

**YUROK TRIBAL COUNCIL
ACTION MEETING
THURSDAY, March 25th, 2021
<https://www.gotomeet.me/yuroktribe>**

ROLL CALL: 10:00AM

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

ABSENT: None

STAFF: Don Barnes, Executive Director; Earl Jackson, Deputy Executive Director; Taralyn Ipiña, Council Operations Director; Georgiana Gensaw (recorder)

QUORUM: 9 present, 0 absent, quorum present

OPENING PRAYER: Provided by Chairman James.

ADDITIONS TO AGENDA:

Motion made by Councilmember Ray/Councilmember Williams to accept the agenda with additions of P21-025 McKinnon Hill Property and YTEP21-011 Mynot Property. Motion carries by consensus.

REVIEW CALENDAR/ADDITIONS:

Yurok Tribe Environmental Program

Louisa McCovey presents

YTEP-21-009, Catch Together Funding Planning Session Request

Submitted by: Louisa McCovey- YTEP Director

Motion to schedule a planning session with the Yurok Tribe Council to discuss the options for dissemination of funds from Catch Together Grant that are earmarked for the Yurok Tribe, for a total of \$10,800 for salmon with a June 2021 spend down date. Work session set for April 7, 2021 (.5 hour) requested.

YTEP-21-010, Solid Waste Planning Session Request

Submitted by: Louisa McCovey, YTEP Director

Request Council work session to discuss possible solutions for the solid waste issues experienced by tribal members living on the Yurok Indian Reservation. Set for April 7, 2021 up to 2 hours requested.

Elections & Enrollment

Krystal Patapoff-Pruitt presents

EE21-004, 2021 Election Year Planning Session Request

March 25, 2021 Council Action meeting

44 Submitted by: Krystal Patapoff-Pruitt

45 **The Election Board is requesting a planning session to discuss procedures for the 2021**
46 **election year. Set for April 21, 2021 at 10:15am.**

47

48 **Wildlife**

49 WILD 21-006, Planning for Livestock Grazing Management

50 Submitted by: Preston Taylor

51 **Motion to schedule a Planning session to acquire Council input on potential livestock grazing**
52 **regulation and management approach. Set for a work session for April 12, 2021 at 10am.**

53

54 **COUNCIL CHECK IN:**

55 Councilmember Vanlandingham: Pass

56

57 Councilmember McCovey: I attended a recent federal consultation meeting and emphasized
58 the need for ample notification and meaningful consultation. I also had a South District meeting
59 and Nicole Sager, YIHA Executive Director, shared information on programs and projects.

60

61 Councilmember Williams: I am working with True North and Education Department on grant
62 opportunity which will be coming to Council.

63

64 Councilmember Hodge: I attended the Yurok Economic Development Corporation (YEDC)
65 meeting and if anyone is interested in sitting on that Board, please send your resume to Sara
66 Barbour. There are two vacancies on the YEDC Board.

67

68 Councilmember Ray: NCIDC and YIHA (housing) has funds to help tribal members with rent and
69 utility needs if affected by COVID. Sanitation technicians are ready to start for the tribe
70 through NCIDC funding.

71

72 Councilmember Natt: Pass

73

74 Councilmember Provolt: Just wanted to share with tribal membership that the Tribal Council
75 has been attending meetings to learn about and prepare for the American Rescue Plan funds.

76

77 Vice Chairman Myers: Pass

78

79 Chairman James: I would like to thank the staff for the work on a new cell tower and for the
80 effort regarding the Klamath Community Water District water system. We understand and are
81 going to work on the state issues for our YHHS Family Service needs.

82

83 **TRIBAL MEMBER COMMENT:**

84 Susie Long: Orick district, I have a couple of questions and items that I would like to discuss with
85 you. First of all, I appreciate the publication of Council attendance in the newsletter. I know
86 each Council member is supposed to be drug testing, I think it would be good to publish drug

March 25, 2021 Council Action meeting

87 testing in the newsletter also. We all get the newsletter, but we all don't get the time to call in
88 and get the information presented in meeting. I think it would be to your advantage and to
89 Council's advantage to publish those things.

90

91 **EXECUTIVE SESSION:**

92 OTA 21-036, Resighini Settlement Offer/Berkey Williams (Tabled, April 7, 2021)

93 OTA 21-038, Wavier of Conflict: Maier Pfeffer Kim Geary & Cohen

94 OTA 21-039, Wavier in favor of Resource Law Group

95 OTA 21-043, Earthjustice Decabromodiphenyl Ether Retainer Agreement

96 Legislative Update (Vice Chair Myers)

97

98 **CONSENT ITEMS:** None provided.

