

Pyramid Lake Paiute Tribal Council

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RESOLUTION NO. PL134-02

RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA

WHEREAS, the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior; and

WHEREAS, in accordance with the Tribe's Constitution and By-Laws, the Tribe is governed by the Pyramid Lake Paiute Tribal Council ("Tribal Council"); and

WHEREAS, the Tribal Council created the Land and Resource Committee to administer the provisions of the Constitution and By-Laws governing Tribal lands; and

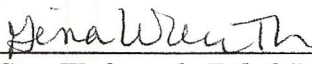
WHEREAS, the Land and Resource Committee has reviewed "An Ordinance Governing the Management of Tribal Land Assignments," hereafter "Ordinance", after having been posted for public comment and has recommended that the Tribal Council adopt the Ordinance; and

NOW, THEREFORE BE IT RESOLVED, that the Pyramid Lake Paiute Tribal Council hereby accepts the recommendation of the Land and Resource Committee to adopt and hereby does adopt as an ordinance of the Pyramid Lake Paiute Tribe the attached ordinance titled, "An Ordinance Governing the Management of Tribal Land Assignments."

BE IT FINALLY RESOLVED, the Tribal Chairman or his designee is hereby authorized and directed to implement the Ordinance. This Ordinance shall take effect upon the adoption of the Tribal Council. Any and all prior ordinances regulating Tribal land assignments on the Pyramid Lake Indian Reservation are repealed as of the date that this Ordinance takes effect.

C E R T I F I C A T I O N

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members of whom 9 constituting a quorum, were present at a meeting held on the 6th day of December, 2002 was adopted by the affirmative vote of 8 for; 0 opposed; and 0 abstentions, pursuant to the authority contained in the Constitution and By-Laws of the Pyramid Lake Paiute Tribe.



Gina Wadsworth, Tribal Secretary
Pyramid Lake Tribal Council

PYRAMID LAKE PAIUTE TRIBE
PYRAMID LAKE INDIAN RESERVATION
NIXON, NEVADA

AN ORDINANCE GOVERNING
THE MANAGEMENT OF
TRIBAL LAND ASSIGNMENTS

**PYRAMID LAKE PAIUTE TRIBE
PYRAMID LAKE INDIAN RESERVATION
NIXON, NEVADA**

**AN ORDINANCE GOVERNING THE MANAGEMENT OF
TRIBAL LAND ASSIGNMENTS**

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Article I. Definitions and Acronyms

Section 1.01 Definitions

The following terms shall have the meaning as provided in this Section unless the Ordinance expressly provides otherwise:

1. On-site Improvement - improvements to land that are located on and primarily benefit the land, such as structures (buildings, houses, fences) erected permanently for use on a site, grade leveling, roads, sewer lines, utility lines, etc.

2. Site - a plot of land prepared for or underlying a structure or development; the location of a property.

3. Fence - a light weight vertical barrier designed to mark a property boundary, to establish privacy, or to keep domestic animals from straying. For purposes of this Ordinance, a fence is defined as not less than four (4) horizontal barriers, consisting of barbed wire, boards, poles or other fence material in common use, with posts set not more than 20 feet apart.

4. Property - the rights that one individual has in lands or goods to the exclusion of others; rights gained from the ownership of wealth in the form of possession.

5. Assignment - the method by which a right or contract is transferred from one person to another; the act of transferring some property right or interest from one entity or person to another.

6. Land - the surface of the earth; any part of the surface of the earth that is not a natural water body.

7. Survey - the process by which a parcel of land is measured and its area ascertained; the act of determining the location, orientation, size, boundaries, and configuration of land through field measurement.

8. Surveyor - one who prepares surveys. This can also mean a licensed surveyor, and depending how the survey is used, a licensed surveyor shall be used when specified as .

9. Legal Description - legally acceptable identification of real estate by one of the following: a) government rectangular survey, b) metes and bounds, c) recorded plat (lot, assignment, block or tract number); a description or definition of a parcel of land written in such a way that it could not apply to any other parcel of land.

10. Government Rectangular Survey - a rectangular system of land survey that divides a district into 24-square mile quadrangles from the meridian (north-south line) and the baseline (east-west line); the tracts are divided into 6-mile square parts called townships, which are in turn divided into 36 tracts, each one mile square, called sections.

