

Facsimile Transmittal

U. S. Department of Housing and Urban Development  
Office of Department Grants Management and Oversight

OMB Number: 2525-0118  
Expiration Date: 06/30/2011

1305814639-9406

Name of Document Transmitting: Fort McDermitt Paiute and Shoshone Tribe - NO DOCUMENTS

1. Applicant Information:

Legal Name: Fort McDermitt Paiute and Shoshone Tribe

Address:

Street1: P.O. Box 457

Street2:

City: McDermitt

County: Humboldt

State: NV: Nevada

Zip Code: 89421-0000

Country: USA: UNITED STATES

2. Catalog of Federal Domestic Assistance Number:

Organizational DUNS: 0647914780000 CFDA No.: 14.862

Title: Indian Community Development Block Grant Program

Program Component:

3. Facsimile Contact Information:

Department:

Division:

4. Name and telephone number of person to be contacted on matters involving this facsimile.

Prefix: First Name: Bob

Middle Name:

Last Name: McNichols

Suffix:

Phone Number: 928-897-2834

Fax Number:

5. Email: BobMcNichols@RezBuilders.com

6. What is your Transmittal? (Check one box per fax)

- a. Certification  b. Document  c. Match/Leverage Letter  d. Other

7. How many pages (including cover) are being faxed? 1

**Application for Federal Assistance SF-424**

\* 1. Type of Submission:

- Preapplication  
 Application  
 Changed/Corrected Application

\* 2. Type of Application:

- New  
 Continuation  
 Revision

\* If Revision, select appropriate letter(s):

\* Other (Specify):

\* 3. Date Received:

06/14/2011

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

**State Use Only:**

6. Date Received by State:

7. State Application Identifier:

**8. APPLICANT INFORMATION:**

\* a. Legal Name:

Fort McDermitt Paiute and Shoshone Tribe

\* b. Employer/Taxpayer Identification Number (EIN/TIN):

880139377

\* c. Organizational DUNS:

0647914780000

**d. Address:**

\* Street1:

P.O. Box 457

Street2:

\* City:

McDermitt

County/Parish:

Humboldt

\* State:

NV: Nevada

Province:

\* Country:

USA: UNITED STATES

\* Zip / Postal Code:

89421-0000

**e. Organizational Unit:**

Department Name:

Division Name:

**f. Name and contact information of person to be contacted on matters involving this application:**

Prefix:

\* First Name:

Billy

Middle Name:

A

\* Last Name:

Bell

Suffix:

Title:

Chairman

Organizational Affiliation:

Fort McDermitt Paiute and Shoshone Tribal Council

\* Telephone Number:

775-532-8259

Fax Number:

775-532-8487

\* Email:

Billy.Bell.FortMcDermitt@gmail.com

**Application for Federal Assistance SF-424**

**\* 9. Type of Applicant 1: Select Applicant Type:**

I: Indian/Native American Tribal Government (Federally Recognized)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

\* Other (specify):

**\* 10. Name of Federal Agency:**

US Department of Housing and Urban Development

**11. Catalog of Federal Domestic Assistance Number:**

14.862

CFDA Title:

Indian Community Development Block Grant Program

**\* 12. Funding Opportunity Number:**

FR-5500-N-04

\* Title:

Community Development Block Grant Program for Indian Tribes and Alaska Native Villages (ICDBG)

**13. Competition Identification Number:**

ICDBG-04

Title:

**14. Areas Affected by Project (Cities, Counties, States, etc.):**

[Add Attachment](#)

[Delete Attachment](#)

[View Attachment](#)

**\* 15. Descriptive Title of Applicant's Project:**

Economic Development-Travel Plaza Development

Attach supporting documents as specified in agency instructions.

[Add Attachments](#)

[Delete Attachments](#)

[View Attachments](#)

**Application for Federal Assistance SF-424**

**16. Congressional Districts Of:**

\* a. Applicant  b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

**17. Proposed Project:**

\* a. Start Date:  \* b. End Date:

**18. Estimated Funding (\$):**

* a. Federal	<input type="text" value="605,000.00"/>
* b. Applicant	<input type="text" value="211,500.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="816,500.00"/>

**\* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

**\* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes  No

If "Yes", provide explanation and attach

**21. \*By signing this application, I certify (1) to the statements contained in the list of certifications\*\* and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances\*\* and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

\*\* I AGREE

\*\* The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

**Authorized Representative:**

Prefix:  \* First Name:   
Middle Name:   
\* Last Name:   
Suffix:

\* Title:

\* Telephone Number:  Fax Number:

\* Email:

\* Signature of Authorized Representative:  \* Date Signed:

# Survey on Ensuring Equal Opportunity For Applicants

OMB No. 1890-0014 Exp. 2/28/2009

## Purpose:

The Federal government is committed to ensuring that all qualified applicants, small or large, non-religious or faith-based, have an equal opportunity to compete for Federal funding. In order for us to better understand the population of applicants for Federal funds, we are asking nonprofit private organizations (not including private universities) to fill out this survey.

Upon receipt, the survey will be separated from the application. Information provided on the survey will not be considered in any way in making funding decisions and will not be included in the Federal grants database. While your help in this data collection process is greatly appreciated, completion of this survey is voluntary.

## Instructions for Submitting the Survey

If you are applying using a hard copy application, please place the completed survey in an envelope labeled "Applicant Survey." Seal the envelope and include it along with your application package. If you are applying electronically, please submit this survey along with your application.

<b>Applicant's (Organization) Name:</b>	Fort McDermitt Paiute and Shoshone Tribe
<b>Applicant's DUNS Name:</b>	0647914780000
<b>Federal Program:</b>	Community Development Block Grant Program for Indian Tribes and Alaska Native Villages
<b>CFDA Number:</b>	14.862

1. Has the applicant ever received a grant or contract from the Federal government?

Yes  No

2. Is the applicant a faith-based organization?

Yes  No

3. Is the applicant a secular organization?

Yes  No

4. Does the applicant have 501(c)(3) status?

Yes  No

5. Is the applicant a local affiliate of a national organization?

Yes  No

6. How many full-time equivalent employees does the applicant have? (Check only one box).

3 or Fewer  15-50  
 4-5  51-100  
 6-14  over 100

7. What is the size of the applicant's annual budget? (Check only one box.)

Less Than \$150,000  
 \$150,000 - \$299,999  
 \$300,000 - \$499,999  
 \$500,000 - \$999,999  
 \$1,000,000 - \$4,999,999  
 \$5,000,000 or more

## Survey Instructions on Ensuring Equal Opportunity for Applicants

OMB No. 1890-0014 Exp. 2/28/2009

**Provide the applicant's (organization) name and DUNS number and the grant name and CFDA number.**

1. Self-explanatory.
2. Self-identify.
3. Self-identify.
4. 501(c)(3) status is a legal designation provided on application to the Internal Revenue Service by eligible organizations. Some grant programs may require nonprofit applicants to have 501(c)(3) status. Other grant programs do not.
5. Self-explanatory.
6. For example, two part-time employees who each work half-time equal one full-time equivalent employee. If the applicant is a local affiliate of a national organization, the responses to survey questions 2 and 3 should reflect the staff and budget size of the local affiliate.
7. Annual budget means the amount of money your organization spends each year on all of its activities.

### **Paperwork Burden Statement**

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this

information collection is **1890-0014**. The time required

to complete this information collection is estimated to average five (5) minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection.

**If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to:** The Agency Contact listed in this grant application package.

