on July 30, 2020.
17. Letter Authorize to sign on to a letter urging the Idaho's Congressional Delegation to prioritize climate initiatives in future federal stimulus response legislation.
18. Employee of the Month Name Letitia Whitman as the April 2020 Employee of the Month.
19. Employee of the Month Name Carol Reuben as the May 2020 Employee of the Month.

BY: Rachel P. Edwards
Rachel P. Edwards, Secretary

ATTEST:

Shannon F. Wheeler
Shannon F. Wheeler, Chairman

NEZ PERCE TRIBAL EXECUTIVE COMMITTEE
INTER-OFFICE
M E M O R A N D U M

TO: NPTEC Members

FROM: Chantel L. Greene, Secretary

SUBJECT: Administrative Actions - June 9, 2020

DATE: June 9, 2020

The following Administrative Actions were approved by the Nez Perce Tribal Executive Committee meeting in Regular Session, June 9, 2020 in the Richard A. Halfmoon Council Chambers, Lapwai, ID. You are hereby authorized to disburse funds and/or take proper action.

HUMAN RESOURCES SUBCOMMITTEE - JUNE 1, 2020

1. Refer Refer the request from A. Skylar Joseph, Graduate Student, Binghamton University, Binghamton, New York, to send a linked survey to tribal members for her research regarding MMIW crisis to Cultural Resources. REFERRED
2. Idaho Indian Education Committee Appointment Approve a letter to the Idaho Indian Education Committee appointing Mary Jane Miles to replace Bill Picard on the Idaho Indian Education Committee effective immediately.

NATURAL RESOURCES SUBCOMMITTEE - JUNE 2, 2020

3. Blocked Area Goal Statement Adopt a statement titled Nez Perce Policy for Fish Restoration in Blocked Areas of the Snake River Basin.

BUDGET & FINANCE SUBCOMMITTEE - JUNE 3, 2020

4. NPTE Financials Accept the Nez Perce Tribal Enterprise (NPTE) financials for the period ending March 31, 2020.
5. NPTEC Treasurer Reports Accept the NPTEC Treasurer's Reports for the period ending March 31, 2020 and April 30, 2020.

6. Local Education Fund Application Review Reschedule the Local Education Fund application review meeting to June 29, 2020 at 9:00 a.m.
7. First Nations Development Institute Application Authorize the electronic application for the First Nations Development Institute for \$15,000.00.
8. Henkels & McCoy Contract Change Orders Authorize the change orders for the Henkels & McCoy fiber contract in the amount of \$113,559.99 with a total project cost not to exceed \$2,500,000.00.

LAND ENTERPRISE COMMISSION SUBCOMMITTEE - JUNE 2, 2020

9. Fireworks Bids Opening Approve opening the 2020 Fireworks bids for the following Tribal Units: Tribal Unit #45 US Hwy 12-Orofino, Tribal Unit #1620B US Hwy 12-Kooskia and Tribal Unit #1355 US Hwy 12-Kamiah.

NEW BUSINESS

10. Walkthroughs Ratify the following walkthroughs: May 27 - authorized grant submission to the Office of Housing and Urban Development FY2020 Indian Community Development Block Grant Imminent Threat Program provided under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, grant submission deadline June 1, 2020, NP20-292; June 2- approved a letter of support for the University of Idaho's grant application to the USDA Natural Resources Conservation Innovation Grants On-Farm Conservation Innovation Trails for FY2020 for the project, "Improving the ecological services of Nez Perce Lands through agriculture management and decision support tools;" June 5 - approved amending the Facilities Lease Agreement for the Nez Perce Tribe House #22 - 357 Agency Road, Lapwai, Idaho (Tiny Tots Learning Center, LLC), NP20-293.
11. Letter Authorize a letter to the City of Kamiah in support of Emergency Medical Technicians regarding Emergency Medical Services discontinuing July 1, 2020.

BY: Chantel L. Greene
Chantel L. Greene, Secretary

ATTEST:

Shannon F. Wheeler
Shannon F. Wheeler, Chairman



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

August 20, 2020

Sent via email to: eemainzer@bpa.gov

Mr. Elliot Mainzer
Administrator, Bonneville Power Administration
P.O. Box 362
Portland, OR 97208-3621

Dear Elliot:

I write on behalf of the Nez Perce Tribe to thank you for your service as Administrator and to wish you all the best in your new endeavors.

