



SUMMIT LAKE PAIUTE TRIBE  
Primary Administrative Office  
1708 H Street, Sparks, NV 89431-4337  
(775) 827-9670 (775) 827-9678 (fax)

SUMMIT LAKE PAIUTE COUNCIL  
Chairman: Warner Barlese • Vice-Chairperson: Ernie Barlese  
Secretary/Treasurer: Jerri Lynn Barlese • Council Member: Jerry L. Barr

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February 10, 2010

Humboldt County Regional Planning Department  
Attn: Betty Lawrence  
Humboldt County Courthouse  
50 West 5th Street  
Winnemucca, NV 89445

Re: Jungo Land and Investments, Inc., Conditional Use Permit UH-07-05

Dear Members of the Humboldt County Planning Commission:

The Summit Lake Paiute Council (Council), governing body of the federally recognized Summit Lake Paiute Tribe of Nevada (see Vol. 73, No. 66, Federal Register 18553, 18556 (Friday, April 4, 2008)), hereby advises that the Council opposes not only the request to extend Conditional Use Permit UH-07-05 (CUP) for any period of time but had it been consulted since the proposed project is within its traditional use territory, it would have opposed the initial issuance of the CUP.

The Council opposes the extension of the CUP because such a use would render the land unusable for any Northern Paiute, not just Summit Lake tribal members, that wanted to hunt, gather or conduct spiritual ceremonies there.

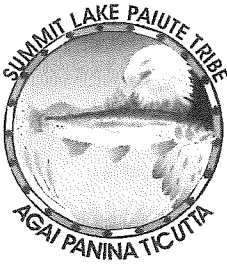
The Constitution of the Summit Lake Paiute Tribe (Tribe), approved by the federal government on January 8, 1965, authorizes the Council to veto any encumbrance of tribal lands, interests in lands or other tribal assets, and to take such actions as are necessary to carry into effect any of the Council's powers (see Article II, Summit Lake Paiute Tribe Articles of Association, Section 1(e), (k)).

Under numerous federal laws, because the traditional use territory of Tribe is subject to a final order of the Indian Claims Commission, and the only cause of action in *Northern Paiute Nation et al. v. United States of America*, 7 Ind. Cl. Comm. 322, 381-82, 421a-b, 615, 618a-b, et al. (1959), was the taking of the Tribe's land in violation of the U.S. Constitution, tribal members retain the right, at all usual and accustomed places, whether now called public or private land, to hunt, fish, gather traditional foods and medicine and resources, and practice spiritual ceremonies. See e.g., *State v. Tinno*, 497 P.2d 1386 (Idaho, 1972) (conviction of tribal member who speared salmon not in compliance with state law reversed). Numerous unreported decisions of the local state District Court have upheld the right of Northern Paiute tribe members to hunt, etc., within their traditional use territory areas when prosecuted by a Nevada Department of Wildlife citation.

Thus it is not only the Summit Lake Reservation that constitutes Indian Country.

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Visit the Tribe's web site ([www.summitlaketribe.org](http://www.summitlaketribe.org)) it is updated every several days



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Moreover state law declares that it lacks jurisdiction in Indian Country absent the consent of the governing body of the Tribe. See N.R.S. 41.430(4). The Summit Lake Paiute Council has never consented to Nevada or one of its political subdivisions (i.e., Humboldt County) exercising jurisdiction in its Indian Country. Since Nevada retroceded all of its limited civil and complete criminal (optional Public Law 280) jurisdiction in Indian Country, no Tribe's governing body in Humboldt County has consented to state jurisdiction in accordance with N.R.S. 41.430.

I appreciate being afforded the opportunity to communicate.

If you have any questions please contact the Tribe's Acting Chief Administrative Employee and the Director of the Tribe's Environmental Protection Department, Ron Johnny by phone ((775) 8279670) or email ([ron.johnny@summitlaketribe.org](mailto:ron.johnny@summitlaketribe.org)).

Sincerely,

Warner Barlese  
Chairman, Summit Lake Paiute Council

cc:  
File  
Members, Summit Lake Paiute Council

WB/rej