**Applicant/Recipient  
Disclosure/Update Report**

U.S. Department of Housing  
and Urban Development

OMB Number: 2510-0011  
Expiration Date: 10/31/2012

Applicant/Recipient Information

\* Duns Number: 0647914780000

\* Report Type: INITIAL

1. Applicant/Recipient Name, Address, and Phone (include area code):

\* Applicant Name:

Fort McDermitt Paiute and Shoshone Tribe

\* Street1: P.O. Box 457

Street2:

\* City: McDermitt

County: Humboldt

\* State: NV: Nevada

\* Zip Code: 89421-0000

\* Country: USA: UNITED STATES

\* Phone: 775-532-8259

2. Social Security Number or Employer ID Number: 880139377

\* 3. HUD Program Name:

Indian Community Development Block Grant Program

\* 4. Amount of HUD Assistance Requested/Received: \$ 605,000.00

5. State the name and location (street address, City and State) of the project or activity:

\* Project Name: Economic Development - Travel Plaza Development

\* Street1: P.O. Box 457

Street2: U.S. Highway 95

\* City: McDermitt

County: Humboldt

\* State: NV: Nevada

\* Zip Code: 89421-0000

\* Country: USA: UNITED STATES

**Part I Threshold Determinations**

\* 1. Are you applying for assistance for a specific project or activity? These terms do not include formula grants, such as public housing operating subsidy or CDBG block grants. (For further information see 24 CFR Sec. 4.3).

Yes  No

\* 2. Have you received or do you expect to receive assistance within the jurisdiction of the Department (HUD), involving the project or activity in this application, in excess of \$200,000 during this fiscal year (Oct. 1-Sep. 30)? For further information, see 24 CFR Sec. 4.9

Yes  No

If you answered " No " to either question 1 or 2, **Stop!** You do not need to complete the remainder of this form.

**However,** you must sign the certification at the end of the report.

Form HUD-2880 (3/99)

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**Part II Other Government Assistance Provided or Requested / Expected Sources and Use of Funds.**

Such assistance includes, but is not limited to, any grant, loan, subsidy, guarantee, insurance, payment, credit, or tax benefit.

---

Department/State/Local Agency Name:

\* Government Agency Name:

Government Agency Address:

\* Street1:

Street2:

\* City:

County:

\* State:

\* Zip Code:

\* Country:

\* Type of Assistance:

\* Amount Requested/Provided: \$

\* Expected Uses of the Funds:

---

Department/State/Local Agency Name:

\* Government Agency Name:

Government Agency Address:

\* Street1:

Street2:

\* City:

County:

\* State:

\* Zip Code:

\* Country:

\* Type of Assistance:

\* Amount Requested/Provided: \$

\* Expected Uses of the Funds:

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(Note: Use Additional pages if necessary.)

Add Attachment

Delete Attachment

View Attachment

**Part III Interested Parties.** You must decide.

1. All developers, contractors, or consultants involved in the application for the assistance or in the planning, development, or implementation of the project or activity and

2. Any other person who has a financial interest in the project or activity for which the assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower).

* Alphabetical list of all persons with a reportable financial interest in the project or activity (For individuals, give the last name first)	* Social Security No. or Employee ID No.	* Type of Participation in Project/Activity	* Financial Interest in Project/Activity (\$ and %)
<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/> <input type="text"/> %
<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/> <input type="text"/> %
<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/> <input type="text"/> %
<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/> <input type="text"/> %
<input type="text"/>	<input type="text"/>	<input type="text"/>	\$ <input type="text"/> <input type="text"/> %

(Note: Use Additional pages if necessary.)

**Certification**

**Warning:** If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under Section 1001 of Title 18 of the United States Code. In addition, any person who knowingly and materially violates any required disclosures of information, including intentional non-disclosure, is subject to civil money penalty not to exceed \$10,000 for each violation.

I certify that this information is true and complete.

\* Signature:

\* Date: (mm/dd/yyyy)

# DISCLOSURE OF LOBBYING ACTIVITIES

Complete this form to disclose lobbying activities pursuant to 31 U.S.C.1352

Approved by OMB

0348-0046

<b>1. * Type of Federal Action:</b> <input type="checkbox"/> a. contract <input checked="" type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. * Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input checked="" type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. * Report Type:</b> <input checked="" type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change
--	--	--

**4. Name and Address of Reporting Entity:**

Prime     SubAwardee

\* Name: Fort McDermitt Paiute and Shoshone Tribe

\* Street 1: P.O. Box 457    Street 2: \_\_\_\_\_

\* City: McDermitt    State: NV: Nevada    Zip: 89421

Congressional District, if known: 2nd

**5. If Reporting Entity in No.4 is Subawardee, Enter Name and Address of Prime:**

<b>6. * Federal Department/Agency:</b> HUD	<b>7. * Federal Program Name/Description:</b> Indian Community Development Block Grant Program CFDA Number, if applicable: 14.862
---	---

<b>8. Federal Action Number, if known:</b> _____	<b>9. Award Amount, if known:</b> \$ _____
---	---

**10. a. Name and Address of Lobbying Registrant:**

Prefix \_\_\_\_\_ \* First Name N/A    Middle Name \_\_\_\_\_

\* Last Name N/A    Suffix \_\_\_\_\_

\* Street 1 \_\_\_\_\_    Street 2 \_\_\_\_\_

\* City \_\_\_\_\_    State \_\_\_\_\_    Zip \_\_\_\_\_

**b. Individual Performing Services** (including address if different from No. 10a)

Prefix \_\_\_\_\_ \* First Name None    Middle Name \_\_\_\_\_

\* Last Name None    Suffix \_\_\_\_\_

\* Street 1 \_\_\_\_\_    Street 2 \_\_\_\_\_

\* City \_\_\_\_\_    State \_\_\_\_\_    Zip \_\_\_\_\_

**11.** Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when the transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\* Signature: Robert McNichols

\* Name: Prefix \_\_\_\_\_ \* First Name Billy    Middle Name A

\* Last Name Bell    Suffix \_\_\_\_\_

Title: Chairman    Telephone No.: 775-532-8259    Date: 06/14/2011

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Standard Form - LLL (Rev. 7-97)



# Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

**RESOLUTION NO. FM11-006-045**

## **RESOLUTION OF THE GOVERNING BODY OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE, NEVADA**

*2011 Application for HUD Indian Community Development Block Grant (ICDBG)  
for an Economic Development Project – Travel Plaza Development*

**WHEREAS**, the Fort McDermitt Paiute and Shoshone Tribe of Oregon and Nevada is a Federally recognized Indian Tribe organized in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended; and

**WHEREAS**, the governing body of the Fort McDermitt Paiute and Shoshone Tribe is the Tribal Council as set forth in the Constitution; and

**WHEREAS**, Tribal goals include developing viable communities, suitable living environments, and economic development opportunities, to improve the quality of life and standards of living for tribal members and other residents on the Fort McDermitt Reservation; and

**WHEREAS**, the application is for one high-priority economic development project, the professional design and construction of the Fort McDermitt Travel Plaza, which will provide area-wide benefits, *(new job creation and sustainability, revenues to the tribe for providing government services, and retail convenience market services and products to the public including cultural exchange)* to the neediest portion of the population; and

**WHEREAS**, this project will provide public benefits to the community including five or more new jobs initially, and will provide additional business opportunities for tribal members, and will provide a source of revenue to the Tribal government to provide tribal health, education, housing and social services on the Reservation, and will provide revenues or seed money to expand economic development opportunities, and will provide a highway rest stop with convenience items, food and snacks, native arts and crafts, gifts, tobacco products, and other products to local residents, tourists and others who visit our area; and