We appreciate your acknowledgment of the sacred Treaty and trust responsibilities of the United States arising from the United States' 1855 Treaty with the Nez Perce. We also appreciate the respect you have shown for the Nez Perce Tribe's prominent role in all issues involving salmon, lamprey, wildlife, and the ecosystems on which they depend; and for the Tribe's unwavering commitment and leadership on restoring the lower Snake River by breaching the four lower Snake River dams and investing in local communities.

As you have witnessed first-hand, our long-standing partnership with the Bonneville Power Administration in implementing fish and wildlife mitigation throughout the Snake River Basin that includes restoring fish and wildlife habitat and managing hatcheries to provide important fishing opportunities to both non-Indian and Treaty fisheries – important work that will need to continue in the future – is strong, and has benefitted from the direct lines of communication that have been your hallmark throughout your tenure as Administrator.

We appreciate the interest you have shown in envisioning a future that encompasses a restored lower Snake River, and the Nez Perce Tribe's central role in that future. We view restoring the lower Snake River as urgent and overdue, and we are committed to continuing to provide leadership on restoring the lower Snake River in all forums. Unfortunately, the Columbia River System Operations Environmental Impact Statement fails to provide the accurate, complete, and transparent information and analysis of the impacts of the four lower Snake River dams that are necessary for national and regional decision-makers as required by law. And the Biological Opinion – in the face of looming climate change projections – requires no more protection for salmon and steelhead than the 2019-2021 Spill Operation Agreement that was merely intended

Mr. Elliot Mainzer
Administrator, Bonneville Power Administration
August 20, 2020
Page 2

as an interim agreement – a bridge – to the development of a more significant system improvement. As a result, the federal EIS and the BiOp present obstacles to Bonneville and others in achieving meaningful, substantive solutions involving restoration of the lower Snake River.

Finally, we have appreciated collaborating with you and your staff, and the Army Corps, on the Phase 1A study of a proposed additional turbine at Dworshak Dam. As you know, the Tribe has a unique status, history, and knowledge with respect to Dworshak Dam and Reservoir. As we communicated to the Corps originally, and then to the partnership that commenced with you as well, the Tribe views the United States – given unresolved U.S. fiduciary obligations to the Tribe from the construction and operation of the dam on the Nez Perce Reservation and the uncompensated use of tribal land ever since – as having a Federal interest in examining the development of additional hydropower at Dworshak Dam through collaborative partnership with the Nez Perce Tribe.

Qe'ci'yew'yew' (thank you) and best wishes for the future.

Sincerely,



Mr. Shannon F. Wheeler
Chairman



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

23 September 2020

Mr. John Hairston
Acting Administrator and CEO
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208-3621
jlhairston@bpa.gov

Brigadier General D. Peter Helmlinger, P.E.
Commander, Northwestern Division
U.S. Army Corps of Engineers
1201 N.E. Lloyd Blvd. #400
Portland, OR 97232-2870
peter.helmlinger@usace.army.mil

Ms. Lorri Gray
Regional Director
Interior Region 9: Columbia-Pacific Northwest
Bureau of Reclamation
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234
lgray@usbr.gov

Re: Nez Perce Relations with Bonneville Power Administration, Corps of Engineers, and Bureau of Reclamation

Dear Mr. Hairston, General Helmlinger, and Ms. Gray:

The Nez Perce Tribe (Tribe) writes to respectfully decline your invitation to enter into a Memorandum of Understanding (MOU) at this time with the Bonneville Power Administration, the Corps of Engineers, and the Bureau of Reclamation.

The Nez Perce Tribe continues to focus – in vision and action – on what our people see as core truths: 1) the status of salmon, steelhead, and lamprey is dire; 2) the four concrete barriers on the lower Snake River have had – and continue to have – a devastating impact on the fish and on

Mr. John Hairston
Brigadier General D. Peter Helmlinger, P.E.
Ms. Lorri Gray
23 September 2020
Page 2

tribal people; 3) restoring the lower Snake River to a natural river and eliminating these barriers that stand between the largely-pristine habitat in the Salmon, Snake, and Clearwater basins is the cornerstone to rebuilding returns along with ongoing hatchery and habitat actions; and 4) as dire as the situation already is, these fish may have even less time given the looming impact of a warming climate.

