ROLL CALL: 10:03am

PRESENT: Frankie Myers (Chairing), Sherri Provolt, Mindy Natt, Ryan Ray, Lori Hodge, Phillip Williams, Lana McCovey, Toby Vanlandingham

ABSENT: Joe James (excused)

STAFF: Don Barnes Yurok Tribe Executive Director, Taralyn Ipiña Council Operations Director, Dawn Baum General Counsel Office of Tribal Attorney, Georgiana Gensaw (recorder)

QUORUM: 8 present, 1 absent, quorum present

OPENING PRAYER: Provided by Vice Chair Myers.

REVIEW CALENDAR/ADDITIONS:

Motion made by Councilmember Natt/Councilmember Vanlandingham to approve the agenda with additions of P21-036, OTA21-061, ExDir21-05. Motion carries by consensus.

COUNCIL CHECK IN:

Councilmember Provolt: Pass
Councilmember Natt: Pass
Councilmember Ray: I know this seems to be an on-going issue and I don’t know why people feel like the end of the pavement is the dump down in the Glen. Someone started a fire and it took off.
Councilmember Hodge: Pass
Councilmember Williams: I attended the Fall Fisheries meeting. There was a suggestion that those who fish for the Elders, could be in a raffle (possibly a boat or motor), which could increase participation.
Councilmember McCovey: Pass (internet issues)
Councilmember Vanlandingham: That’s one of the better suggestions I heard last night in the fall fisher meeting. I agree.

May 20, 2021 Council Action meeting
Vice Chair Myers: I attended the fall fisher meeting last night and I thought it was a really great meeting.

Chairman James: Not present.

TRIBAL MEMBER COMMENT:
Michelle Santsche: Yesterday, was the day I have been fearing and trying to prevent for four years. I came around the corner on Hwy 169 and I knew we were in trouble. The smoke was so thick and large, the winds were high, and the grass is drying out. I had a few minutes to think about this before we got there. I was trying to figure how the five of us were going to put this fire out if we could not get other agencies to come in and help. Even at that it would be 45 minutes to an hour before anyone else could get to us. Would we need to evacuate all these places before the fire would reach them? How could we do all of this by ourselves. Everyone probably thought I was this crazy lady, trying to figure all this out! I was angry that no one had listened to me, as this could have been prevented! I talked to Koiya from the Yurok Tribal Environmental Program - he is a very rude and disrespectful. Yes, I was angry as I had written an email last week telling them of the problem on Trinity Way. In talking with him he kept on telling me it was not his problem, it was not on tribal land - it was county property! It is not county property. It is private but what I understand is that the tribe was taking care of it this parcel and had Okayed the dumping. Last year at one of the fires we put out someone was dumping a trailer full of greens and I asked them to stop and leave, but they continued as they were told by Richard Nelson to dump it! They then called Richard and he hunted me down in the Glen and got in my face and said they could dump there and I had no right to tell his employees to stop and leave. The tribe continues to dump there along with the locals. When we pulled up, I was in shock as the fire had traveled to both sides of the road and down the back side over the berm! The flames were as high as the trees heading to Glenn dike which was dry. We immediately called for every agency to come, as we knew we could not put the fire out on our own! We were incredibly lucky Cal Fire was around in CC they got here as quick as they could, but we still had to contain the fire the best we could till then. What people do not understand if there are fires else were, Cal fire is gone, and it is just us! The only reason we were able to get the fire out was because of everyone else's helped with us. We had 3 Cal fire engines 2 chief rigs, 2 alder camp rigs, 2 Crescent City rigs, 3 Klamath fire rigs, 1 Fort Dick, 1 Forest Service engine. To let you know how close this fire got it a couple hundred feet from a family's home, who just lost her husband and father-in-law. What more grief could she handle! These people are our tribal members and members of our community. I feel we cannot protect them without the help of the tribe! I have tried my best and no one seems to listen to me, I feel like my voice is not heard or wanted! These fires are filled with toxins, trimmings, furniture, and garbage. These fires are arson there was at least 10 starts of fire by the road. The last time we put the fire out, we all had troubles with our lungs as something was mixed in with everything. It is dangerous as they have boards with nails sticking up along who knows what! If these fires put us out of commission, we cannot respond to medical either. We are volunteers without us you have nothing for 45 minutes and usually longer especially with Last Chance Grade. I do not
know what I need to do to get your attention. Go to the people in the Glen, because it is their families, homes and businesses that they will lose in a flash. The dry season is only starting, what if we are not able to cover? We are all volunteers and have lives also, we do the best we can with what we have, which is not much.