**WHEREAS**, the Fort McDermitt Tribe is **88% Low to Moderate Income**. This project will provide a public benefit to all the residents of the Fort McDermitt Indian Reservation community, 88% of which are Low to Moderate incomes, as defined in 24 CFR Section 1003.4 and these most needy persons will receive benefits from the ICDBG grant; and

**WHEREAS**, the Tribe adopted a plan in accordance with Section 3, 24 CFR Part 135, to target these new entry-level jobs created by this project to individuals who are low to very low income by providing increased bonus points to very low and low income applicants, and lesser bonus points to moderate income applicants, and no bonus points to higher income applicants; to notify Section 3 residents, contractors and subcontractors about training and employment opportunities generated by this business; and by sponsoring a job informational meeting to be conducted on the Reservation where category 1 or 2 persons reside, and similar activities; and

**WHEREAS**, the Fort McDermitt Travel Plaza will be operated and managed as a Tribally Chartered Enterprise, the Fort McDermitt Travel Plaza Enterprise, in accordance with the Articles of Organization, Charter, and Bylaws established for the Enterprise for the overall benefit to the public. Net revenues (profits) of the enterprise will be used partially by the enterprise for creating and expanding new businesses on the Reservation for new jobs and new revenue streams and partially to provide benefits to Tribal members per the mission and goals statement of the Tribe, i.e.: health, education, housing, social services. This provides an area-wide benefit to the 88% LMI reservation population; and

**WHEREAS**, the Tribe has met the requirements of 24 CFR 1003.604(a), Citizen Participation by providing for Reservation residents to examine and appraise this application by 1) furnishing information on the amounts of funds available for proposed community development and housing activities that may be taken, 2) holding public meetings scheduled at times to allow participation in order to obtain their views on community development, economic development, and housing needs, 3) developing and publishing or posting a Community Development Statement in such a manner as to afford affected residents an opportunity to examine its contents, and 4) affording residents an opportunity to review, and has and will continue to consider any comments and views, and as appropriate modify the application accordingly, and made the modified application available to residents. The need for viable economic development on the Fort McDermitt Tribe's Reservation lands is a need that has been made a high priority through participation by the community. This project is the highest priority in 2011 by the Tribe and its members; and

**WHEREAS**, the Fort McDermitt Tribe hereby makes a firm commitment to contribute its own resources totaling \$211,500 to achieve the objectives of this project, of which \$210,000 is the raw land value for the 10 acre Travel Plaza site, (the value determined by a professional independent land appraiser) and \$1,500 is a cash contribution toward meeting our audit requirements from the Tribe's general fund; these funds being provided to assure that the grant outputs and outcomes are achieved and successful, and the Council hereby confirms that it has the financial capacity to meet these commitments; and

**WHEREAS**, the Tribe asserts that this project meets HUD's Policy Priorities by: 1) Job Creation/Employment: Creating 5 or more new jobs initially that will be sustainable over time through the revenues and receipts of the proposed business, and potential growth of the existing business and spin-off businesses and resultant new jobs; Training and workforce development is

planned and budgeted into this project for such new positions. 2) Sustainability: Developing a property and new facilities that are clean and help residents lead healthy, safe, affordable, and productive lives by using energy efficiency and conservation practices including LEEDS, Energy Star, and Green Energy Rating systems; and 3) incorporating Universal Design and Visitability standards into all phases of the design and construction criteria for this project; and

**WHEREAS**, the Tribe is a new applicant and all prior HUD ICDBG grants have been closed subject to audit. The Tribe has created a qualified project team to assure capacity to carry out the provisions of this project and to fulfill the scope, timely and successfully, with its own employees and an experienced and qualified contracted project manager, Nevada licensed architect, and Nevada licensed construction contractor; and

**WHEREAS**, the Tribe has management systems and Internal control policies in place including financial policies and procedures, procurement and contract management, to fully comply with HUD general administration requirements in 24 CFR Parts 85 and 1003 and other Federal requirements; and

**WHEREAS**, the Tribe has a current Code of Conduct in place, with a copy included in this application, that is utilized and followed and is made known to the community, and meets the requirements of 24 CFR 84.42; and

**WHEREAS**, the Tribe's 2009 A-133 Audit, and prior year audits, will all be completed prior to the evaluation of this grant application, with any findings or exceptions addressed by corrective action plans and with the Tribe's commitment to fully comply with any such corrective action plan; and

**WHEREAS**, the Tribe hereby certifies that:

- a. that it has no outstanding ICDBG arrears.
- b. that it is in full compliance with the Fair Housing and Civil Rights laws and has no findings.
- c. that it has no delinquent Federal debts.
- d. that it maintains financial standards that require open competition in all bidding.

**WHEREAS**, the Tribe has developed and adopted, by Tribal Resolution, an operation and maintenance plan that addresses regular maintenance activities, repairs, capital improvements and replacement reserves for repairs, fire and liability insurance, and security; and hereby commits \$13,076 annually, through the receipts of the business, to operating and maintaining this proposed economic development project, the facilities including buildings, structures, utilities, roadways, landscaping, signage, and other appurtenances associated with the Fort McDermitt Travel Plaza. The Travel Plaza will be maintained by the enterprise, by the Maintenance Worker, under the supervision of the Travel Plaza Manager, in accordance with the Operation and Maintenance Plan, and includes daily and periodic maintenance activities, making repairs in a timely manner, making capital improvements as needed, maintaining insurance, and establishing replacement reserves using funds generated by the Travel Plaza enterprise, and if the revenues from this business are not

sufficient, will utilize Tribal general funds to assure that preventive and operational maintenance is performed; and

**WHEREAS**, the space requirements for this project are determined to be sufficient and not excessive, to meet the needs of a commercial Travel Plaza, to provide space for fuel islands, traffic circulation, auto and truck parking, fuel storage tanks and pumps, and similar services as designed; and

**WHEREAS**, the Tribal Council has adopted, by Tribal Resolution, the Humboldt County Building Codes, Universal Design, Accessible Design & Assistive Technology, Energy Star and LEED Energy Standards for the design and construction of the Fort McDermitt Travel Plaza, and has established monitoring procedures to evaluate the success of these actions; and

**NOW, THEREFORE BE IT RESOLVED**, that the Tribal Council hereby authorizes the Chairman and/or Vice-Chair to submit the ICDBG application to HUD and approves the economic development project, the development of the Fort McDermitt Travel Plaza, as the highest-priority to meet the needs of our community; and

**BE IT FURTHER RESOLVED**, that the Tribal Council hereby authorizes the Tribal Chairman and/or Vice-Chair to sign and execute the ICDBG application and any and all documents that are a part thereof, and to sign and execute any construction and installation contracts, and any agreements and amendments with consultants, contractors, vendors and suppliers in accordance with approved Tribe's policies and procedures and applicable regulations, and to carry out the provisions of the Indian Community Development Block Grant described above.

#### CERTIFICATION

It is hereby certified that the foregoing **Resolution No. FM11-006-045** was adopted by the Fort McDermitt Tribal Council of the Fort McDermitt Paiute and Shoshone Tribe, composed of **Eight (8)** members of whom **Five (5)** constituting a quorum were present at a meeting duly held on the **8<sup>th</sup>** day of **June 2011**, and is adopting this resolution by affirmative vote of: **Four (4) FOR, Zero (0) AGAINST, Zero (0) ABSTAINING**, pursuant to the authority contained in the Constitution and Bylaws of the Fort McDermitt Paiute and Shoshone Tribe.



