BE IT RESOLVED BY THE GOVERNING BODY OF THE FALLON PAIUTE-SHOSHONE TRIBE, THE FALLON BUSINESS COUNCIL, THAT:

WHEREAS: the Fallon Business Council ("Council") is the recognized Governing Body of the Fallon Paiute-Shoshone Tribe ("Tribe") and was established to exercise the privileges and powers of self-government, to conserve and develop the Tribe's resources for the social and economic well-being of its members, and to preserve and protect the civil rights of its members;

WHEREAS: the Fallon Tribe is federally recognized by the United States Government and the Secretary of the Interior as a Native American Tribe, and by the power vested in the Tribal Constitution and Bylaws, specifically Article VI Section 3(c), the Business Council has the authority to take actions necessary to protect Tribal resources;

WHEREAS: our ancestral lands were judicially confirmed by the United States Indian Claims Commission as "an area largely in Nevada, with small areas in California . . . which had been exclusively occupied and used in Indian fashion from time immemorial by the bands or groups of Northern Paiute Indians of Nevada who were aboriginally known as the Paviotso or Paiute of western Nevada.,” Northern Paiute Nation et al. v. United States, 7 Ind. CI Comm. 322, 372 (1959);

WHEREAS: since time immemorial, we have lived, hunted, and prayed on our ancestral lands which encompass many significant areas such as what are now referred to as the Stillwater Range, Stillwater Marsh, Sand Mountain, the Carson Sink, Dixie Valley, Rawhide Hot Springs, Fox Peak, and surrounding areas;

WHEREAS: since the 1940's Naval Air Station Fallon (NASF) has operated on 202,000 acres of our ancestral lands that are adjacent to our Reservation, most recently as authorized by a 1999 Public Land Withdrawal;

WHEREAS: NASF operations on the 1999 Public Land Withdrawal have caused a terrible transformation of our ancestral lands and way of life through:

(1) countless flyovers at low altitudes at all hours;

(2) aerial bombing, war games and other ground disturbance activities;

(3) regular sonic booms and other excessive noise; and

(4) denied access to our traditional lands, including spiritual and cultural sites.

WHEREAS: NASF operations on the 1999 Public Land Withdrawal have resulted in innumerable harms to those lands and our way of life and the lifeways of other tribes without meaningful mitigation or dispensation of any kind to the Tribe or its members;

WHEREAS: by way of example, the adverse effects of NASF activities include:
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(1) destruction by bombing activities of our origin site known as Jobs Peak, from which our Father and our Mother dispersed their four children, as documented in the ethnography "In the Shadow of Fox Peak;"

(2) desecration of other cultural sites, such as burials;

(3) denial or curtailment of access to important cultural sites;

(4) denial or curtailment of access for hunting animals and gathering of plant materials used for food and our material culture;

(5) extreme and excessive noise levels have prevented us from the quiet enjoyment that normally accompanies and is essential to our ceremonies;

WHEREAS: as set forth in its November 2018 Draft Environmental Impact Statement (DEIS) for the proposed expansion of NASF, the Navy is proposing to expand these horrible activities four-fold by:

(1) requesting Congressional renewal of the 1999 Public Land Withdrawal of 202,864 acres;

(2) requesting Congress withdraw and reserve for military use up to 618,727 acres of additional federal land;

(3) acquiring approximately 65,153 acres of private or state-owned (non-federal) land;

(4) constructing range infrastructure to support modernization, including new target areas; and

(5) expanding and reconfiguring existing special use airspace and establishing new airspace with the current boundary to accommodate the expanded bombing ranges;

WHEREAS: since time immemorial, the Tribe has engaged in religious and cultural ceremonies and other activities on the 885,000 acres of lands identified above, as established through our oral tradition, ethnography, burial practices, material culture, and other evidence;

WHEREAS: the continuation of the 1999 Public Land Withdrawal and its four-fold territorial expansion would continue the shameful and tragic history of seizing tribal lands, desecrating tribal religious, burial and cultural sites, and preventing our Tribe and other tribes from engaging in our cultural practices;

WHEREAS: since the expansion has been proposed, NASF has failed to properly consult with our Tribe in violation of the sacred trust responsibility the United States owes all tribes, and denied the Tribe information and funding needed to fully identify and assess the potential impacts on the proposed expansion;

WHEREAS: under the guise of consultation, NASF has repeatedly asked our Tribe to do the impossible -- identify its cultural sites on a one-page map that covers the entire 885,000-acre (about 1375 square miles) expansion area;
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WHEREAS: despite repeated written requests, NASF has not responded to the Tribe’s requests for the funding necessary to conduct a survey of the expansion area so that cultural sites can be identified;

WHEREAS: when the DEIS was published, NASF gave the Tribe no advance notice, in a face-to-face meeting failed to mention its publication was one day away until asked, and then only gave the Tribe a mere 60 days to comment; and

WHEREAS: despite these disadvantages, the Fallon Tribe has submitted sets of comments specifying many concerns with the expansion, but yet NASF fails to recognize or demonstrate they have read or understood the comments in our meetings with NASF.

NOW THEREFORE BE IT RESOLVED, the Fallon Business Council hereby strongly opposes the expansion of Fallon Naval Air Station as described in the November 2018 Draft Environmental Impact Statement;

BE IF FURTHER RESOLVED, the Fallon Business Council calls on the United States Navy to engage in meaningful consultation with the Fallon Tribe and other tribes, share all relevant information, facilitate visits to the expansion site, and fully fund a study that would allow the Fallon Tribe to identify the cultural sites within the proposed expansion area;

BE IF FURTHER RESOLVED, the Fallon Tribe and its members as well as other tribes must retain the ability to access cultural and spiritual sites identified by the Tribe and other tribes, and these areas should be excluded from any expansion and protected from impacts of Naval training;

BE IT FINALLY RESOLVED, the Fallon Business Council calls on the Intertribal Council of Nevada to support the Tribe and other tribes in their opposition to the proposed Fallon Naval Air Station expansion.

CERTIFICATION

At a duly held meeting of the seven members of the Governing Body of the Fallon Paiute-Shoshone Tribe, five of which constitute a quorum, there were 6 members present on the 26th day of March, 2019, who VOTED 6 FOR, 0 AGAINST, and 0 ABSTENTION(S), in the adoption of the foregoing resolution, in accordance with the powers vested by the Fallon Paiute-Shoshone Tribe’s Constitution and By-Laws,

Margot Dyer, Secretary
Fallon Business Council