Coordination Protocol
Between the Walker River Paiute Tribe
And the Nevada Division of Environmental Protection

I. PREAMBLE

This protocol provides a framework for a Tribal-State relationship between the Walker River Paiute Tribe of Nevada through its Tribal Council and the Nevada Division of Environmental Protection (NDEP), through its Administrator. Both parties to this agreement share a responsibility to provide for and protect the health, safety and welfare of their citizens. It is recognized that to achieve these goals it is in the interest of both parties to improve the communication and relationship between their independent governments.

This agreement supports the parties' discussion and resolution of issues that will translate the Tribal-State relationship into more efficient, improved regulatory oversight of the Walker River Paiute Tribe and lands exterior to the reservation boundaries that impact the safety and welfare of the Tribe and community members. The agreement will provide for a general framework to improve communication and resolve issues as they arise. The parties agree to recognize the implementation of this agreement, which requires an understanding of each party's authority.

II. PARTIES

A. Walker River Paiute Tribe

The Walker River Paiute Tribe of Nevada is a unique and independent government, with management and decision-making structures, which exercises inherent sovereign authority and a responsibility to provide for and protect the health, safety and welfare of all of its tribal members.

The Walker River Paiute Reservation and Trust Lands comprise approximately 324,000 square acres of tribal land located 105 miles southwest of Reno, Nevada. As of 2008, the Tribe had an enrollment of 3,031 members.

In the year 1995, the Tribe established an Environmental Office using a General Assistance Program (GAP) grant from the Environmental Protection Agency (EPA), to address impacts to its land and people from outside sources, and to develop environmental awareness within its own structure. Other departments include water resources, fisheries, land and water, and air quality. The office is located at 1022 Hospital Road, Schurz, Nevada. The Environmental Director reports to the Tribal Chairman.

In initiation of coordination with the Walker River Paiute Tribe, a certified letter will be sent from NDEP to the Tribal Chairperson of the Walker River Paiute Tribe. The

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CERTIFICATION

It is hereby certified that the foregoing Resolution of the Walker River Paiute Tribal Council composed of seven members, of whom __6__ constituting a quorum were present at a Tribal Council meeting on the 12th day of April, 2009, and that the foregoing Resolution was adopted by the affirmative vote __5__FOR, __0__AGAINST, __0__ABSTENTIONS, pursuant to the Walker River Paiute Tribe of Nevada, approved on March 26, 1937.

Jacquelyn Jim, Tribal Council Secretary
WALKER RIVER PAIUTE TRIBE

letter should identify participating officials, suggest issues for coordination and propose a schedule. It should request identification of Tribal representatives and invite the Walker River Paiute Tribe to suggest issues, protocols and alternative time and place.

Address:
Tribal Chairman/Environmental Director
Walker River Paiute Tribe
P.O. Box 220
Schurz, Nevada 89427

B. Nevada Division of Environmental Protection

The Nevada Division of Environmental Protection, through its mission statement, is tasked "to preserve and enhance the environment of the state in order to protect public health, sustain healthy ecosystems and to contribute to a vibrant economy".

The NDEP was established in 1974 and has continuously strived to improve environmental protection to Nevada citizens. NDEP is responsible for the state-funded regulatory programs for the protection of health and welfare and environment of the public. The Office of Administration Services houses ten bureaus, which include: Air Quality Planning, Air Pollution Control, Water Pollution Control, Water Quality Planning, Mining Regulation and Reclamation, Environmental Information and Planning, Corrective Actions, Waste Management, Federal Facilities and Safe Drinking Water. NDEP provides staff support for the State Environmental Commission and the Board to Review Petroleum Claims.

NDEP recognizes that the federal government has the primary responsibility for assisting Tribes to regulate and manage the environment within Indian Country. NDEP recognizes the sovereignty of the Walker River Paiute Tribal government and their jurisdiction over lands within Indian Country as defined by federal law. The definition in federal law includes all lands within reservation boundaries [18 U.S.C.A. § 1151]. NDEP will not assert authority over Indian Country.

V. IMPLEMENTATION PROCESS AND RESPONSIBILITIES

Coordination and Consideration of the Interests of Other Governments

For purposes of this agreement, "coordination" is defined as a face-to-face meeting between the Administrator or his designee and the Tribal Chairman or his designee.

For the purposes of meaningful coordination, the parties agree to:

1. Coordinate, to the greatest extent practicable with one another whenever actions may cause impacts to the parties. Coordination should be open and

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candid so that all interested parties may determine the potential impact of proposed actions.

2. Assess the impact of proposed plans, projects, programs, and activities by the parties on public resources, tribal resources, and assure the tribes' rights and concerns are taken seriously and input and comments properly obtained and addressed.
3. Take appropriate steps to remove procedural impediments to working directly and effectively with tribes on activities affecting the property or rights of tribes.
4. Work cooperatively with other agencies to accomplish the goals of this protocol.