Vonnie Sam, Tribal Council Secretary  
Fort McDermitt Paiute and Shoshone Tribe

## THRESHOLD REQUIREMENTS and ABSTRACT

### General NOFA Thresholds:

**Eligible Applicant:** The Fort McDermitt Paiute and Shoshone Tribe is a Federally Recognized Indian Tribe and listed in the most recent Federal Register list of such.

**DUNS Number:** 064791478

**CCR Registration:** is current through 10/12/2011

**Outstanding Civil Rights Matters:** has none

**Debarment and Suspension:** is not debarred or suspended

**Consistency with the HUD Consolidated Plan:** The proposed project is consistent with such.

**Delinquent Federal Debts:** The Fort McDermitt Paiute and Shoshone Tribe has no delinquent Federal debts.

### ICDBG PROGRAM RELATED THRESHOLDS:

The proposed economic development project meets the primary objective of ICDBG in 24 CFR 1003.2, to benefit LMI persons as documented in Factor 2. This project meets the regulatory requirements of 24 CFR 1003.208 by providing Area Benefit Activities, in that 100% of the Fort McDermitt Reservation will benefit by the job creation and retention that this project accomplishes.

### **Outstanding ICDBG Obligation:**

The Fort McDermitt Tribe is a New Applicant as all prior ICDBG grants have been closed out subject to audit for more than 12 months prior to June 15, 2011.

#### **§ 1003.301 Selection process.**

(a) *Threshold requirement.* An applicant that has an outstanding ICDBG obligation to HUD that is in arrears, or one that has not agreed to a repayment schedule, will be disqualified from the competition.

### **Per 24 CFR 1003.301(a), the Fort McDermitt Tribe does not have any outstanding ICDBG obligation to HUD that is in arrears, or one that has not agreed to a repayment schedule.**

The Tribe has two ICDBG grants, both over ten years old, which are still being carried on the books by HUD. One grant that is now 27 years old, B-84-SR-32-0823-1, has no balance of funds and no funds in arrears. The other grant is 12 years old, B-99-SR-32-0823-1, and HUD records show an unexpended balance of funds on HUD's books as \$15,228 (see Attachment 1 to this Section). Although the expenditure of these funds may not be fully documented, they have not been determined to be in arrears and there are no open findings. This amount is being considered by the Fort McDermitt Tribe and HUD SWONAP to determine whether such is an unexpended balance or whether it has been expended but not fully documented.

In its draft 2010 financial statements the Tribe currently shows a balance due from HUD of \$11,044 on the older B-84-SR-32-0823-1 grant. On grant B-99-SR-32-0823-1, the Tribe's general ledger shows unexpended funds on hand (deferred revenue) of \$17,123 which approximates the remaining balance per HUD's records on this grant (Attachment 1). The Tribe believes that there may have been some past misallocation of expenditures between these two

grants and that these two balances should be offset and that the Tribe has funds of \$6,079 at December 31, 2010 that should be spent on these grants or repaid to HUD. The Tribe does not believe that it has drawn down any funds that have not been properly expended.

A Bill for Collection has never been submitted to the Tribe and there has not been a determination of any open findings so these funds are not determined to be in arrears. Both HUD and the Tribe have neglected these two grants for several years and the Tribe is working aggressively to determine the status of these two grants and provide remedies if such remedies are deemed necessary.

Should it be determined that any such funds are in arrears (while we believe there are not) and require repayment to HUD, the Tribe **hereby agrees to a repayment schedule** at any point in time that these funds are determined to be due and payable (see Attachment 2 to this Section).

**PROJECT SPECIFIC THRESHOLDS:**  
**Economic Development Project Thresholds:**

In accordance with 24 CFR 1003.302(c), for economic development assistance projects, the Tribe has acquired a professionally prepared **financial analysis in accordance with professional standards**. It demonstrates that the project is financially feasible and the project has a **reasonable chance of success**. The analysis does include information about the project's **market share, sales levels, growth potential, projections of revenue, project expenses**. **There are no borrowed funds so debt service is not applicable**. The analysis also demonstrates the **public benefit** to the LMI community resulting from the ICDBG assistance.

The analysis also establishes that to the extent practicable, reasonable **financial support will be committed from non-federal sources prior to disbursement of federal funds**; any **grant amount provided will not substantially reduce the amount of non-federal financial support** for the activity; **not more than a reasonable rate of return on investment is provided to the owner**, and the **grant funds used for the project will be disbursed on a pro-rata basis with amounts from other sources**.

Financial Analysis

A financial analysis was prepared by an independent professional business development analyst and is included in this application. The attached **financial analysis** for phase I of the Fort McDermitt Travel Plaza includes standard financial statements and itemized monthly and annualized Profit and Loss Statements, Cash Flow Statements and Balance Sheet. The attached financial analysis also includes exhibits and narrative explaining **sales assumptions, revenue projections, growth potential, and project development and operating expenses**. **Debt-service** is non-applicable to this particular project; although a loan scenario was considered for comparable investment opportunity purposes it is not applicable to the economic feasibility discussion for this project.

*It is concluded that phase I of the Fort McDermitt Travel Plaza is financially feasible, independently sustainable as a Tribal Enterprise and has an excellent chance of long-term*

financial success. This conclusion is based on ongoing financial analysis and market studies performed in 2010 and 2011. Current 2011 data is presented in the attached application as an addendum to the 2010 multi-phased financial feasibility study. Select 2011 Key Performance Indicators (KPI's) as discussed in the NOFA are highlighted below:

Annual **Sales Growth** assumptions are based on industry estimates, published National Association of Convenience Market (NACS) growth projections, and competing travel plaza and convenience market success rates. Sales growth assumptions for the Fort McDermitt Travel Plaza are as follows:

<b>GROWTH ASSUMPTIONS</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Growth Rate	4.25%	4.50%	4.75%	4.75%

Reasoned **Revenue Projections** are based on three separate analyses (1) Analysis of current business in the surrounding area including revenue of related ancillary businesses (2) Anticipated revenue of competing convenience markets and (3) The ability to attract new business and capture market share from existing competitors.

Revenue projections take into consideration traffic flow levels, seasonal fluctuations in tourist traffic and local and regional commuter activity.

Estimated five-year **revenue projections** for the Fort McDermitt Travel Plaza total \$1,751,362 are illustrated below:

Yr 1	Yr 2	Yr 3	Yr 4	Yr5
\$178,500	\$370,392	\$385,208	\$400,616	\$416,641

Market share

**Market share was analyzed in three ways:** (1) Competitive pricing analysis of industry standards and surrounding markets (2) Identification of market segments and forces affecting supply and demand within the industry and (3) Performance analysis includes emerging industry trends, and recent results and performance of each key competitor. Of the four competing travel plazas and convenience markets located within 50 miles of the Fort McDermitt proposed site (100%), 4 of the closest were visited and inspected. The majority of those facilities lacked the competitive advantages that the Fort McDermitt plaza will possess, are in need of repair yet they still have a strong customer base to support their operations. This clearly demonstrates the opportunity for the Fort McDermitt travel plaza to gain market share by providing a clean, affordable and culturally attractive facility. (See Competitive Analysis Section of Economic Feasibility Study).

Public Benefit

The public benefit from the \$605,000 Federal ICDBG funding is evidenced by the impact to the Tribal Community, Recreational Travelers and Woman, Infants and Children (WIC), nearby

businesses and communities. The funding will serve as much needed supplemental financial support the Tribe desperately needs to effectively and efficiently complete phase I of the Fort McDermitt travel plaza.