11. Metes and Bounds - a land description method that details all the boundary lines of land, together with their terminal points and angles; a land locator and measurement system that uses a combination of surveyed marks and measurements together with landmarks and monuments.

12. Parcel - a piece of property under one ownership; a lot in a subdivision; a portion of a larger land area.

13. Trust - an arrangement whereby a property is transferred to a trusted third party (trustee) by a grantor (trustor); the trustee holds the property for the benefit of another (beneficiary); a trust may be established voluntarily, or by operation of law, as where one entity or person has obtained control of property belonging to another.

14. Indian Land - is an inclusive term describing all lands held in trust by the United States for individual Indian Tribes, or all lands, titles to which are held by individual Indians or tribes, subject to Federal restrictions against alienation or encumbrance, or all lands which are subject to the rights of use, occupancy and/or benefit of certain tribes.

15. Pyramid Lake Indian Reservation - the jurisdiction of the Pyramid Lake Paiute Tribe of Indians shall extend to the territory within the confines of the Pyramid Lake Indian Reservation as established by Executive Order of March 23, 1974; to all lands claimed by the tribe to which title in the tribe may be established; and to such other lands as may hereafter be added thereto under any law of the United States, except as otherwise provided by law.

16. Pyramid Lake Paiute Tribe - is the tribe of Indians residing on the Pyramid Lake Indian Reservation organized pursuant to the Indian Reorganization Act of 1934, governed by the Pyramid Lake Paiute Tribal Council.

17. Pyramid Lake Paiute Tribal Council - is the governing body of duly elected tribal members exercising powers within the exterior boundaries of the Pyramid Lake Indian Reservation.

18. Tribal Lands - are the lands of the Pyramid Lake Indian Reservation and all lands which may be acquired by the Pyramid Lake Paiute Tribe or by the United States to be placed into trust for the Pyramid Lake Paiute Tribe, thereby shall be held as tribal lands.

19. Land Assignment - that land which is assigned to a tribal member by the Tribal Council.

20. Trespass - entering on or placing anything on the property of another unlawfully and without the consent of the owner, or assignee of the property.

21. Economic Unit - is that parcel, lot, or assignment of land which produces a commercial income for an individual or the Tribe.

Section 1.02 Acronyms

1. PLPT-Pyramid Lake Paiute Tribe.
2. CFR-Code of Federal Regulations.
3. U.S.- The United States of America.
4. L&RC-Land & Resource Committee.
5. PLDWR -Pyramid Lake Department of Water Resources.
6. PLIR -Pyramid Lake Indian Reservation.
7. PLF-Pyramid Lake Fisheries.
8. PLHA - Pyramid Lake Housing Authority.
9. BIA -The Bureau of Indian Affairs.
10. WNA - Western Nevada Agency of the Bureau of Indian Affairs.
11. GIS - Geographical Information Systems.
12. GPS -Global Positioning Systems.

Article II. General Provisions

Section 2.01 Title

The title of this Ordinance shall be known as the Pyramid Lake Tribal Land Assignment Ordinance.

Section 2.02 Findings

- A. The PLPT has exclusive authority and jurisdiction over all lands within the exterior

boundaries of the PLIR.

- B. Consistent with the Pyramid Lake Paiute Tribal Constitution and By-Laws, the PLPT has the authority and jurisdiction to manage all matters relating to land use within the boundaries of the PLIR.
- C. Consistent with all established federal regulations, the PLPT has the authority and jurisdiction to manage all matters relating to the management of all lands and land use within the exterior boundaries of the PLIR.
- D. Each enrolled tribal member of the PLPT has a right to apply for and be granted a tribal land assignment consistent with the provisions and terms of this Ordinance and the Pyramid Lake Paiute Tribal Constitution and By-Laws.
- E. A tribal member may be denied a land assignment consistent with the terms of this Ordinance and the Pyramid Lake Tribal Constitution and By-Laws.
- F. It is essential to the general welfare of the PLPT and its membership that standards and regulations be promulgated to govern the conduct of land management activities on the PLIR.

Section 2.03 Purposes

The Tribal Council of the PLPT, pursuant to the authority granted in Article III of the Pyramid Lake Paiute Tribal Constitution and By-Laws, enacts this Ordinance in order to regulate land management activities on the PLIR. In addition, the purposes of the this Tribal Land Assignment Ordinance are to:

- A. Provide standards and regulations governing the conduct of all land management activities on the PLIR.
- B. Promote the livelihood of individual tribal members by authorizing land use or uses necessary to establish such life style endeavor.
- C. Enhance housing opportunities for tribal members.
- D. Manage all activities relating to land use, land use planning, agriculture, commercial and other economic development opportunities.
- E. To grant permission for land use by non-Indian persons, companies, entities, corporations, businesses, or joint ventures on the PLIR.