EXECUTIVE SESSION
OTA21-060, Chairman’s Declaration for Litigation.
Legal Contract (Provolt)

CONSENT ITEMS
Environmental
YTEP21-018, EPA Environmental Justice Grant
Submitted by: Louisa McCovey

Motion made by Councilmember Provolt/Councilmember Hodge to allow the YTEP Food Sovereignty Division to apply to the EPA Environmental Justice Collaborative Problem-Solving Grant, for a total of approximately $159,940 over two years, no matching funds are required, and full indirect charges are allowable. Motion carries by consensus.

YTEP21-023, AFRI Diet and Nutrition Grant
Submitted by: Louisa McCovey

Motion made by Councilmember Provolt/Councilmember Hodge to allow the YTEP Food Sovereignty Division to collaborate with the UC Cooperative Extension and other tribes to prepare an application to the Agriculture & Food Research Initiative Grant, with the Yurok portion of the grant totaling approximately $250,000 over three years, full indirect allowable, no match required, and to provide a letter of support for the project. Motion carries by consensus.

Fisheries
FISH21-038, Fall Chinook Escapement Projects Grant
Submitted by: Barry McCovey Jr.

Motion made by Councilmember /Councilmember to authorize the Fisheries Department to submit a grant application to the US Fish and Wildlife Service for funding to support Fall Chinook Escapement related projects. There is no funding match requirement and full indirect is allowed. See attached memo and project description for details. Motion carries by consensus.

Office of Tribal Attorney
OTA21-059, Yurok Consultation Request-CA Dept. of Social Services
Submitted by: Tamara Honrado

Motion made by Councilmember Provolt/Councilmember Hodge to retroactively approve Chairman’s signature on a letter to California Dept. of Social Services requesting ongoing
meaning consultation regarding All County Letters and other guidance documents provided
to Counties and “All Title IV-E Agreement Tribes”. Motion carries by consensus.

**Tribal Court**
TC21-010, Bureau of Justice Assistance Innovations in Reentry Initiative Grant
Submitted by: Amber Miller
Motion made by Councilmember Provolt/Councilmember Hodge to approve Resolution #21-52 for the submission of the Bureau of Justice Assistance Innovations in Reentry Initiative Grant Application and authorize Chairman to sign all necessary forms. Motion carries by consensus.

**AGENDA ITEMS:**

**Education**
Jim McQuillen presents
EDU21-019, Honoring Video
Submitted by: Jim McQuillen
Motion made by Councilmember Hodge/Councilmember Williams to authorize and participate in an honoring video of this year’s graduates by giving a positive message to the video. Motion carries by consensus.

**Environmental**
Louisa McCovey presents
YTEP21-019, NAAF Beginning Farmer/Rancher Grant & Resolution
Submitted by: Louisa McCovey
Motion made by Councilmember Provolt/Councilmember Hodge to approve Resolution #21-56 and allow the YTEP Food Sovereignty Division to apply to the Native American Agricultural Fund Beginning Farmer and Rancher Grant totaling $199,934 over 2 years, an indirect shortfall of 9.7% is requested totaling $16,864, no match is required. Motion carries by consensus.

YTEP21-020, NAAF Climate Resiliency & Resolution
Submitted by: Louisa McCovey
Motion made by Councilmember Provolt/Councilmember Ray to approve Resolution #21-57 and allow the YTEP Food Sovereignty Division to apply to the Native American Agricultural Fund Climate Resiliency and Conservation Grant totaling $199,920 over two years, an indirect shortfall of 9.7% is requested totaling $10,958, no match is required. Motion carries by consensus.

YTEP21-021, NAAF Infrastructure Grant Application & Resolution
Submitted by: Louisa McCovey

*May 20, 2021 Council Action meeting*
Motion made by Councilmember Provolt/Councilmember Ray to approve Resolution #21-55 and allow the YTEP Food Sovereignty Division to apply to the Native American Agricultural Fund Infrastructure Grant totaling $199,917 over two years, an indirect shortfall of 9.7% is requested totaling $2,523, no match is required. Motion carries by consensus.