99

100 **AGENDA ITEMS:**

101 **Enrollment and Elections**

102 Krystal Patapoff-Pruitt presents

103 EE2021-001, Enrollment of New Members

104 Submitted by: Krystal Patapoff-Pruitt

105 **Motion made by Vice Chair Myers/Councilmember Ray approval of the recommendation of**
106 **the Enrollment Committee, in a meeting held on March 12, 2021, to enroll applicants listed**
107 **on Resolution # 21-28 who meet membership requirements of the Enrollment Ordinance**
108 **and Constitution of the Yurok Tribe. Motion carries by consensus.**

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110 EE2021-002, Denial of Applications

111 Submitted by: Krystal Patapoff-Pruitt

112 **Motion made by Councilmember Ray/Councilmember Provolt approval of the**
113 **recommendation of the Enrollment Committee, in meeting held on December 3, 2020, to**
114 **deny enrollment of applicants DY-977 and D0987 who do not meet membership**
115 **requirements of the Enrollment Ordinance and Constitution of the Yurok Tribe. Motion**
116 **carries by consensus.**

117

118 EE2021-003, Relinquishment Submitted

119 Submitted by: Krystal Patapoff-Pruitt

120 **Motion made by Councilmember Vanlandingham/Councilmember Ray approval of the**
121 **recommendation of the Enrollment Committee, in a meeting held on March 12th, 2021, to**
122 **relinquish the Tribal Member listed on Resolution #21-29 pursuant to the membership**
123 **requirements of the Enrollment Ordinance and Constitution of the Yurok Tribe. Motion**
124 **carries by consensus.**

125

126 **Fisheries**

127 FISH 21-17, Two Proposals to USFWS

128 Submitted by: Dave Hillemeier

129 **Motion by Councilmember Hodge/ Councilmember Williams to authorize the Fisheries**
130 **Department to submit proposals to the US Fish and Wildlife Service for: 1) Lower Klamath**
131 **Basin restoration planning, and 2) restoration of tributaries in Lower Blue Creek watershed**
132 **(see attached memo and draft proposals for more information). Roll Call: Councilmember**
133 **Natt- yes, Councilmember Williams-yes, Councilmember McCovey- no, Councilmember**
134 **Provolt-yes, Councilmember Vanlandingham-yes, Councilmember Ray-yes, Councilmember**
135 **Hodge- yes, Vice-Chair Myers-yes. Yes- 7; No-1; Abstain-0. Motion carries.**

136
137 FISH 21-18, Appointment Redwood Creek Estuary Stakeholder
138 Submitted by: Dave Hillemeier

139 **Motion by Vice Chair Myers/ Councilmember McCovey to appoint Barry McCovey (delegate)**
140 **and Councilmember Provolt (alternate) to the Redwood Creek Estuary Restoration**
141 **Stakeholder Group (See attached memo for more information). Motion carries by consensus.**

142
143 FISH 21-19, Declaration of failed commercial fishery 2020
144 Submitted by: Dave Hillemeier

145 **Motion by Councilmember Ray/ Councilmember Provolt to authorize signature of the**
146 **attached to letter by the Chairman, and the attached resolution (contingent upon approval by**
147 **OTA, for submission to the Secretary of Commerce requesting that our 2020 fishery be**
148 **declared a commercial fishery failure. Resolution # 21-32. See attached memo, draft letter**
149 **and draft resolution for more information. Motion carries by consensus.**

150
151 **Natural Resources**
152 NR 21-10, Resolution to Adopt the Blue Creek Management Park
153 Submitted by: Tim Hayden

154 ~~**Motion to approve and sign the Council Resolution #21-31 to adopt and enact the Interim**~~
155 ~~**Blue Creek Management Plan as the overarching management plan to guide land and**~~
156 ~~**resource management within the Phase II Lands. Item tabled to next Action meeting.**~~

157
158 **Office of Tribal Attorney**
159 OTA 21-036, Resighini Settlement Offer/Berkey Williams
160 Submitted by: Dawn Sturdevant Baum

161 **Review and possible action on settlement offer from Resighini Rancheria with outside**
162 **counsel from Berkey Williams and Amy Cordalis. Tabled to next Action meeting.**