The Tribe does not see an MOU with your agencies at this time as aligned with these core truths. Nor do we see an offer to address and correct the plain flaws of the Columbia River System Environmental Impact Statement and the 15 year Biological Opinion it has been merged with, or to provide additional protective measures for fish (or restore measures for fish deleted from the Proposed Action/Preferred Alternative). Our constant duty is to the Nez Perce people – the *Nimiipuu* – and the vision we maintain of a better future for our people.

The Tribe's relationship with Bonneville, the Corps, and Reclamation is a direct one, established by our 1855 Treaty with the United States, in which the Tribe reserved, and the United States secured to the Tribe, rights – including the right to take fish at all usual and accustomed places – essential to our way of life, culture, economy, and health – physical and spiritual. As two sovereigns, through government-to-government consultation, we have regularly met with you in a spirit of collaboration to address the importance of the United States honoring its Treaty and trust obligations to the Nez Perce Tribe. Under the U.S. Constitution, United States treaties are the “supreme law of the land”; United States treaty and trust obligations to Indian tribes cannot be delegated or passed to the states. Our relationship with Bonneville, the Corps, and the Bureau is strong and sincere. We have found much success together. Our relationship will continue to be strengthened as we, together, directly confront issues with transparency.

As long-standing partners carrying out fish and wildlife restoration against the backdrop of the Northwest Power Act and the Endangered Species Act, the portfolio of work that we will continue to jointly implement in the Snake River Basin will benefit the fish and benefit all peoples throughout the Columbia-Snake watershed. In the course of implementing this portfolio, we routinely discuss priority implementation issues, and elevate larger issues for government-to-government discussion – for example, the need to address aging hatchery infrastructure or concerns with reductions in fish and wildlife funding.


We view restoring the lower Snake River – a living being to us, and one that is injured – as urgent and overdue. We will be providing leadership in all forums: from our discussions with you as our federal agency trustees and partners, to the halls of Congress, to the courtroom, to the statehouses, to conversations with our neighbors, energy interests, and other river users. Our experience is that rarely can one forum operate in exclusion of others, and often litigation plays a constructive role in advancing interest-based solutions.

Mr. John Hairston
Brigadier General D. Peter Helmlinger, P.E.
Ms. Lorri Gray
23 September 2020
Page 3

We look forward to continuing to engage with you on a government-to-government basis concerning the operation of the dams on the lower Snake and Columbia rivers and as partners in implementing fish and wildlife actions in the Snake River Basin.

Qe'ci'yew'yew' (thank you) for your consideration of these matters at this important moment in time.

Sincerely,



Mr. Shannon F. Wheeler
Chairman



PRESS RELEASE

**For Immediate Release:
September 29, 2020**

**Contact: Kayeloni Scott • Telephone: 208.621.4772 • Email: kayelonis@nezperce.org
Website: www.nezperce.org**



Nez Perce Tribe Calls for Leadership on Lower Snake River Restoration

**Core Truths Not Addressed in Federal Agencies' Record of Decision on Dam Operations on
lower Snake River and mainstem Columbia River.**

Lapwai, ID – Today, the Nez Perce Tribe emphasized that it continues to focus – in vision and action – on what our people see as core truths: 1) the status of salmon, steelhead, and lamprey is dire; 2) the four concrete barriers on the lower Snake river have had - and continue to have - a devastating impact on the fish and on tribal people; 3) restoring the lower Snake River to a natural river and eliminating these barriers that stand between the largely-pristine habitat in the Salmon, Snake, and Clearwater basins is the cornerstone to rebuilding returns along with ongoing hatchery and habitat actions; and 4) as dire as the situation already is, these fish may have even less time given the looming impact of a warming climate.

“We view restoring the lower Snake River as urgent and overdue. To us, the lower Snake River is a living being, and, as stewards, we are compelled to speak the truth on behalf of this life force and the impacts these concrete barriers on the lower Snake have on salmon, steelhead, and lamprey, on a diverse ecosystem, on our Treaty-reserved way of life, and on our people.” stated Chairman Shannon F. Wheeler.