Article III. Authority

Section 3.01 Tribal Constitution and By-Laws

The Pyramid Lake Paiute Tribal Constitution and By-Laws is the governing document of the PLPT approved January 15, 1936. Subject to limitations of the federal statutes and the U.S. Constitution, PLPT authority shall be construed in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984)

Section 3.02 Tribal Membership

The membership of the PLIR is established by a base roll derived from the 1935 Census and it is incorporated into the 1936 Pyramid Lake Paiute Tribal Constitution and By-Laws. Membership shall apply to any person who is accepted with good standing and provided a Tribal Enrollment card verifiable by the Pyramid Lake Paiute Tribal Enrollment Office. The organizational chart of the PLPT shall be utilized to understand the authorities under the laws and regulations of the PLIR.

Section 3.03 Land & Resource Committee

The L&RC is an established standing committee responsible for oversight duties of each step of the Tribal land assignment process. In addition to land assignment oversight responsibilities, the L&RC is specifically responsible for the following duties:

- A. Shall receive all land assignment applications and determine good standing in applications, verification of land status, review any document received by the PLPT relating to such Tribal land assignment application and based on its findings, afford its recommendation to the Tribal Council. Any such recommendation shall be for approval or denial of any land assignment application that has been formally reviewed by the L&RC.
- B. To hear certain disputes relating to Tribal land assignments and afford recommendations based on their review and hearings brought before it in effort to resolve disputes or disagreements, and based on its findings, afford its recommendation to the Tribal Council.
- C. Shall review any such land assignment, land management issue or matter brought before it for review and based on its findings, afford its recommendation to the Tribal Council.

Section 3.04 Tribal Council

The Tribal Council is the governing body of the PLPT. The Tribal Council shall exercise

the following powers, subject to any limitations imposed by Federal Statutes or the Constitution of the U.S., and subject farther to all express restrictions upon such powers contained in the Pyramid Lake Paiute Tribal Constitution and By-Laws:

- A. To enter into negotiations with Federal, State and local governments on behalf of the PLPT.
- B. To approve or veto any sale, disposition, lease or encumbrance of tribal lands, interests in lands, or other tribal assets which may be authorized or executed by the Secretary of the Interior, the Assistant Secretary of Indian Affairs, or any other official or agency of the Government, provided that no tribal lands shall ever be sold, encumbered or leased for a period exceeding five (5) years.
- C. To confer with the Secretary of Interior upon all appropriation estimates or federal projects for the benefit of the PLPT prior to the submission of such estimates to the Office of Policy, Management and Budget, and Congress.
- D. To make assignments of tribal land to members of the PLPT in conformity with Article VII of the Pyramid Lake Paiute Tribal Constitution and By-Laws.
- E. To administer any funds or property within the control of the PLPT and to make expenditures from available funds for public purposes. All expenditures shall be by resolution duly approved by a majority vote of the council, and the amounts so expended shall be a matter of public record at all times.
- F. To promulgate ordinances for the purpose of safeguarding the peace and safety of residents of the reservation, and to establish courts for the adjudication of claims or disputes and for the trial and penalizing of Indians within the reservation charged with the commission of offenses set forth in such ordinances.
- G. To regulate the inheritance of property within the reservation subject to review by the Secretary of the Interior.
- H. To adopt resolutions regulating the procedure of the Tribal Council itself and other tribal agencies and tribal officials of the PLIR.

Section 3.05 Tribal Chairman

The Tribal Chairman is the chief executive officer of the PLPT elected by popular vote and serves not more that two consecutive two-year terms. In addition to administrative responsibilities, the Tribal Chairman is also responsible for the following duties:

- A. Manages the overall operation of the PLIR.

- B. Preserve and guard all properties and enterprises.
- C. Carries out the directives of the Tribal Council.
- D. Acts as a tribal representative in meetings, negotiations, conferences, and other functions directly relating to tribal business on behalf of the PLPT with federal, State, and local governments, agencies, or individuals.
- E. Interprets tribal policies, regulations, ordinances, and codes to afford efficient tribal operation.
- F. Review tribal correspondence and prepares responses or refers to appropriate staff for review and recommendation.
- G. Confers with tribal members to ensure their needs are being met and/or refers such matter to appropriate staff.