**Public benefit is demonstrated in three ways:** (1) The Tribal Community will enjoy a 10% reduction in unemployment in the civil labor force. This phase I construction of the Travel Plaza will create at least 4 full-time positions for low income individuals and/or families. According to the 2000 Census (Table DP-3), 44 individuals are unemployed on the Reservation. The construction of phase I of the travel plaza will create at least 4 new positions resulting in a 10% reduction in unemployment for low-income individuals (2) The Travel Plaza will offer woman, infant and children (WIC) program convenience food items and benefits to area residents and tribal community members and (3) employees of the travel plaza will gain education and exposure to professional management training from Great Basin College not otherwise available to them.

Reasonable financial support will be committed from non-federal sources prior to disbursement of federal funds:

By way of Resolution FM11-006-045, the Fort McDermitt Tribal Council approved the contribution of \$211,500 to the project, of which \$210,000 is the value of the land as determined by a professional land valuation consultant, and \$1,500 in cash toward the ICDBG share of the A-133 audit expense. The Tribe’s contribution is 25.9% of the total project cost \$816,500. The land will be provided upon initiation of the project and the \$1,500 will be provided at the completion of the project.

Not more than a reasonable rate of return on investment is provided to the owner

Financial scenario based testing and sensitivity analysis was utilized to determine the best and worst case financial outcome based on adjustments in certain financial variables. Given current market conditions the Tribe is projecting the most conservative financial outcome of 1.3% to 4.12% rate of return on investment (ROI) excluding land value.

	Yr 1	Yr 2	Yr 3	Yr 4	Yr5	RMA Industry Average
ROI (EBIT / Owners’ Equity)	1.01%	2.80%	2.92%	3.05%	3.20%	3.90%
ROI (EBIT / Owners’ Equity w/o land)	1.36%	3.73%	3.84%	3.99%	4.12%	3.90%

The Travel Plaza like any new for-profit enterprise will enjoy organic revenue growth with partial reinvestment in later years. This will enable expansion efforts for Phase II and Phase III construction. Cumulative operating income before depreciation is an estimated \$223,416 after five years and is reasonable when compared to RMA industry standards for travel plazas and convenience markets of similar size and location.

Grant funds used for the project will be disbursed on a pro-rata basis with amounts from other sources.

The Tribe's contribution of the land value, \$210,000 will be provided at the initiation of the grant. The \$1,500 cash for the Tribe's contribution to the project for the ICDBG share of the A-133 audit will be provided at the end of the grant. Federal ICDBG Grant funds totaling \$605,000 will be disbursed on a quarterly basis, generally, but may have separate draws more often than quarterly when in the construction phase of the project.

**ATTACHMENTS TO THIS SECTION:**

- 1) HUD Grant Management Spreadsheet showing status of two ICDBG grants
- 2) Fort McDermitt Repayment Agreement and Schedule
- 3) Peer Review of Feasibility Report, by Bill Sims, Business and Economic Development Specialist, Nevada Small Business Development Center

1)



**Fort McDermitt**

					12/31 FVE		GM Specialist: Beverly A. Hill
1999	B-99-SB-32-0823 - 1	\$350,000	\$15,228	11/2/99	14,600	2/23/00	30,100
	Project Type: Housing Rehabilitation					Project Desc.: 12 units	GM Specialist: Pamela C. Ivin
							7/13/10
1984	B-84-SB-32-0823 - 1	\$190,000	\$0	9/28/84	9/20/84	3/10/86	
	Project Type: Housing - New Construction					Project Desc.: 7 units	6/20/87

**Total Remaining Balance: \$15,228.48**

**Report Summary      Number of Grants: 2      Total Grant Amount: \$740,000.00**  
**Total Remaining Balance: \$15,228.48**



ATTACHMENT 2



## Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

June 9, 2011

Carolyn O'Neil, Administrator  
Southwest Office of Native American Programs  
U.S. Department of Housing & Urban Development  
One North Central Avenue, Suite 600  
Phoenix, Arizona 85004

Dear Administrator O'Neil:

The Fort McDermitt Tribe has two HUD ICDBG grants that have been closed out, subject to audit, B-84-SR-32-0823-1 and B-99-SR-32-0823-1. The first grant is now 27 years old, has no balance of funds, and no funds determined to be in arrears. The other grant is 12 years old, B-99-SR-32-0823-1, and shows an unexpended balance of funds on HUD's books as \$15,228. This amount is being considered and researched by the Tribe and its consultants to determine whether either of these two grants are in arrears or whether the funds have indeed been properly expended but not fully documented in HUD's files.

In its draft 2010 financial statements the Tribe currently shows a balance due from HUD of \$11,044 on the older B-84-SR-32-0823-1 grant. On grant B-99-SR-32-0823-1, the Tribe's general ledger shows unexpended funds on hand (deferred revenue) of \$17,123 which approximates the remaining balance per HUD's records on this grant (Attachment 1). The Tribe believes that there may have been some past misallocation of expenditures between these two grants and that these two balances should be offset and that the Tribe has funds of \$6,079 at December 31, 2010 that should be spent on these grants or repaid to HUD. The Tribe does not believe that it has drawn down any funds that have not been properly expended.

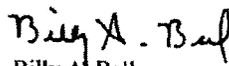
A Bill for Collection has never been submitted to the Tribe so these funds are not determined to be delinquent. Both HUD and the Tribe have neglected these two grants for several years and the Tribe is working aggressively to determine the status of these two grants and provide remedies, if such remedies are deemed necessary.

The Fort McDermitt Paiute and Shoshone Tribe hereby agrees to the following repayment schedule as follows:

**REPAYMENT SCHEDULE:** The Fort McDermitt Tribe hereby agrees to repay any and all funds as deemed to be in arrears or otherwise owed under HUD ICDBG Grants No. B-84-SR-32-0823-1 and B-99-SR-3208-1. Such payments will be paid in full in one single payment by the Tribe within 90 days of receipt of any such determination by HUD.

We appreciate your favorable consideration of our grant application.

Sincerely

  
Billy A. Bell  
Tribal Chairman



Nevada Small Business Development Center  
College of Business  
A partner in The Business Services Group

Nevada Small Business Development Center  
Winnemucca Office  
90 West Fourth Street  
Winnemucca, NV 89445  
(775) 623-1064

June 13, 2011

Billy A. Bell, Chairman  
Fort McDermitt Paiute and Shoshone Tribe  
P.O. Box 457  
McDermitt, Nevada 89421

Dear Chairman Bell:

I received your request for a peer review of the financial projections and assumptions for the proposed travel plaza to be built on the Fort McDermitt Reservation just south of the town of McDermitt. I reviewed the information and am pleased to provide my opinions and comments. I recognize that your tribe has been planning for this project for quite some time and have organized a tribally chartered travel plaza enterprise, conducted an environmental assessment, and completed the feasibility study, among other things.

In my opinion, the May 2, 2011 feasibility report prepared by RezBuilders and RAE Solutions meets professional standards and provides reasonable estimates and conclusions. Perhaps most importantly, I found the projected sales volumes, expected income, and projected expenses to be very reasonable estimates for a convenience store and gasoline station at this location.

While success of any project is not assured, the financial pro formas provide a credible estimate of expected performance results based upon what similar businesses are doing when similarly situated.

I wish you the best in your efforts to develop this project. Please do not hesitate to contact me whenever I can be of assistance.