In consideration of the above, the NDEP supports the strengthening of Tribal capacity for environmental management and regulation. The NDEP is committed to developing cooperative relationships with the Walker River Paiute Tribe, and will respect the environmental concerns and capabilities of the Tribe. Actions undertaken by the NDEP which may impact the Walker River Paiute Tribe shall be implemented in an informed and sensitive manner, respectful of tribal sovereignty, traditional and cultural values, beliefs and principles of tribal members, individual rights, public and government agencies. The NDEP requests that Tribes show similar respect for the environmental concerns of the State of Nevada.

While this protocol addresses the relationship between NDEP and the Walker River Paiute Tribe, its ultimate purpose is to improve the regulatory oversight delivered to the people by the parties. The parties will meet as needed to establish goals for improved regulatory oversight and identify the obstacles to the achievement of goals.

III. SOVEREIGNTY AND DISCLAIMERS

This protocol is intended to build confidence among the parties in the Tribal-State relationship by outlining a process for its implementation. It is also intended to enhance such relationships within the respective governmental structures of the parties. As stated above, the parties will strive to reinforce the government-to-government relationships through coordination and agreement on matters of mutual concern. This protocol does not, in itself, address substantive issues.

Each of the parties to this protocol recognizes and respects the independence of each party. In executing this protocol, no party waives any tribal governmental rights including treaty rights, sovereign immunities or jurisdiction and nothing in this protocol creates a right of action against NDEP or the reverse for failure to comply within the protocol. Through this protocol, the parties strengthen their collective ability to successfully resolve issues of mutual concern.

While the relationship described by this protocol provides increased ability to solve problems, it likely will not result in a resolution of all issues. Therefore, inherent in their relationship is the right of each of the parties to elevate an issue of importance to

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any decision-making authority of another party, including, where appropriate, that party's executive office.

To the extent the provisions of this protocol apply to each signatory, they shall apply to and be binding upon such signatory, their respective officers, directors, employees successors-in-interest and assigns.

Each undersigned individual represents and warrants that he or she is fully authorized by the party he or she represents to enter into, or otherwise sign, this protocol and to legally bind such party to the terms and conditions of this protocol that expressly apply to such party. This protocol continues in effect unless modified by mutual agreement or terminated by either party.

Either party, upon thirty (30) days prior written notice to the other party, may terminate this protocol in the event that either party fails, refuses to follow or perform with the guidelines stated in this protocol. If the failure of performance can be remedied within a thirty (30) day period, then the notice of termination shall be null and void. In addition, upon sixty (60) day advance written notice, either party may terminate this contract without reason or cause. Upon termination of this contract, the parties hereto shall have no further obligation hereunder except for obligations accruing prior to the termination date.

Entered into on this ___ day of April 2009 by the following:

Walker River Paiute Tribe

By: Edmund D Reymus
Edmund D. Reymus
Tribal Chairman

Nevada Division of Environmental Protection

By: Leo N Drozdoff
Leo Drozdoff
Administrator

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ENVIRONMENTAL PROTECTION

Walker River Paiute Tribe
1022 Hospital Road • Post Office Box 220 • Schurz, Nevada 89427
Telephone: (775) 773-2306
Facsimile: (775) 773-2585

RESOLUTION OF THE GOVERNING BODY
OF THE
WALKER RIVER PAIUTE TRIBE

RESOLUTION NO. WR- 46 -2009

BE IT RESOLVED BY THE TRIBAL COUNCIL OF THE WALKER RIVER PAIUTE TRIBE THAT:

WHEREAS, the governing body of the Walker River Paiute Tribe is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended, to exercise certain rights of home rule and be responsible for the promotion of the economic and social welfare of its members, and

WHEREAS, The Tribal Liaison Program of the Inter-Tribal Council of Nevada was created and became operational in November of 2003; and

WHEREAS, the Inter-Tribal Council of Nevada signed a Memorandum of Understanding with the Nevada Department of Environmental Protection (NDEP) for the tribes to work with NDEP on environmental issues that have impacts to tribes and for NDEP to provide office space for the Tribal Liaison position; and

WHEREAS, the Tribe wishes to recognize and support the work of the Tribal Liaison Program by approving the attached Coordination Protocol; and

NOW THEREFORE BE IT RESOLVED, that the Walker River Paiute Tribal Council approve the attached Coordination Protocol, and

BE IT FINALLY RESOLVED, that the Walker River Paiute Tribal Council does authorize the Chairman, Vice-Chairman, or designated representative to enter into, negotiate, and execute an agreement and make any amendments thereto and that the authorities of the resolution remain in effect until such time that this agreement is closed, renegotiated, or amended.

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