Section 3.06 Tribal Secretary

The Tribal Secretary is appointed on an annual basis following each general election. It shall be the duty of the Tribal Secretary to keep a true and accurate record of all matters affecting the tribal records, to render a proper accounting of such records at all meetings of the Council, and to keep an accurate records at all Council proceedings, including the minutes of each Special and Regular meeting. In addition to administrative responsibilities, the Tribal Chairman is also responsible for the following duties:

- A. Maintains and manages records for all matters affecting or having affect of Tribal Council decisions.
- B. Prepares resolutions and ordinances for Tribal Council action; numbers, signs and records all tribal resolutions in an orderly manner and distributes them to the appropriate agencies.
- C. Assembles background material for the Tribal Chairman and Tribal Council.
- D. Maintains the central subject matter files pertaining to Tribal projects and correspondence.
- E. Assure the proper management, administration and expenditure of Tribal resources to fulfill objectives and priorities of the Tribal Council.

Section 3.07 Tribal Manager

The Tribal Manager is under the direction of the Tribal Chairman and is responsible for reviewing all managerial systems and revises such systems to meet governmental standards. In addition to administrative responsibilities, the Tribal Manager is also responsible for the following duties:

- A. Monitors management systems on a day-to-day basis and tailors policies to provide for a sound and effective organizational structure.
- B. Reports to the Tribal Council on activities and recommends Tribal Policy for action.
- C. Review and revises the Tribal Administrative systems to meet or exceed all government rules, regulations and policies.

Section 3.08 Other Tribal Administrative Staff

Other Tribal Administrative Staff are those positions which are responsible in some manner or form with land management duties and decisions affecting the direction of the Pyramid Lake Paiute Tribe. Such positions include:

- a) *Tribal Treasurer*; shall administer all such funds in custody of the PLPT under the authority of the Tribal Council.
- b) *Water Resources Director*; shall administer tribal programs affecting water related activities, irrigation operations, land conservation and management, and certain land use planning duties affecting the PLPT and the PLIR.
- c) *Realty Manager*; shall administer tribal activities related to real estate properties acquired through land exchange, properties leased, rented or otherwise managed in tenant/landlord relations affecting the PLPT and the PLIR.
- d) *Environmental Director*; shall administer tribal programs relating to land conservation in terms of efficient land use, erosion control, riparian management, water quality controls, range management and best land use practices affecting the PLPT and the PLIR.
- e) *Fisheries Director*; shall administer tribal programs related to preserving and enhancing fishery habitats and aquatic ecosystems of the Truckee River and Pyramid Lake affecting the PLPT and PLIR.

- f) *Housing Director*; shall administer tribal programs relating to housing/residential development projects affecting the PLPT and the PLIR.
- g) *Tax Administrator*; shall be responsible for the development, implementation and collection of taxes according to the Pyramid Lake Tax Code. Assumes primary responsibility for the implementation of regulations and procedures for the collections of various tribal taxes and fees assessed and imposed with activities and property interests within the exterior boundaries of the PLIR.

Article IV. Tribal Land

For the purposes of administering this ordinance, the following conditions shall take precedent for matters involving tribal land management. The lands of the PLIR and all lands which may hereafter be acquired by the PLPT or by the United States to be placed into trust for the PLPT, shall be held as tribal lands, and no part of such lands shall be mortgaged or sold. Tribal lands shall not be allotted to individual Tribal members, or Indians, but may be assigned to tribal members of the PLPT, leased or otherwise used by the PLPT in accordance with the Pyramid Lake Paiute Tribal Constitution and By-Laws.

Section 4.01 Availability

Land availability shall be afforded to interested tribal members for land use consistent with terms and conditions of this ordinance. Land availability shall be restricted if it is so determined and decided that any such proposed land use is not consistent with official tribal land use planning or official land use plans as authorized by the Tribal Council. Lands available shall be those with trust status held by the United States for the benefit of the PLPT.

Section 4.02 Trust Land

Trust land on the PLIR is all the land that is held in trust by the U.S. for the benefit of the PLPT. Any land that is not held in trust by the U.S. is that land which the PLPT has may have limited or restricted authority in administering this ordinance.