Sincerely,

Bill Sims  
Business and Economic Development Specialist  
Nevada Small Business Development Center

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**Implementation Schedule**  
Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing  
and Urban Development  
Office of Public and Indian Housing

OMB Approval No. 2577-0191  
(exp. 2/29/2012)

See Instructions and Public Reporting Statement on back.  
Submit a separate implementation schedule for each project category.

1. Name of Applicant (as shown in item 5, Standard Form 424)  
**Fort McDermitt Paiute-Shoshone Tribe**

2. Application/Grant Number (to be assigned by HUD) 3.  Original (First submission to HUD)  Pre-Award Submission  Amendment (submitted after grant approval)  
Date (mm/dd/yyyy) **06/02/2011**

4. Name of Project (as shown on form HUD-4123, item 4)  
**Economic Development - Travel Plaza**

5. Effective Date (mm/dd/yyyy) **01/01/2012** Expected Completion Date (mm/dd/yyyy) **05/01/2013** Expected Closeout Date (mm/dd/yyyy) **05/31/2014**

6. Environmental Review Status  
 **Exempt** (As described in 24 CFR 58.34)  **Under Review** (Review underway; findings not yet made)  **Finding of No Significant Impact** (Finding made that request for release of funds for project is not an action which may significantly affect the environment.)  
 **EIS Required** (Finding that project may significantly affect environment or EIS automatically required by 24 CFR 58.37)  **Not Started** (Review not yet begun)  
 **Categorically Excluded** (Environmental review completed; certification and request for release of funds being prepared for submission.) (as described in 24 CFR 58.35)

7. Tribal Fiscal Year (mm/dd/yyyy) **10/01/2011**

8. Task List  
(List tasks such as environmental assessment, acquisition, etc.)

9. Schedule.  
Use Calendar Year (CY) quarters. Fill-in the CY below. See detailed instructions on back.

Month	2012			2013			CY 13			Date (mm/dd/yyyy) (if exceeds 8th Q. tr
	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	5th Qtr.	6th Qtr.	7th Qtr.	8th Qtr.		
Project Initiation, Tribal Review, Team Orientation	J X	A M	J A	O N	J F	A M	J A	S O	N D	01/01/2012
Environmental Review, Posting, EA Approval (HUD)	X	X	X	X	X	X	X	X	X	05/10/2012
Solicit, award A&E, Prepare construction Documents	X	X	X	X	X	X	X	X	X	05/18/2012
Solicit bids, award Construction Contract, bonding										02/20/2013
Dirtwork, utility (WSE) extensions, site prep Tvl Piza										03/15/2013
Tvl Piza foundation, floor, rough-in bldg utilities										05/01/2013
Framing, roofing, roofed, closed-in, HVAC tested										05/31/2014
Specialties bathrooms, coolers, food/drink service,										
Finish trim, Mechanical, landscaping, aggregate										
Inspections, punchlist, final, close-out										
Close out completed (May 1, 2013)										
Audit Completed (May 31, 2014)										
<b>10. Planned Drawdowns by Quarter</b> (Enter amounts non-cumulatively)	\$ 21,500.00	\$ 25,400.00	\$ 200,550.00	\$ 227,445.00	\$ 110,770.00	\$ 19,335.00	\$	\$	\$	\$Total 605,000.00
<b>11. Cumulative Drawdown</b> (If more than one page, enter total on last page only)	\$ 21,500.00	\$ 46,900.00	\$ 247,450.00	\$ 474,895.00	\$ 585,665.00	\$ 605,000.00	\$ 605,000.00	\$ 605,000.00	\$ 605,000.00	\$Total 605,000.00

Public reporting burden for this collection of information is estimated to average 40 hours per response, including the reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Paperwork Reduction Project (2577-0191), Office of Information Technology, Department of Housing and Urban Development, Washington, D.C. 20410-3600. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best project funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is submitted HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (Pub. Law 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

**Instructions for Item 9 Schedule:** Use Calendar Year (CY) quarters. Fill-in the CY below. If the project begins in May, for example, enter under "1st Q" (April), M(May), J(June). Indicate time period required to complete each activity, e.g., acquisition, by entering "X" under the months it will begin and end. Draw a horizontal line first to the second "X". If the completion date will extend beyond the 8th quarter, enter date in the far right column and attach an explanation.

# Cost Summary

Indian Community Development Block Grant (ICDBG)

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing

OMB Approval No. 2577-0191  
(exp. 2/29/2012)

See Instructions and Public Reporting Statement on back.

1. Name of Applicant (as shown in Item 5, Standard Form 424) <b>Fort McDermitt Paiute-Shoshone Tribe</b>	2. Application/Grant Number (to be assigned by HUD upon submission)
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3. <input checked="" type="checkbox"/> <b>Original</b> (check here if this is the first submission to HUD)	<input type="checkbox"/> <b>Revision</b> (check here if submitted with implementation schedule as part of pre-award requirements)	<input type="checkbox"/> <b>Amendment</b> (check here if submitted after HUD approval of grant)	Date (mm/dd/yyyy) <b>06/11/2011</b>
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4. <b>Project Name &amp; Project Category</b> (see instructions on back)  a	ICDBG Amount Requested for each activity b	Program Funds (in thousands of \$)	
		Other Source Amount for each activity c	Other Source of Other Funds for each activity d
Real Estate, 10 Acres Tribal Land (Unimproved)	\$	\$ 210,000.00	Tribal In-Kind Contribution
Building Permits, Plans, Inspections by County	14,000.00		
Electric Drop	8,000.00		
6" Water line extension 400 feet	5,200.00		
Septic System 6,500 gal tank & 220' leach line	30,000.00		
Phase I Travel Plaza - Building	252,000.00		
Sidewalk, 8" Base Course, Asphalt, Curb & Gutter	66,900.00		
Excavation - Sitework	5,000.00		
Highway Turnouts - 800 cu yds, ABC Aggregate	7,360.00		
Fixtures, Equipment, Coolers, Shelves, Racks, POS	75,000.00		
Allowance for Contingency (10% Construction Costs)	46,340.00		
Professional Design, A&E, Geotechnical Soil Reports	58,900.00		
<b>5. Administration</b>	36,300.00		
a. General Management and Oversight			
b. Indirect Costs: Enter indirect costs to be charged to the program pursuant to a cost allocation plan.			
c. Audit: Enter estimated cost of Program share of A-133 audits.		1,500.00	Tribal General Fund
<b>Administration Total *</b>	36,300.00	1,500.00	
<b>6. Planning</b> The Project description must address the proposed use of these funds.			
<b>7. Technical Assistance</b> Enter total amount of ICDBG funds requested for technical assistance. **			
<b>8. Sub Total</b> Enter totals of columns b. and c.	\$ 605,000.00	\$ 211,500.00	
<b>9. Grand Total</b> Enter sum of column b. plus column c.			\$ 816,500.00

\* The total of items 5 and 6 cannot exceed 20% of the total ICDBG funds requested.

\*\* No more than 10% of ICDBG funds requested may be used for technical assistance. If funds are requested under this line item separate project description must accompany the application to describe the technical assistance the application intends to obtain. Only technical assistance costs associated with the development of a capacity to undertake a specific funded program activity are eligible (24 CFR 1003.206).

