YUROK TRIBAL COUNCIL
PLANNING/ACTION MEETING
THURSDAY, JULY 23, 2020
ONLINE

ROLL CALL: 10:04am

PRESENT: Joe James, Frankie Myers, Sherri Provolt, Mindy Natt, Ryan Ray, Lori Hodge, Ed Aubrey, Toby Vanlandingham

ABSENT: Lana McCovey (excused? TBD)

STAFF: Earl Jackson, Dawn Baum, Georgiana Gensaw (recorder)

QUORUM: 8 present, 1 absent, quorum present

OPENING PRAYER: Provided by Councilmember Aubrey

ADDITIONS TO AGENDA

Motion made by Councilmember Vanlandingham/Councilmember Ray to approve today’s agenda with additions; OES20-008 Reservation Closure, OTA20-077 Civil Offenses Ordinances, YEDC20-001 Purchase Resolution for Shoreline Market-Orick, FISH20-065 Elders Fishery 2020 overview, P20-027 MOUs with Swell Energy, and EDU20-019 Contract for Services-retro. Motion carries by consensus.

COUNCIL CHECK IN: All pass due to long agenda.

TRIBAL MEMBER COMMENT 9:30AM

No comment.

TRIBAL MEMBER COMMENT: 12:30PM

Cecilia Moore: When are we (Tribal Members) going to be able to participate in the whole meeting?

Georgiana Gensaw, Council Operations responds

REVIEW CALENDAR/ADDITIONS

OSG20-003, Six Rivers National Forests G2G Request
Submitted by Don Barnes, TERO

Request Council to authorize Office of Self-Governance to schedule a Government to Government consultation with Six Rivers National Forest. Agenda items to be amended by July 23, 2020 Council Action meeting
Council be must include; 1. Elk Valley/Fish Lake tree falling and take without Tribal Consultation, 2. Red Mountain Clean-up. Date set for August 5, 2020. Carries by consensus

EXECUTIVE SESSION
OTA20-067, Participate in Litigation (Executive session)

CONSENT ITEMS
No items submitted

AGENDA ITEMS
NATURAL RESOURCES
Tim Hayden, Javier Kinney presents NR20-00, Carbon Planning session
Submitted by Tim Hayden

Council Planning session to update Council on the status of the 2020 Phase 1 offset issuance, carbon markets, sales options, and status of carbon project management. Request 1-2 hour planning session requested. Discussion only, no action.

CKGG (CAR 993 – CAFR5011)
Project Registration: 3/31/2012
Crediting Period: 25 Years – 2037
Last Issuance: November, 2018
Project Acreage: 7,660
-Working to integrate forestry, roads, and strategic fire management.
-Primarily under CalFire jurisdiction off-reservation lands

Phase 1 – (CAR 1070- CAFR5090)
Project Registration: 4/14/2011
Crediting Period: 25 Years – 2036
Project Acreage: 21,240
Date of last Issuance: March, 2020
Supporting Agreements:
-Cooperative Lands Acquisition Agreement
-Aquatic Habitat Conservation Plan (AHCP)
-Yurok Forest Management Plan (FMP)
-BIA Sustained Yield Unit

New Projects
1) Kepel Creek Improved Forest Management Project: Estimated close in September, 2020
2) Grant Award: $2.7 million grant from CA Natural Resources Agency: Prop 68 – Communities, Culture and Natural Resources Program
3) Existing forest carbon project will transfer with title to the Tribe
4) Project Acreage: 2,199

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5) Primarily off reservation under state jurisdiction and working towards federal and tribal jurisdiction
6) Possible future expansion of AHCP to Kepel Creek project
7) Other ESA, CEAS, and CEQA regulatory requirements
8) Working to integrate forestry, roads, and strategic fire planning
9) Phase 2 – Blue Creek Project
10) Project Acreage: 14,985 (Salmon Sanctuary)
11) Currently under Western Rivers Conservancy management
12) Transfer to the Tribe in 2024 with the title to the lands
13) Verification process currently being completed – site visit first week in August 2020

Supporting Agreements
- Blue Creek Management Plan
- Yurok New Market Tax Credit Agreements
- Coastal Conservancy Agreement
- Possible future expansion of AHCP to Phase 2
- Other ESA, CEAS, and CEQA regulatory requirements

Yurok Carbon Instrument Tracking System Service (CITSS) Account Status
Current carbon offsets balance: 136,406 CCO 8’s

StatKraft Update
Current Negotiations with StatKraft for Prospective Pre-Payment Agreement ranging for 10 years and minimum fixed price and Optional Sole Source Agreement or Market Price Availability – Prospective Timeline – December 2020