Section 4.03 Fee Land

Fee lands are those lands which are held or owned under private ownership within the exterior boundaries of the PLIR.

Section 4.04 Acquired Fee Land Properties

Acquired fee lands and/or properties and those lands and/or properties which are acquired by the PLPT through a land exchange, inheritance or voluntary donation processes. Land

acquisitions shall be pursued consistent with 25 C.F.R. (Indians), sub-chapter H – Land and Water Part 151; and 43 C.F.R. (Public Lands), Sub-Part 2200 - Exchanges: General Procedures. In addition, all such land exchanges shall be pursued in accordance with Public Law 101-618, Title II - Truckee-Carson-Pyranrid Lake Water Settlement, Section 210. Miscellaneous Provisions, (b). General Provisions, (18). Public Lands.

Acquired property or lands shall be transferred into trust by the United States through the BIA. All such lands or properties acquired under this section shall be used in accordance to the most recent decision of the Pyramid Lake Paiute Tribal Council. Any such land use for acquired properties or lands shall be processed through the Tribal Realty Program. Any proposed land use of such acquired lands or properties shall be decided in accordance and consistent with terms and provisions of this ordinance.

Section 4.05 Land Property Leases

Tribal lands may be leased by the Tribal Council, with the approval of the Secretary of Interior, for such periods of time as are permitted by law.

In the leasing of tribal lands preference shall be given, first to Indian cooperative associations, and secondly to individual Indians who are members of the PLPT. No lease of tribal land to a non-member shall be made by the Tribal Council, unless it shall appear that no Indian cooperative association or individual member of the Tribe is able and willing to use the land and to pay a reasonable fee for such use.

All such lands or properties leased under this section shall be managed in accordance to the most recent decision of the Pyramid Lake Paiute Tribal Council. Any leased lands or properties shall be decided in accordance and consistent with terms and provisions of this ordinance.

Article V. Land Assignment Application

In any assignment of Tribal lands which are now owned by the PLPT or which hereafter may be acquired for the PLPT by the U.S. or purchased by the PLPT out of Tribal funds, preference shall be awarded to eligible tribal members based on the following priority:

- a) to heads of households, who are entirely landless,
- b) to heads of households who have already received assignment that is less than an economic unit of land.

Any land assignment application must designate a specified land use in accordance with Article VI. of this ordinance.

Section 5.01 Applicant

An applicant shall be any enrolled member of the PLPT. The applicant must be the head of household. No applicant can be substituted nor be served in place of an eligible applicant by any individual, including spouses, parents, or immediate relatives.

In the event that any such person duly assigned a Tribal land assignment become unable to manage or operate their land assignment for stated purposes, their heirs, or other individuals designated by the approved land assignment application, shall have preference in the re-assignment as a successor of the land, provided such persons are enrolled members of the PLPT who is eligible to receive a tribal land assignment. Assignee may name a successor in a legal will and that any document holding such information shall be considered as part of the re-assigning process.

Section 5.02 Application

Applications for assignments shall be filed with the Tribal Secretary and shall be in accordance with established land assignment application, setting forth the name of the person or persons applying for the land and as accurate a description of the land desired as circumstances permit. The application must be completed according to its requirements. If the application is not completed, the applicant will be notified and informed of incomplete section(s). The application must be completed prior to any review of such application. After the completed application is received by the Tribe, a copy shall be provided to the applicant and one copy for the L&RC. The original shall be maintained on file with the Tribal Secretary.

Section 5.03 Posting and Notification

The application shall be posted in the three reservation communities, Nixon, Wadsworth and Sutcliffe, in conspicuous places. In addition to posting the application, any person who resides within one-quarter (1/4) mile of such proposed land assignment application will be notified via U.S. mail. The application shall be posted for not less than twenty (20) days from the date stamped received.

Section 5.04 Protests

Any protest filed in opposition of the granting of a land assignment shall be submitted in writing. Protests against any land assignment application must be submitted within the twenty (20) day posting period. Protests must contain dated post mark consistent with the twenty (20) day posting period. Protests must be submitted setting forth objections, while demonstrating reasonable and valid information or evidence effecting one's property interests. Any protest shall follow the stated process in Article VII.

Section 5.05 Review

After the application has completed the posting and notification process, the application is provided to the L&RC. Depending on the date the application is received by the Tribe, the application shall be subject to review by the L&RC at the next scheduled L&RC.