163
164 OTA 21-038, Wavier of Conflict: Maier Pfeffer Kim Geary & Cohen
165 Submitted by: Dawn S. Baum, Acting General Counsel
166 Executive Session Item

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168 OTA 21-039, Wavier in Favor of Resource Law Group
169 Submitted by: Dawn Sturdevant Baum
170 Executive Session Item

171
172 OTA 21-041, Assembly Bill 873 & Assembly Bill 1055 Support Letter
173 Submitted by: Tamara Honrado, Associate General Counsel

174 **Motion by Councilmember Natt/Councilmember McCovey to approve & authorize Chairman**
175 **to sign letter of support for Assembly Bill 873 that seeks to improve compliance with the**
176 **Indian Child Welfare Act (ICWA); as well as Assembly Bill 1056 which seeks to ensure that all**
177 **students in tribal court foster care are afforded the same entitlements as all students in**
178 **foster care in California. Motion carries by consensus.**

179
180 OTA 21-042, 30 by 30 Goal Comments
181 Submitted by: Geneva E.B. Thompson

182 **Motion by Councilmember Natt/Councilmember Provolt to authorize Chairperson to sign the**
183 **30 by 30 comments, subjected to Office of the Tribal Attorney edits, and to request a**
184 **government to government meeting with California Natural Resources Agency.**
185 **Motion carries by consensus.**

186
187 OTA 21-043, Earthjustice Decabromodiphenyl Ether Retainer Agreement
188 Submitted by: Geneva E.B. Thompson
189 Executive Session Item.

190 **Planning & Community Development**

191 P21-013, Tri-Party Agreement for the Yurok Bridge to Health Project
192 Submitted by: Don Daines

194 ~~**To approve and authorize the Chairperson to sign the Intergovernmental Fund Transfer**~~
195 ~~**agreement with the Bureau of Indian Affairs and Caltrans to release funding for the Yurok**~~
196 ~~**Tribe Bridge to Health Planning Project. Item pulled.**~~

197
198 P21-019, Coordinated Tribal Assistance Solicitation FY2021 application
199 Submitted by: Darian Ferris

200 ~~**To approve Resolution # 21-011 and to approve the submission of a CTAS grant application**~~
201 ~~**for Purpose Areas 1, 2, 3, 4, and 6, and to authorize the Chairperson to sign all FY 2021 CTAS**~~
202 ~~**related grant documents. Item pulled.**~~

203 **Public Health**

204 PH 21-001, COVID Workplace Policy
205 Submitted by: Hollie Strahm

207 **Request Council to review, provide comment and guidance on COVID Workplace Policy draft**
208 **presented by Public Health Officer. Item tabled to April 8, 2021.**

209 **Environmental Program (YTEP)**

210 YTEP 21-005, Funding Request & Resolution No 21-30 Approval
211 Submitted by: Louisa McCovey, YTEP Director

212 *March 25, 2021 Council Action meeting*

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Motion by Councilmember Natt/Councilmember Ray approval for the submission of a funding request totaling \$35,000 to the Bureau of Indian Affairs Division of Environmental and Cultural Resources Management and Chairman signature on all associated documents and Resolution # 21-30 in support of YTEP’s environmental cleanup project on the Yurok Indian Reservation. Motion carries by consensus.

YTEP-21-011, Mynot Property
Submitted by: Louisa McCovey, YTEP Director

Motion by Councilmember Provolt/Councilmember Ray to approve Resolution # 21-35 Limited Waiver of Sovereign Immunity in favor of First American Title Insurance Company, prepared by OTA, for the purchase of the 400 Mynot Creek Road property and approve the Agreement for Settlement Services, authorize Chair and Secretary to sign. Roll Call: Councilmember McCovey-yes, Councilmember Williams-yes, Councilmember Provolt-yes, Councilmember Vanlandingham-yes, Councilmember Ray-yes, Councilmember Hodge-yes, Councilmember Natt-yes, Vice Chair-Myers-yes. Yes-8, No-0, No-0. Motion carries.

LUNCH: 12:02-1:00pm

TRIBAL MEMBER COMMENT: None provided.

Public Utilities Department

YPUD 21-002, Signature on Drinking Water Tribal Set Aside Letter
Submitted by: Mike Searcy

Motion by Councilmember Vanlandingham/Councilmember Ray to approve Chairman’s signature of attached USEPA Drinking Water Tribal Set Aside response letter regarding Tribal commitment for operation and maintenance by YPWS of equipment installed in accordance with the associated projects. Motion carries by consensus.