The Tribe has actively participated in the Endangered Species Act and National Environmental Policy Act (NEPA) litigation involving the impacts of the federal dams on the lower Snake River and mainstem Columbia River. The Tribe agreed with U.S. District Judge Michael Simon about the unique opportunity a comprehensive Environmental Impact Statement (EIS) provides—that a comprehensive EIS “may be able to break through any logjam that simply maintains the precarious status quo” while the Federal Columbia River Power System “remains a system that

'cries out' for a new approach and for new thinking" if wild Pacific salmon and steelhead are to survive their encounter with modern man.

"Today's Record of Decision (ROD) embraces an EIS that failed to provide the accurate, complete, and transparent information and analysis of the impacts of the four lower Snake River dams that are necessary for national and regional decision-makers, and that is required by law under NEPA. And today's ROD embraces a fifteen year BiOp – in the face of looming climate change projections – that requires no more protection for salmon and steelhead than the 2019-2021 Spill Operation Agreement that was merely intended to be an interim agreement – a bridge – to the development of a more significant system improvement. The ROD – and the EIS and BiOp – are unacceptable," Chairman Wheeler continued.

"We are committed to continuing to provide leadership on restoring the lower Snake River in all forums: from the halls of Congress, to our federal agency trustees and partners, to the courtroom, to the statehouses, to conversations with our neighbors, energy interests, and other river users," concluded Chairman Wheeler.

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Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

October 27, 2020

Submitted via FedEx, Overnight Delivery

Linda Jackson, Forest Supervisor
Payette National Forest
500 N. Mission St., Bldg. 2
McCall, ID 83638-3805

Re: Nez Perce Tribe's Comments on the Stibnite Gold Project Draft Environmental Impact Statement

Dear Forest Supervisor Jackson:

On behalf of the Nez Perce Tribe ("Tribe"), thank you for the opportunity to comment on the Payette and Boise National Forests' ("Forest" or "Agency") Stibnite Gold Project and U.S. Army Corps of Engineers' ("Corps") Clean Water Act Section 404 review (collectively "Stibnite Gold Project" or "Project") Draft Environmental Impact Statement ("DEIS"). This transmittal letter, accompanying technical comments, flash drive containing electronic copies of citation attachments, prior submitted comments, and information generated between the Tribe and United States pursuant to our government-to-government interactions, represent the comments of the Tribe.

The Project is located entirely within the homeland of the Nez Perce people, the *Nimípuu*, and within the Tribe's area of exclusive use and occupancy, as adjudicated by the Indian Claims Commission.¹ On June 11, 1855, the Tribe entered into a treaty with the United States ("1855 Treaty"). In the 1855 Treaty, the Tribe reserved and the United States secured to the Tribe rights that the *Nimípuu* have exercised since time immemorial, including the right to take fish at all usual and accustomed places, and the rights to hunt, gather, pasture, and travel.² These were not "rights" that impose responsibilities on the United States. For the *Nimípuu* they were and are a

¹ *Nez Perce Tribe v. United States*, Docket # 175, 18 Ind. Cl. Comm. 1.

² Treaty with the Nez Percés, June 11, 1855, 12 Stat. 957.

guarantee of our ability to preserve our culture and identity that are inextricably linked to the reserved rights. These 1855 Treaty rights are the “supreme law of the land.”³

The Tribe has endured immeasurable harm over the last two centuries as a result of misguided federal policies, exploitative resource extraction and land management practices, and broken treaty promises that have ignored our culture and threatened our way of life. Gold mining has played a particularly egregious and lasting role in this ignominious history of hardship and loss. Shortly after the 1855 Treaty was ratified, gold was discovered within the Tribe’s homeland. Multitudes of prospectors, ignoring our treaty rights, illegally flooded our lands, stealing vast quantities of gold and other resources and befouling our pristine waters and sacred places. The United States, unwilling to enforce its treaty obligations and expel the gold-seeking trespassers, instead forced the Tribe to enter into a new treaty (“1863 Treaty”).⁴ While the 1863 Treaty retains our fishing, hunting, gathering, pasturing, and travel rights, our Reservation was substantially reduced—opening to non-Indian settlement lands from which gold and other resources had been illegally taken.