Potential Partners and Sales Opportunities
- University of California, President’s Office and Campuses
  - Natural Capital Partners
  - Other Tribes and voluntary market participant

CA Cap and Trade, and Climate Change Policy Issues
- Developing Yurok Climate Change and Resiliency Portfolio
- California Forest Carbon Coalition (CFCC)
- Continue to monitor and assess legislative, business and policy initiatives that may impact Yurok Carbon Projects
- Outreach to prospective partners and funders
  - Academic Publications and Research
    - United Nations and Development Agencies
    - International Delegations and Alliances
    - Forestry and Industry partners
    - Philanthropic and Natural Resources Funding Opportunities
    - Developing Market and Sustainable Infrastructure for Carbon and related opportunities

Climate Resiliency Objectives
Exponential efforts in advocacy, partnerships and collaboration,
CA Air Resources Board Involvement
CARB Offsets Protocol Task Force
Tim Hayden, Chair Wetlands & Blue Carbon Sub-Group, Javier I. Kinney Staff support
Member, Agriculture and Grasslands Subgroup
Member, Forests Subgroup
Climate Action Reserve
Private and Public Industry Partnerships
United Nations Development Program
- Equator Prize Winners and Partners

INFORMATION SERVICES
Jessica Engle, IT Director presents
IT20-019, MOU – Yurok and Del Norte Amateur Radio Club
Submitted by Jessica Engle

Motion made by Councilmember Aubrey/Councilmember Natt to approve Memorandum of Understanding (MOU) between the Yurok Tribe and Del Norte Amateur Radio Club (DNARC) to site radio communications equipment on Tribal locations and Chairman to sign. Motion carries by consensus.

IT20-021, Grant-Digital Divide Wireless Infrastructure
Submitted by Jessica Engle

Motion made by Councilmember Natt/Councilmember Aubrey approve authorization to apply for Digital Divide Wireless Infrastructure through AMPRNet (Amateur Packet Radio Network) for Wautek Tower infrastructure needs. Motion carries by consensus.

LUNCH

AGENDA ITEMS

WILDLIFE
Tiana Williams-Claussen presents
WILD20-008, Tribal Wildlife Grant application
Submitted by Tiana Williams-Claussen

Motion made by Councilmember Vanlandingham/Councilmember Provolt to approve the Yurok Tribe Wildlife Department to submit an application to the US Fish & Wildlife Tribal Wildlife Grant, and to approve all necessary Chairman signatures. Approve Resolution #20-80, contingent upon OTA approval. Motion carries by consensus.

WILD20-011, USFWS Recovery Challenge Grant submission
Submitted by Tiana Williams-Claussen

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Motion made by Councilmember Hodge/Councilmember Provolt to approve the submission of a grant application to the US Fish and Wildlife Service Recovery Challenge grant opportunity in support of condor restoration, and all necessary Chairman signatures. Motion carries by consensus.

HUMAN RESOURCES
Rose Sylvia, HR Director presents HR20-010, Benefits Director and Recreation Coordinator
Review and approve the job descriptions for Benefits Director and Recreation Coordinator

Motion made by Councilmember Vanlandingham/Councilmember Aubrey to approve the job description with edits for the Benefits Coordinator with this position reporting to the Deputy Executive Director. And to table the job description for the Recreation Coordinator to a planning session. Motion carries by consensus.

P20-027, Swell MOU
Submitted by Gino O’Rourke

Motion made by Councilmember Vanlandingham/Councilmember Ray to approve the Chairperson to sign the Memorandums of Understanding (MOU) with the Swell Energy, the Customer Resilience Attestation form and other required documents needed to apply for the Self Generation Incentive Program’s (SGIP) battery storage rebate, upon approval from Office of Tribal Attorney (OTA). Motion carries by consensus.

EDU20-019, Indian Dispute Resolution Services Contract
Submitted by Jim McQuillen

Motion made by Councilmember Vanlandingham/Councilmember Provolt to approve the service contract with Indian Dispute Resolution Service (IDRS) for services to the virtual interns and authorize Chairman James to sign all related documents to this contract. Motion carries by consensus.

FISHERIES
Dave Hillemeyer presents FISH20-063, NFWF Contract and Resolution
Submitted by Dave Hillemeyer

Motion made by Councilmember Hodge/Councilmember Ray to authorize entering into the attached grant agreement with the National Fish and Wildlife Foundation and adoption of Resolution #20-81 for this agreement (see attached memo, contract, resolution, budget, and OTA approval for more details). Motion carries by consensus.