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Public reporting burden for this collection of information is estimated to average 40 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This collection of information requires that each eligible applicant submit information to enable HUD to select the best projects for funding during annual competitions for the ICDBG Program. The information will be used by HUD to determine whether applications meet minimum screening eligibility requirements and application submission requirements. Applicants provide general information about the project which is preliminary to the review of the applicant's response to the criteria for rating the application. The information is essential for HUD in monitoring grants to ensure that grantees are making proper use of Federal dollars. Responses to the collection are required by Section 105 of the Department of Housing and Urban Development Reform Act (P.L. 101-235) as amended by the Cranston-Gonzales National Affordable Housing Act of 1990. The information requested does not lend itself to confidentiality.

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#### **Instructions for Item 4.**

##### **Project Name and Project Type**

Participants enter the project name and the name of one of the following three categories of activities:

- Housing
- Community Facilities
- Economic Development

Also enter the component name if applicable. Use a separate Cost Summary sheet (form HUD-4123) for each project included in the application.

Examples of categories and/or components including examples of eligible activities are listed below.

##### **Housing**

###### **Rehabilitation Component**

- Rehabilitation
- Demolition

###### **Land to Support New Housing Component**

###### **New Housing Construction Component**

##### **Community Facilities**

###### **Infrastructure Component**

- Water
- Sewer
- Roads and Streets
- Storm Sewers

###### **Buildings Component**

- Health Clinic
- Daycare Center
- Community Center
- Multi-purpose Center

##### **Economic Development**

- Commercial (wholesale, retail)
- Industrial
- Motel/Hotel
- Restaurant
- Agricultural Development

**RATING FACTOR 1: Capacity of the Applicant**

**Sub-factor 1a Managerial and Technical Staff:** (8 Points)

The Fort McDermitt Paiute-Shoshone Tribe is a “new applicant” as all prior ICDBG grants have been closed out subject to audit. Our Tribe has assembled the organizational resources necessary to successfully implement the specific activities of this project including the planning, design, construction, management and operation of a Travel Plaza in accordance with our Implementation Schedule and budget. The implementation schedule is reasonable and can be achieved.

We have the experience and resources to manage this **specific type of activity** as is determined by the success of our other grants and contracts that we have managed through other Federal, State and private funding agencies. The programs listed below have similar requirements to the ICDBG Economic Development project being proposed for budgeting, reporting, administration, supervision of employees, meeting program requirements and obligations, providing quality services, time management, controlling costs, and quality control. The Tribe has recent past experience in successfully managing other programs and grants similar to ICDBG including:

Bureau of Indian Affairs:	Aid to Tribal Government Social Services Indian Child Welfare Act Johnson O’Malley Education Irrigation Operation and Maintenance Rangeland Management Agriculture & Natural Resources Roads Maintenance Roads Construction/Transportation Planning
Environmental Protection Agency:	EPA General Assistance Grant
US Dept Housing Urban Develop:	HOME PROJECT NAHSDA
Indian Health Service	Contract Health Services Alcohol/Drug Intervention
USDA Rural Development	Rural Business Opportunity Grant

All of these programs have been, or currently are being, managed successfully and within available funds and providing services to our community as intended by the programs and projects. These federal programs require resources similar to the specific type of activities required for performance under the ICDBG grant for which we are applying. The projects and programs that we are currently managing successfully include program management, construction, operations and maintenance, planning, scheduling, inventory control, organizational management, etc., similar to the resources required for an ICDBG project.

The projects and programs that the tribe has managed in the past five years are all being utilized and are achieving the purposes for which they were intended as discussed in the grants and contracts. The grants and contracts have met our goals and objectives for which they were built and are providing the services and benefits that were envisioned in the grants.

The Tribe has collected the organizational resources needed to successfully complete this project. We have organized a team from existing staff including the Chairman, Vice-Chairman, Finance Director, and will contract with a professional economic development consulting firm for project management. We will use Nevada licensed Architects and Engineers and Nevada licensed Construction Contractors and sub-contractors. We have adopted the International Building Codes and related building codes used by Humboldt County to assure that we meet adequate regional construction standards. We will use the Humboldt County Building and

Safety Division to conduct plans review for code compliance and to conduct construction inspections. Our team will assure we provide the managerial, technical, and administrative capability necessary to carry out this project in accordance with HUD requirements.

The ICDBG team that we have assembled for this ICDBG economic development project includes the following individuals, consultants, and contractors, their duties under the ICDBG grant, and their qualifications for performing the required duties and responsibilities under the ICDBG grant:

<b>POSITION:</b>	<b>DESCRIPTION OF ROLES AND RESPONSIBILITIES</b>
<b>Leadership</b> Billy Bell Tribal Chairman	The project will be subject to the oversight of the Tribal Council with Chairman Bell taking the primary leadership role. He will monitor the work of all the other team members and those involved in performing the work. He will ensure that each team member is performing the functions required and that reports are timely submitted to the Council and HUD in accordance with HUD requirements.
<b>Project Manager</b> (PM), a professional consultant with substantial experience in project management and grant management will be selected competitively, with preference to Native American Applicants. (To be competitively contracted )	The PM will be selected competitively and will direct this specific project in its entirety, including the planning, managing and implementing. The PM will be <b>required</b> to have recent, relevant and successful experience in managing HUD ICDBG grants and similar Federal grants to be considered. The PM will assure compliance with all HUD Part 85 and 1003 and other applicable requirements and assure that all grant activities are performed to specification, on time, in budget, and in accordance with the implementation schedule. The PM will prepare the RFP and evaluation process and review work of the Architect; will coordinate with the Architect to prepare construction and bid documents for construction; will review bids, bonds, and background of Construction Contractor and sub-contractors, and County building inspectors and ensure they meet the construction specifications; will coordinate the environmental review and make certain that all applicable regulations are met prior to breaking ground and for the Release of Funds; will draft narrative reports, Logic Model reports, and initiate financial and other reports. Will coordinate with the Finance Manager to assure that HUD requirements are achieved; will assure that architect and construction contractors perform to specs; will assure that reporting requirements are met; will keep communications between Tribal Council, Administrative staff, contractors and funding agencies.
<b>Financial Manager</b> Valerie Barr	Valerie will oversee all Financial Management activities under this grant, including Procurement and Contract Management and compliance with HUD 24 CFR Parts 85 and 1003. Assures proper application of procurement and contract management policies, and compliance with contract management systems under this grant. Implements approved financial management procedures; prepares and submits financial and other required reports. Reviews and processes payments of invoices, initiates LOCCS draws, etc. Assures audits are performed timely.
<b>Section 3 Compliance</b> Karen Crutcher	Karen Crutcher will perform Section 3 compliance for this project by undertaking efforts to match eligible and qualified Section 3 residents with training and employment positions that the contractor and subcontractors intend to fill, subject to the Indian Preference provisions in the Tribe's Personnel Manual and 24CFR1003.510. She will ensure the posting of job