An applicant may submit supporting information and/or documents to accompany the application for justification in granting any such land assignment. Upon request, additional appurtenant information must be provided to the L&RC. The L&RC shall review and authorize a recommendation to the Tribal Council for either approval or denial. Accompanying the L&RC monthly report to the Tribal Secretary, all applications reviewed by the L&RC shall be submitted with stated L&RC action and recommendation. It is expected that the recommendation will hold valid the information and data as presented and this decision holds relevance and conclusion.

Section 5.06 Approval

The Tribal Secretary shall prepare Tribal resolutions for all applications listed for approval by the L&RC. All resolutions subject to approval shall be submitted to the Tribal Council in accordance with routine monthly reports. No application shall be approved unless a resolution is submitted identifying such land on said application. The Tribal Council shall approve only land assignment applications submitted for approval.

Any application that is recommended for denial shall be listed and submitted to the Tribal Council as part of the monthly report. No resolution shall be prepared for any land assignment recommended for denial by the L&RC. Any applicant who disagrees with a recommendation for denial shall not use information that was not part of the initial review process at the Tribal Council approval level. In any case where additional information is presented to the Tribal Council, such application shall be tabled and remanded to the L&RC for further review.

However, should an application be approved by the Tribal Council that is recommended for denial by the L&RC, the Tribal Council action shall reflect such approval. For land assignment applications that were subject for denial but were approved by the Tribal Council, necessary resolutions shall be written and submitted as in the process for approval. The application shall be included with any application(s) thereby approved by the Tribal Council.

The Tribal Secretary shall furnish the WNA a complete record of all action taken by the Tribal Council on any approved land assignment application, and a complete record of assignments shall be kept at the WNA and shall be open for public inspection by Tribal members.

Section 5.07 Addressing

An approved land assignment shall not be issued a physical address. The physical address will be issued to any residential home site or subdivision according to current regulations. It shall be the responsibility of the assignee to request for a physical address only in instances where a

home site exists or is proposed. If a physical address already exists for any approved land assignment, the previous assigned physical address shall remain in effect.

Article VI. Land Use

Any such land use designation by land assignment applications, proposed contracts or leases, or other such methodology for Tribal lands shall be in accordance with all applicable laws, regulations, or policies. Any designated land use determined by land use plans or zoning ordinances, shall be considered when land assignment applications are review. Any such land use which produces income to an individual or to the PLPT shall be considered an economic unit.

Section 6.01 Agriculture

Agriculture land use shall be that which produces a vegetative crop for livestock, or human consumption. It shall also include ornamental horticulture, turf farming, and native plant production. Any person who intends to apply for an agriculture land assignment must conclusively demonstrate the ability to put to use necessary resources for land production at the earliest growing season, and any application should not be used to speculate on future productivity.

Section 6.02 Home Site/Residential

Home site land use shall be that which supports a household. It shall include a land area suitable for such household livelihood (i.e. yard, buildings, barns, etc.). Residential land use shall be that which supports residential subdivisions as determined by the PLHA. Land assignments for a home site only shall be no more than one (1) acre.

Section 6.03 Commercial

Commercial land use shall be that which is destined to produce an income through business ventures. It shall include industrial, mining, warehousing, retail, wholesale, or other revenue producing operations.

Section 6.04 Business Plans

Any such proposed land use which intends to produce an income must provide a business plan to accompany the land assignment application, proposed commercial development and a proposed contract or lease.

Article VII. Cancellation

Section 7.01 General Rule

If any Tribal member holding a Tribal land assignment shall, for a period of two (2) years fail to use the land so assigned, such assignment may be cancelled by the Tribal Council after due

notice and an opportunity to be heard, and the said land may be re-assigned in accordance to the provisions of Article VII., Section 3 of the Tribal Constitution and By-Laws and by provision this Ordinance. The failure to use the land assignment as assigned for such purposes shall be determined an unimproved land assignment.

Section 7.02 Improvement

Improvements to a land assignment shall include structures (buildings, houses, fences) erected permanently for use on a site, grade leveling, roads, sewer lines, and utility lines. Any such improvement not listed here shall be determined and verified through any recommendation by the L&RC action on such land assignment application.

Section 7.03 Complaints

All complaints must be submitted in writing to the Tribal Secretary. Any complaint not containing an original signature, or is not in its original capacity (ie. a photo copy), shall not be considered legitimate and will be disqualified. A general Tribal response shall be provided to the responsible person in writing within thirty (30) days from date of receipt.