YTEP21-022, NAAF Youth Grant & Application Resolution
Submitted by: Louisa McCovey

Motion made by Councilmember Provolt/Councilmember Ray to approve Resolution #21-54 and allow the YTEP Food Sovereignty Division to apply to the Native American Agricultural Fund Youth Grant totaling $59,934 over two years, an indirect shortfall of 9.7% is requested totaling $5,055, no match is required. Motion carries by consensus.

Fisheries
Barry McCovey Jr. presents
FISH21-036, Bureau of Reclamation Agreement Mod. #1
Submitted by: Barry McCovey Jr.

Motion made by Councilmember Williams/Councilmember McCovey to authorize entering into the attached draft modification #1 to the 2021 Annual Funding Agreement with the Bureau of Reclamation. This modification adds two projects and approximately 2.9 million dollars to the previously approved agreement. See attached memo, agreement, and scope of work for details. Motion carries by consensus.

FISH21-037, Budget Modification Project Code #7057
Submitted by: Barry McCovey Jr.

Motion made by Councilmember Williams/Councilmember Provolt to authorize the Fisheries Department to modify Project Code 7057 as described in the attached memo and budget modification spreadsheet. Motion carries by consensus.

FISH21-039, Resources Legacy Fund Grant
Submitted by: Barry McCovey Jr.

Motion made by Councilmember Williams/Councilmember Hodge to authorize the Fisheries Department to accept a grant award from the Resources Legacy Fund in the amount of $20,000 for dam removal support activities and to approve the attached Grant Agreement and Resolution #21-58 granting a limited waiver of sovereign immunity in favor of Resources Legacy Fund. Roll call; Vice Chair Myers-Chairing, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-7, no-0, abs-0, np-0. Motion carries.

Health & Human Services
Alita Redner presents
YHHS21-017, FY22 Title IV B subpart I
Motion made by Councilmember McCovey/Councilmember Natt to approve budget for FY 22 Title IV Subpart I - Child and Family Services Program. Motion carries by consensus.

BREAK: 11:12am - 11:25am

AGENDA ITEMS:

Yurok Indian Housing Authority
Nicole Sager presents
YIHA21-014, Abbreviated Indian Housing Plan ARP 2021
Submitted by: Nicole Sager

Motion made by Councilmember McCovey/Councilmember Hodge to approve the abbreviated Indian Housing Plan for the American Relief Act funds allocated to Yurok as approved by the Board of Commissioners on May 11th, 2021, and for the Chairman to sign relevant documents. Motion carries by consensus.

YIHA21-015, 2022 Indian Housing Plan
Submitted by: Nicole Sager

Motion made by Councilmember Hodge/Councilmember Provolt to approve the 2022 Indian Housing Plan submission to US Housing and Urban Development (HUD) as approved by the Board of Commissioners on May 11th, 2021 and for the Chairman to sign all related documents. Motion carries by consensus.

YIHA21-016, Monthly Report
Submitted by: Nicole Sager

Motion made by Councilmember Ray/Councilmember Williams to approve the monthly report for the Yurok Indian Housing Authority’s Executive Director, Nicole Sager, as approved by the Board of Commissioners on May 11th, 2021. Motion carries by consensus.

Office of Tribal Attorney
Melodie Meyer presents
OTA21-058, Nordic Aquafarms Comment Letter
Submitted by: Melodie Meyer

Motion made by Councilmember Provolt/Councilmember Vanlandingham to authorize Chairman to sign comment letter on the Nordic Aquafarms facility project in Samoa, CA with edits. Motion carries by consensus.

OTA21-061, California Office of Emergency Services Grant
Submitted by: Tamara Honrado

Motion made by Councilmember McCovey/Councilmember Hodge to approve Office of Tribal Attorney to apply for the CAL OES grant to fund Minor’s advocate for Title IV-E Children’s
Code matters on behalf of the Tribe’s Title IV-E program and authorize Chairman to sign all necessary documents. Motion carries by consensus.

Planning & Community Development

Michael Gerace presents

P21-022, North Coast Tribal Transportation Commission Bylaws

Submitted by: Patty Ulmer

Motion made by Councilmember McCovey/Councilmember Vanlandingham to approve North Coast Tribal Transportation Commission Bylaws and for Chairman to sign all documents.

Motion carries by consensus.