Council

CA 21-054, Contract and Investment Plans with Corporations
Submitted by: Sherri Provolt, Councilmember

Motion by Councilmember Hodge/ Councilmember Williams to approve OTA to develop contract with Yurok Agricultural Corporation to repay Title 1 account (xxx482) for the purchase of Lindgren Mill, and to develop investment plan with Prey-go-neesh Corporation for funds used from Morgan Stanly Funds (xxx126). Roll Call: Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Natt-yes, Councilmember Provolt-yes, Councilmember McCovey-yes, Councilmember Williams-yes, Vice Chair Myers-yes. Yes-8; No-0; Abstain-0. Motion carries.

CA 21-055, Status Report on Action Items
Submitted By: Sherri Provolt, Councilmember

255 **To provide an update to Council on previously approved action items: Health Care Policy**
256 **Analyst Job Description (CA-20-213), Agenda Item Submission Policy (CA20-183),**
257 **Livestreaming and public recording of Council Meetings (CA20-213), Status of investigation**
258 **conducted with HR (CA20-190). Directive to Don Barnes, Executive Director, to submit an**
259 **update on these previously approved action items for next cycle.**

260
261 CA 21-056, Letter to Trinidad Civic Club
262 Submitted By: Sherri Provolt, Council Member

263 **Motion by Councilmember Provolt/ Councilmember Vanlandingham to submit a letter to**
264 **Trinidad Civic Club and the City of Trinidad responding derogatory statements made in the**
265 **Times Standard Article: Early plan for Trinidad Lighthouse’s forever home set in motion.**
266 **Motion carries by consensus.**

267
268 1:50pm Vice Chair recuses himself due to a conflict-of-interest

269
270 P21-025 McKinnon Hill Property
271 Submitted by: Sophia Lay

272 **Motion by Councilmember Provolt/ Councilmember Hodge to approve the Service**
273 **Agreement with Fidelity National to provide title and escrow services for the purchase of**
274 **real property located at APN 534-125-007 and authorize Chairman to sign the agreement and**
275 **associated Resolution # 21-034 granting a Limited Waiver of Sovereign Immunity in favor of**
276 **Fidelity National. Roll Call: Councilmember Hodge-yes, Councilmember Ray-yes,**
277 **Councilmember Natt-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes,**
278 **Councilmember Williams-yes, Councilmember McCovey-yes, Vice Chair Myers-np. Yes-7,**
279 **No-0; Abstain-0; Np-1. Motion carries.**

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281 BREAK: 1:25-2:10

282
283 **EXECUTIVE SESSION: 2:10-3:45**
284 Items out of Executive Session

285
286 OTA 21-038, Wavier of Conflict: Maier, Pfeffer, Kim, Geary & Cohen
287 Submitted By: Dawn S. Baum, Acting General Counsel

288 **Motion by Councilmember Hodge/ Councilmember McCovey to approve the Wavier of**
289 **Conflict to allow the law firm Maier, Pfeffer, Kim, Geary & Cohen LLC to represent Western**
290 **Rivers Conservancy in unwinding of Phase II land transfer of land to the Tribe; authorize**
291 **Chairman to sign. Motion carries by consensus.**

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293 OTA 21-039, Wavier in Favor of Resource Law Group
294 Submitted BY: Dawn Sturdevant Baum

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Motion to approve a waiver of potential conflict of interest in favor of the Resource Law Group and approve assignment of Amy Cordalis to Resource Law Group, subject to any final edits on the assignment from Resource Law Group which OTA will inform Council of, if any. Item pulled.

OTA 21-043, Earthjustice Decabromodiphenyl Ether Retainer Agreement
Submitted By: Geneva E.B. Thompson

Motion by Councilmember McCovey/ Councilmember Williams to authorize Chairperson to sign the Earthjustice retainer agreement and to sign the Notice of Document Preservation for the Decabromodiphenyl Ether case. Roll Call: Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes, Vice Chair Myers-yes. Yes-8; No-0; Abstain-0. Motion carries.

TRIBAL MEMBER COMMENT: None provided.

CLOSING PRAYER: Provided by Chairman James.

ADJOURN: 4:00pm

MEETING MINUTES APPROVED ON:

April 14, 2021



Sherri K. Provolt, Secretary

4/23/2021

Date