The Tribal Secretary shall submit any valid complaint or letter of concern to the L&RC. A copy of the complaint and Tribal response letter shall be provided to all parties involved in the complaint. Complaints shall be treated consistently with Article VIII.

Section 7.04 Finding of Non-compliance

The L&RC shall be responsible for findings of non-compliance. The L&RC shall assign a L&RC member to investigate any such complaint. The person whose land assignment is in question shall be informed and consulted of the manner in which the complaint is to be investigated.

The investigation shall be accomplished by physical observance of such land assignment in question and by documenting all findings with the manner in which findings were discovered. The investigation may include research and information/documentation collection for compilation, in an investigation report will be submitted to the L&RC. No investigation shall be completed by verbal communication only. The L&RC shall take action accepting the investigation report.

In the event that a finding of land assignment non-compliance exists, the person whose land assignment is in question shall receive a notice of non-compliance, a copy of the investigation report and the L&RC action taken.

Section 7.05 Notice

The notice shall contain information relating to the hearing process and a reasonable time frame for which an official determination will be decided on determination of cancellation of said

land assignment . The notice shall include a request for information supporting the original specified use of the land assignment, information supporting the current condition of land assignment, and supporting documentation for any improvement made to the land assignment. Any improvement made shall be supported with receipts or other forms of evidence for the time frame and dates prior to the receipt of the complaint.

If the hearing process or time frame cannot be met by uncontrollable circumstances, the person whose land assignment is in question must respond in writing to the L&RC. The response may be submitted to the Tribal Secretary or to the Chairman of the L&RC.

Section 7.06 Hearing

The hearing shall be conducted at a regular or special L&RC meeting. The hearing shall include the person whose land assignment is in question and the L&RC. The responsible person whose complaint resulted in the hearing may be called in for testimony. If additional time is required, the hearing may be continued until such a time that necessary information can be submitted to the L&RC.

After testimony is received and examination of the investigation report, supporting documentation, and other appurtenant information is completed, the L&RC shall render its decision. The decision shall be submitted as a recommendation to the Tribal Council. Information directly relating to the hearing shall be submitted to the Tribal Council. If the decision is to let stand the land assignment in question, the L&RC decision shall be final.

Section 7.07 Final Decision

The Tribal Council may, as it sees fit, schedule its final decision regarding land assignment cancellation at a regular or special Tribal Council meeting. The Tribal Council shall review the information directly relating to the hearing. No additional information may be received after the hearing process has been completed by the L&RC. The Tribal Council decision to cancel land assignment in question shall be final.

Article VIII. Dispute Resolution

Dispute resolution shall involve only those disputes relating directly to Tribal land assignments, the application process, and information relating to such disputed land assignment.

Section 8.01 Filing Dispute

Disputes can be filed by submitting any such disputed issue with the PLPT. A dispute must be submitted in writing. Any dispute not containing an original signature, or is not in its original capacity, shall not be considered legitimate and will be disqualified. A dispute may be filed in such cases where a land assignment is authorized: an approved land assignment intrudes upon an existing

land assignment; certain boundaries are presumed incorrect; the application process is incomplete; information or documents are incorrect; or any such matter that is deemed a valid dispute through this Ordinance.

Section 8.02 Receipt

The dispute shall be stamped received on the date that it is submitted. A copy shall be provided to the disputing party or person upon receipt of dispute. A copy shall also be provided to the individual whose land assignment is in dispute. The dispute shall be submitted to the L&RC for vending validity of dispute in question.

Section 8.03 Terms of Validity

The Chairman of the L&RC shall delegate the duty of vending validity to a L&RC member, or to a Tribal staff member. The person delegated the authority to verify dispute validity shall consult with disputing party or person to initiate dispute validation process. A collection of any and all appurtenant information, data or documents must be obtained and reviewed.

A determination of validity is made base on the information, data and/or documents collected. A response is submitted to the L&RC, the disputing party or person, and the person whose land assignment is in dispute.

Section 8.04 Notification

In the case where a dispute is verified as a valid dispute, notification shall be made to the disputing party or person and the individual whose land assignment is in dispute that a dispute exists. The notification shall also include the process for which the dispute will be resolved. The dispute shall be heard at a regular or special L&RC meeting.