P21-023, Cooperative Agreement Between Save the Redwoods

Submitted by: Patty Ulmer

Motion made by Councilmember Provolt/Councilmember Vanlandingham to approve Save the Redwoods League agreement in the amount of $20,000 for work to be performed by the Yurok Trail Crew, and to approve Resolution # 21-44 Limited Waiver of Sovereign Immunity for Save the Redwoods Cooperative Agreement. Roll call; Vice Chair Myers-Chairing, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes, Yes-7, no-0, abs-0, np-0. Motion carries.

P21-029, Save the Redwoods Limited Waiver of Sovereign Immunity

Submitted by: Patty Ulmer

See P21-023.

P21-034, Drug and Alcohol Policy for FTA, FMSCA and USCG

Submitted by: Brandi Natt

Motion made by Councilmember McCovey/Councilmember Hodge to approve Resolution #21-53 for the Yurok Tribe Drug and Alcohol Policy in conformance with the Federal Transit Administration (FTA), Federal Motor Carriers Safety Administration (FMSCA) and the United States Coast Guard (USCG) regulations. Roll call; Vice Chair Myers-Chairing, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes, Yes-7, no-0, abs-0, np-0. Motion carries.

Watershed

WS21-004, Natural Resource Conservation Service Lower Blue Creek

Submitted by: Richard Nelson

Motion made by Councilmember Vanlandingham/Councilmember McCovey to approve Watershed consolidating remaining funds in Project 6673 to staff wages and fringe to wrap up project practices and approvals for NRCS Lower Blue Creek Project 6673. Motion carries by consensus.

May 20, 2021 Council Action meeting
WS21-010, Natural Resource Conservation Service Application
Submitted by: Richard Nelson

Motion made by Councilmember Ray/Councilmember Hodge to approve Chairman to sign the Application and Agreement for Natural Resource Conservation Service for the proposed road decommissioning and road upgrades on Phase I property, and to waive the indirect on the project associated with the application and agreement. Motion carries by consensus.

LUNCH: 1:08pm -1:45pm

TRIBAL MEMBER COMMENT: None provided.

AGENDA ITEMS:

Wildlife
Tiana Williams-Claussen presents
WILD21-013, Condor Release and Management Facility Funding
Submitted by: Tiana Williams-Claussen

Motion made by Councilmember Provolt/Councilmember Vanlandingham to approve the budget and creation of a project number for a grant from the Bureau of Indian Affairs in support of building the Condor Release and Management Facility. Motion carries by consensus.

WILD21-014, CageCo. Inc., Contract
Submitted by: Tiana Williams-Claussen

Motion made by Councilmember Hodge/Councilmember Vanlandingham to approve the attached contract with CageCo Inc. and authorize Chairman to sign all necessary documents. Motion carries by consensus.

P21-036, Black Bear LLC Land Transfer
Submitted by: Michael Gerace

Motion made by Councilmember Provolt/Councilmember Hodge to approve attached "Agreement to Dedicate Property to the Yurok Tribe" and Resolution #21-60 and to authorize Chairman to sign all documents necessary to complete the property transfer. Motion carries by consensus.

Council
CA21-080, April 7 & 14, 2021 Meeting Minutes
Submitted by: Georgiana Gensaw

Motion made by Councilmember Ray/Councilmember McCovey to approve with edits and corrections Council Meeting minutes for April 7 & 14, 2021. Motion carries by consensus.

CA21-081, May 5 & 6 2021 Meeting Minutes
Submitted by: Georgiana Gensaw
Motion made by Councilmember Hodge/Councilmember Provolt Councilmember to approve with edits and corrections Council Meeting minutes for May 5 & 6, 2021. Motion carries by consensus.

CA21-082, Indian Health Services Annual Funding Compact
Submitted by: Councilmember Vanlandingham

Motion made by Councilmember Provolt/Councilmember Williams to approve Executive Office, OTA, and OSG to begin process of receiving Indian Health Services dollars directly to the tribe as discussed with Indian Health Services in Sacramento. OTA to draft resolution for the action with consultation from Indian Health Services Contracting Officer. Roll call; Vice Chair Myers-Chairing, Councilmember Hodge-yes, Councilmember Ray-no, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-no, Councilmember McCovey-no. Yes-4, no-3, abs-0, np-0. Motion denied.