FISH20-064, Building permit for repair at Oregon Gulch
Submitted by Dave Hillemeyer

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Motion made by Councilmember Aubrey/Councilmember Ray to authorize the Chairman to sign a building permit application, and other necessary documents, to re-construct a deck and roof at the Tribe’s Oregon Gulch property in Trinity County and for the Fisheries Department staff to conduct the repairs (see attached memo for more details). Motion carries by consensus.

FISH20-065, Elders Fishery 2020 overview
Submitted by Dave Hillemeier

Motion made by Councilmember Provolt/Councilmember Aubrey to approve the overview of how the Elders fishery will be implemented during the Fall 2020 season (see attached memo and guidelines for more details). Motion carries by consensus.

OFFICE OF TRIBAL ATTORNEY
Dawn Baum, Geneva EM Thompson, Kori Cordero, Maggie Poffenbarger presents
OTA20-75, Universal River Rights of Rivers
Submitted by Geneva EB Thompson

Motion made by Councilmember Hodge/Councilmember Vanlandingham to endorse the Declaration on the Universal Rights of Rivers, authorize the Chairperson to sign the endorsement, and to approve delegate Councilmember Ryan Ray and alternate Chairman James to international issues to represent the Yurok Tribe at the United Nations. Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Aubrey-yes, Councilmember McCoy-yes. Yes-7, no-0, abs-0, np-1. Motion carries.

OTA20-076, Restricted Use Pesticides in Indian Country Comment
Submitted by Geneva EB Thompson

Motion made by Councilmember Hodge/Councilmember Natt to authorize Chairperson to sign the Yurok Tribe comments on the draft EPA Plan for Federal Certification of Applicators of Restricted Use Pesticides within Indian Country. Motion carries by consensus.

OTA20-077, 2nd Renewal of Civil Offenses Ordinance
Submitted by Dawn Baum

Motion made by Councilmember Vanlandingham/Councilmember Hodge to approve Resolution 20-82, second renewal of the April 6, 2020 emergency amendment to the Civil Offenses Ordinance. Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Aubrey-yes, Councilmember McCoy-yes. Yes-7, no-0, abs-0, np-1. Motion carries.

ECONOMIC DEVELOPMENT
YEDC20-001, Purchase Resolution for Shoreline Market-Orick
Submitted by Ray Bacon

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Motion made by Councilmember Provolt/Councilmember Vanlandingham to approval of Resolution #20-79 to close escrow for a limited waiver of sovereign immunity and approve real estate transaction documents. Roll call; Vice Chair Myers-yes, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Aubrey-yes, Councilmember McCovey-np. Yes-7, no-0, abs-0, np-1. Motion carries.

COUNCIL

CA20-152, Prey-Go-Neesh update
Submitted by Vice Chair Myers
Prey-Go-Neesh (Tribal 8a Construction) update. Discussion only, no action.

CA20-153, Election Board appointments
Submitted by Councilmember Vanlandingham

Motion made by Councilmember Vanlandingham/Councilmember Ray for Chairman James to appoint Election Board positions with advice and consent of Council to fill seats that are conflicted out due to Tribal Election 2020 candidate; Josh Norris-Requa District and Amanda Wilson-Requa District. Motion carries by consensus.

CA20-154, Transportation Update
Submitted by Councilmember Ray
Update from Yurok Transportation Program RE: Starwein Road Maintenance project (Discussion on design and implementation). Directive to Watershed/Road Maintenance to start repairs.

TRIBAL MEMBER COMMENT 4:30PM
Linda Gillette: You just mentioned that a person will need Tribal ID # along with your name when getting on to the Council meeting. Is that correct?
Georgiana Gensaw, Council Operations Yurok Tribe: No, just that callers may need to provide that information. We are not set on how we are going to confirm who is who yet, but those are just ideas of how.
Cecilia Moore: Is there a new estimated date for the reservation opening?
Veronica Van Mechelen: While I appreciate the employee who posted the need for employees to work on the new OES building. I would like to request once again that the tribe have a uniform communication system. I was unable to find information about this opportunity for tribal members on the Yurok tribe website.
Motion made by Councilmember Natt/Councilmember Ray to go past 6pm. Motion carries by consensus.

OTA20-067, Authorization to Participate in Litigation
Submitted by Tamara Honrado

Motion made by Councilmember Provolt/Councilmember Vanlandingham to authorize participation in lawsuit against the federal government to begin process and procure engagement letter and authorization for Chair to sign. Appoint Tamara Honrado as point of contact for this care. Motion carries by consensus.

COUNCIL BUSINESS: none

CLOSING PRAYER: Provided by Chairman James

ADJOURN: 6:43PM

MEETING MINUTES APPROVED ON: August 20, 2020

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Sherri K. Provolt, Secretary 08/20/20

Date