Section 8.05 Dispute Resolution

Any and all information, data, and/or the documents shall be reviewed while discussing, in detail with each party or person involved, the significant points and facts of relevance to the land assignment. The parties involved shall determine by the terms of the information, data or documents a reasonable solution to the disputed issue. The L&RC shall determine by reason of this dispute resolution session, the outcome best suited to satisfy both parties involved in the land assignment dispute. A letter signifying the dispute resolution shall be issued to the each party involved in the dispute. A copy shall be provided to the Tribal Secretary to be maintained on file.

Should the dispute remain unresolved at the L&RC dispute resolution session, the L&RC shall decide, by L&RC action, the best suited resolution to the land assignment dispute. The L&RC decision shall be submitted as a recommendation to the Tribal Council. The L&RC decision shall be copied to each party involved in the land assignment dispute.

Section 8.06 Final Review and Decision

The PLPT shall notify each party involved in the land assignment dispute of the scheduled Tribal Council meeting where the dispute resolution will be heard by Tribal Council. No additional information will be allowed as part of the final review of the Tribal Council. The Tribal Council shall decide, by a motion and vote, the final dispute resolution based on the information submitted along with the recommendation of the L&RC. The Tribal Council decision shall be final.

Article IX. Miscellaneous Provisions

Section 9.01 Documents

Any document submitted as part of any land assignment proceeding contained herein this Ordinance will be utilized as necessary to determine an outcome to any such land assignment proceeding. Any document that is forged, improperly obtained, or used in any improper manner with any process contained herein this Ordinance can be used in administrative, quasi-judicial or judicial proceedings to remedy relief where harm has been demonstrated against a party unsuspecting of such harm.

Section 9.02 Public Access to Land Assignment Information

As let in accordance with Section 5.06 of this Ordinance, any land assignment that has been officially approved by the PLPT, shall be made accessible to the public. Any person interested in receiving any such information related to any tribal land assignment may submit a request in writing to the PLPT. A copy of any such requested information shall be provided to that party who requests such information. Any information provided under this section shall only be used for any purpose by the provisions contained herein this Ordinance.

Section 9.03 Tribal Council Resolution

A Tribal Council resolution reflects formal action taken to confirm any decision as a form of policy, regulation, law, or final decision in Tribal matters.

Section 9.04 Tribal Council Minutes

The Tribal Council minutes are formal records of each Tribal Council meeting.

Section 9.05 Bureau of Indian Affairs

The Bureau of Indian Affairs are a Federal Agency within the Department of Interior who are responsible in overseeing Tribal affairs for Indians in the U.S. The responsible BIA agency for the PLPT is the Western Nevada Agency (WNA), located in Carson City, Nevada.

Section 9.06 Archival Research

In instances where additional information is required, it may be necessary to research archival records at the WNA facilities, the National Archives and Records Administration, State archives, and/or County archives. Any information retrieved through a research facility can be used as part of any proceeding contained herein in Ordinance.

Section 9.07 County Assessor Parcel and Survey Maps

Any County Assessor parcel map or County Recorder survey map may be retrieved and provided as part of any proceeding contained herein this Ordinance.

Section 9.08 Official Tribal Records

The official records of the PLPT include Tribal Council meeting minutes, official letters, Administrative memorandums, and any Tribal Committee or Board of Directors meeting minutes. These documents are the official representation of PLPT.

Section 9.09 Surveys and Technical Data

Professional surveys and technical data may be used with any process or provision contained herein this Ordinance.

Section 9.10 GIS/GPS

GIS and GPS information and data can be used for any process or provision contained herein this Ordinance.

Section 9.11 Other Agencies

Information, documents, or data from any other agency can be used and provided as reference or justification for any process or provision contained herein this Ordinance.

Section 9.12 Severability

a) If any provision or provisions of this Ordinance are held invalid by a court of competent jurisdiction, this Ordinance shall continue in effect as is the invalid provision(s) were not a part hereof.

b) If any provision of this Ordinance is inconsistent with any provision of the Tribal Constitution and/or Tribal By-Laws, the terms of the Constitution and/or By-Laws shall control.

Section 9.13 Effective Date of Ordinance

This Ordinance shall take effect upon the adoption of the Tribal Council. Any and all prior ordinances regulating Tribal land assignments on the Pyramid Lake Indian Reservation are repealed as of the date that this Ordinance takes effect.