CA21-087, Major Action Determination of CA21-082
Submitted by: Council

Motion made by Councilmember McCovey/Councilmember Williams to declare CA21-182, Indian Health Services Annual funding compact as a major action. Roll call; Vice Chair Myers-Chairing, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-no, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-6, no-1, abs-0, np-0. Motion carries.

CA21-082b, Indian Health Services Annual Funding Compact
Submitted by: Council

Motion made by Councilmember Ray/Councilmember McCovey to approve Executive Office, OTA, and OSG to develop plan and process for receiving Indian Health Services dollars directly to the tribe as discussed with Indian Health Services in Sacramento. OTA to draft resolution for the action with consultation from Indian Health Services Contracting Officer. Roll call; Vice Chair Myers-Chairing, Councilmember Hodge-yes, Councilmember Ray-yes, Councilmember Vanlandingham-no, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-7, no-0, abs-0, np-0. Motion carries.

CA21-083, Cannabis Marketplace
Submitted by: Councilmember Vanlandingham

Motion made by Councilmember Vanlandingham/Natt to approve Executive Office, in coordination with Planning Dept., to initiate business plan and study on membership approved Cannabis Marketplace on the Yurok Reservation, work with YEDC for suitable locations. Roll call; Vice Chair Myers-Chairing, Councilmember Hodge-no, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-no, Councilmember Natt-yes, Councilmember Williams-no, Councilmember McCovey-no. Yes-3, no-4, abs-0, np-0. Motion denied.
Tribal Member Comment: Elizabeth Davis: We need to be good stewards of our land during time of drought.

CA21-084, Yurok Hemp License Application
Submitted by: Councilmember Vanlandingham
Motion to approve license for the cultivation of hemp to the Nekah Chyue project, pending background checks per ordinance. Set license fee at $1500 for no more than 10,000 sq ft grow space, direct OTA to issue license. Item tabled.

CA21-085, Yurok Hemp Ordinance
Submitted by: Councilmember Vanlandingham
Motion made by Councilmember Vanlandingham/Councilmember McCovey to direct OTA to draft amendment to Hemp Ordinance to reflect new regulations from the USDA regarding Hemp production and testing, and approve Yurok Hemp Ordinance for public comment. Roll call; Vice Chair Myers-Chairing, Councilmember Hodge-no, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-yes, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-6, no-1, abs-0, np-0. Motion carries.

Statement for the Record:
Councilmember Vanlandingham: We have jurisdiction as long as we follow our plan with the USDA; if we fail to comply with the final rule, then the state has jurisdiction.

CA21-086, Controlled Substance Ordinance Revisions
Submitted by: Councilmember Vanlandingham
Motion made by Councilmember Vanlandingham/Councilmember Natt to approve OTA to make necessary edits and other edits to Controlled Substance Ordinance to allow for Medical Marijuana use on the Yurok Reservation and bring back to Council. Roll call; Vice Chair Myers-Chairing, Councilmember Hodge-no, Councilmember Ray-yes, Councilmember Vanlandingham-yes, Councilmember Provolt-no, Councilmember Natt-yes, Councilmember Williams-yes, Councilmember McCovey-yes. Yes-5, no-2, abs-0, np-0. Motion approved.

ExDir21-005, Emergency Yurok Tribe Wildfire Mitigation Plan
Submitted by: Don Barnes
To approve Yurok Fire Dept. Weitchpec Community Projection Proposal, with funding to come from forthcoming American Rescue Plan funds. American Rescue Plan funds may be replaced by any potential California State Drought Mitigation funds. Council consensus to table.

BREAK: 3:26pm-3:36pm
EXECUTIVE SESSION: 3:36pm-5:23pm

May 20, 2021 Council Action meeting
Items out of Executive Session:

Office of Tribal Attorney
OTA21-060, Chairman’s Declaration for litigation
Submitted by Tamara Honrado

Motion made by Councilmember Williams/Councilmember Hodge to approve Chairman’s signature on Adoption and for Chairman to sign documents regarding the Yurok Tribe’s involvement in litigation about the federal government’s 2020 rollback of key ICWA data reporting point in the Adoption and Foster Care Analysis and Systems (AFCARS) requirements for IV-E agencies. Motion carries by consensus.

TRIBAL MEMBER COMMENT: None provided.

CLOSING PRAYER: Provided by Councilmember Williams.

ADJOURN: 5:27pm

MEETING MINUTES APPROVED ON: June 10, 2021

Sherri K. Provolt, Secretary

Date 6/12/21