Given gold mining’s legacy of dispossession and wanton destruction of our land and resources, the Tribe is committed to preventing these harms from ever again revisiting our people. When Midas Gold arrived from Canada, pursuing mining claims at the Stibnite site within our aboriginal homeland and branding itself as an environmentally-friendly mining company with promises to “restore the site” by re-mining it for gold and other minerals, the Tribe was skeptical of this dubious claim. As the original inhabitants and stewards of this land, we are widely recognized for our commitment to restoring salmon, steelhead, and lamprey, and as a co-manager and partner, for our active implementation of habitat restoration and hatchery actions in the Snake and Salmon river basins. Honoring our relationship to the fish, and all animals and plants inhabiting our cherished lands and waters, is fundamental to our identity and survival as *Nimtipuu*—and will always remain our sacred and privileged duty.

The Tribe has committed thousands of hours and substantial resources evaluating the Project. The Tribe reviewed Midas Gold’s Plan of Restoration and Operations (“PRO”) and submitted scoping comments on July 20, 2017. In October 2018, the Tribe passed a resolution opposing the Project based on existential threats to our treaty rights and resources, cultural resources, and other interests. We have since continued to closely monitor the Project through formal and informal consultation with the Forest, emphasizing at every opportunity the Agency’s obligations to protect the Tribe’s treaty rights. We have also consistently urged the Forest and other reviewing agencies to provide accurate, complete, and transparent information and analyses to the Tribe and public that the National Environmental Policy Act (“NEPA”) and other federal laws require for the Project.

The Tribe has carefully examined the DEIS and documents our numerous concerns with the draft in our accompanying comments. Many of the Tribe’s comments, despite repeated expression and dialogue throughout this process, correlate to the Forest’s refusal to acknowledge the primacy of

³ U.S. CONST. art. VI, cl. 2.

⁴ Treaty with the Nez Percés, June 9, 1863, 14 Stat. 647.

Linda Jackson, Forest Supervisor
October 27, 2020
Page 3

the 1855 Treaty as applied to this Project and take action to safeguard our treaty-reserved rights. As an agency of the United States, the Forest has a treaty-based duty, enshrined in the U.S. Constitution and supported by numerous U.S. Supreme Court decisions, to ensure that its actions, including approving the Project, do not result in harm to our rights reserved in the 1855 Treaty.

Yet, as evident throughout the DEIS, the Forest's and Corps' analysis reflects an outrageous and deeply erroneous presumption that the Tribe's treaty-reserved rights must yield to Midas Gold's Project, even if the Project results in substantial, irreparable, and lasting harm to the Tribe's treaty rights and resources for decades and perhaps longer. These unacceptable harms to our people are undisputed. The Forest arrived at these determinations in its own analysis for each action alternative in the DEIS.

Given the Forest's deference to—and as described in the Tribe's accompanying comments—inadequate evaluation of Midas Gold's Project, the DEIS is fundamentally flawed. As a result, the range of alternatives, effects, and analysis must undergo foundational revisions to comply with NEPA. Without these foundational changes, the Project will also result in violation of numerous forest plan standards under the National Forest Management Act that protect treaty-reserved fish and habitat and other values important to the exercise of the Tribe's treaty rights and protection of cultural resources. Moreover, the Corps' decision to rely on the DEIS to support a permit decision pursuant to Section 404 of the Clean Water Act for the Project without a completed application from Midas Gold or adequate notice to the public, is also premature and inadequate.

We urge the Forest and Corps to prepare a Supplemental Environmental Impact Statement ("SEIS") to address the numerous defects described in the Tribe's comments and to provide further Tribal and public comment to address the foundational defects in the DEIS. The Tribe also requests government-to-government consultation with the Forest, including an opportunity to review the Forest's written responses to all the Tribe's comments, prior to the issuance of any revised DEIS or SEIS, final environmental review, or draft decision on the Project. Please contact Marie Baheza, Executive Assistant to the Nez Perce Tribal Executive Committee, at (208) 843-2253 to schedule a consultation. In the meantime, we look forward to the Forest making the requested foundational changes to the DEIS. If you have any other questions, please contact Michael Lopez, Senior Staff Attorney, Nez Perce Tribe Office of Legal Counsel, at (208) 843-7355.

Sincerely,



Shannon F. Wheeler
Chairman

Enclosures