	announcements for LMI applicants, arranging the job fair and public meetings, monitoring contract solicitations, awards, and hiring, and meeting all commitments of the Section 3 plan laid out in this ICDBG application. Additionally, she will provide monthly reports to the Project Manager and Council.
<b>Construction Supervisor</b> Raymond Crutcher	Raymond will, on a day-to-day basis, review and monitor the work activities and work products of the Architect, Construction Contractor and Sub-contractors, and County Building Inspectors, to ensure compliance with contract specifications, building codes, construction contract and payroll reporting, etc. He will reports any deficiencies or issues to the PM and makes recommendations on solutions. Keeps communications flowing.
<b>Environmental Manager</b> Duane Masters	Duane oversees all aspects of the environmental review and compliance with environmental policies, procedures and regulations, and compilation and maintenance of the Environmental Record; reviews and coordinates with the Tribe’s Elders on cultural resources issues, biological assessment, and compliance with all Federal and other applicable environmental statutes and regulations. Ensure submission of the environmental review for final review and approval for Release of Funds.
<b>Architect</b> (To be competitively contracted)	Prepares design, construction plans and specifications in accordance with Building Codes and standards utilized by the Humboldt County Building Department and the Nevada State Fire Marshall’s Office, and incorporates Universal Design and visitability standards and LEEDs energy standards, and Energy Star techniques and products, and prepares construction documents for solicitation, general provision, and technical requirements of the construction contract.
<b>Construction Contractor</b> (To be competitively contracted)	Constructs building in accordance with a plans and specifications prepared by the Architect and within the contracted amount. Provides performance bond and proof of insurance. Provides payroll reports to Financial Manager. Incorporates Section 3 LMI requirements in hiring and subcontracting.
Bobby Thomas Humboldt County <b>Building Inspector,</b>	The Tribe has adopted the Humboldt County Building Codes and standards, Universal Design, and LEED energy standards and green rating system and Energy Star techniques and products under Tribal Resolution FM11-005-035. Bobby Thomas, Building Official, will provide plans review and approval, construction inspections for each phase of the work, and approval of work phases when completed successfully.

**Position: Qualifications of Project Team Members:**

<b>Leadership</b> Billy Bell Tribal Chairman	The Tribal Council is the elected governing body responsible to carry out the governances of activities on the Fort McDermitt Reservation. Chairman Bell has served as an Education Officer and then an Administrator with the Fort McDermitt Tribe in 2007. He has been on the Tribal Council from 2003 to 2009 when he was elected as Tribal Chairman where he currently serves. He has been involved in the planning and conduct of projects from BIA, IHS, HUD, USDA, EPA, and others. He has served on numerous committees and boards over the past few years. The fact that he was elected by those who know him best attests to his <b>leadership skills as being successful, recent and relevant.</b> <b>Biographical Sketch:</b> Chairman Bell graduated from Fort
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	<p>McDermitt High School in 1992. He attended United Tribes Technical College in Bismark, North Dakota where he studied Federal Indian law and received and Associate Degree in Criminal Justice. He served in the U.S. Marine Corps from 1994 through 1998. He worked with the US Bureau of Land Management as a Range Technician in 2001.</p>
<p><b>Project Manager</b> (To be competitively contracted )</p>	<p>A Project Director will be selected on a competitive basis with preference to Indian applicants. The position announcement will be advertised in the County newspaper and also mailed to qualified Project Managers in our region. Our selection criteria <b>will REQUIRE</b> the applicant be qualified including his/her experience be <b>recent, relevant and successful</b> in project management and grant administration in Indian Country for similar projects. Experience will be <b>required</b> to include Federal and Tribal procurement and financial management. A point-system will be established to provide weighted credit for work performed in Indian Country, particularly with our Tribe and other Tribes in our Region; for education and experience in project management and grant administration, for preference to Indian applicants, and for the depth of knowledge about the particular projects we are proposing. Education and current experience in HUD and other Federal project management, environmental compliance, community development, Federal and Tribal procurement &amp; financial management, Tribal policies and procedures, and similar disciplines <b>will be required</b>. Qualifications to be <b>required</b> include roles and responsibilities exercised for similar projects in the past three years, knowledge/experience in similar projects, have recent experience/knowledge with similar projects, and show how successful those projects were, and how relevant such experience and knowledge is to our project.</p>
<p><b>Finance Manager,</b> Valerie Barr</p>	<p>Valerie Barr is the Finance Officer for the Tribe and, in the past 18 months has performed a great task in bringing the tribal financial system into compliance with all applicable regulatory requirements. She is committed to contributing financial management efforts to this project. The financial management of the project, including procurement, reporting and compliance will be managed by Valerie Barr, the Tribal Finance Manager, with over 25 years experience in Indian programs. Ms. Barr graduated from Fort McDermitt High School in 1969, attended University of Nevada Reno in undergraduate studies, and received a Bachelor’s Degree in Business Administration from Boise State University in 1987. Her career experience includes working with the Reno Sparks Colony as Office Manager in 1991, Executive Secretary from 1992 to 1997, and Tribal Administrator until 2007. Since 2007, Ms. Barr has served as the Fort McDermitt Finance Director where she still serves today. Ms. Barr has successfully managed numerous grants and contracts for the tribes she has worked with. She has extensive knowledge in grants and grants management and government accounting practices. Ms. Barr’s experience is <b>relevant</b> to this grant in that she currently serves the Tribe by providing financial management, procurement, and oversight on similar grants and contracts including the planning and conduct of projects from BIA, HIS, USDA, EPA, and others. Reports have been submitted timely and in compliance with requirements. Clearly, Ms. Barr’s experience is recent, relevant and successful.</p>
<p><b>Section 3 Compliance;</b> Karen Crutcher</p>	<p>Ms. Crutcher serves as the Fort McDermitt Tribal Vice-Chairwoman and performs the full variety of duties and services typical of that position including acting for the Chairman in his absence, planning projects, serving on committees and overseeing the development of the community in positive</p>

	<p>ways. Ms. Crutcher graduated from InterMountain Indian School in Brigham City, Utah in 1981. She attended college at Elko Community College in Nevada and took office and administration classes. She received an Associate Degree in Accounting from Southwest Indian Polytechnic Institute in New Mexico in 1986. Ms. Crutcher worked with Summit Lake as Tribal Secretary in 1987 and as Administrative Assistant in grants and contracts in 2000-2002. She served as Tribal Council member in 2002 and Chairwoman at Fort McDermitt from 2004-2007. She is interested in helping people and appreciates this opportunity to help. She has daily contact with low and very low income tribal members and provides assistance to them in workforce development, job and education opportunities. She has experience that is recent, successful and relevant to his duties under this grant.</p>
<p><b>Construction Supervisor</b> Raymond Crutcher</p>	<p>Raymond is our Construction Supervisor for this project. He is an ambitious and motivated young man who has worked with our Tribe as a Roads Maintenance Technician. He has worked with various construction companies, most recently with Michael Clay Construction in Winnemucca. He has common sense and a good working knowledge of various types of construction, including in the past five years, roads, housing, public facilities and commercial projects similar to those proposed in this grant. He is successful in his work and has training and experience in the building trades as well as roads maintenance. He will coordinate with the architect, contractor and subcontractors, building inspectors, and project manager. He is an accomplished hunter, fisherman, and basketball player.</p>
<p><b>Environmental Manager</b> Duane Masters</p>	<p>Duane Master, Environmental Director, has successful and relevant experience in the past five years in conducting environmental compliance for projects similar to the public facilities and commercial projects proposed under this grant. The NEPA compliance and other Federal and applicable environmental laws and regulations are similar for public facilities projects as to other infrastructure and land development projects. He has successfully overseen several environmental reviews for federally funded projects including such things as: housing development, roads construction and maintenance, and water developments (wells and pipelines). He recently completed a Reservation-wide Programmatic Environmental Assessment for the Tribe. He has also played a major role in the Environmental Assessment for the proposed Travel Plaza. These are all federally funded projects that require environmental compliance similar to that of HUD ICDBG. Each of these projects was successful, completed to <b>meet NEPA compliance with no audit exceptions or findings, no appeals or protests, and successful implementation of the projects.</b> His experience is considered successful because of all the environmental reviews he conducted in accordance with Part 58 and other applicable environmental requirements. He has participated in numerous workshops and seminars in the past five years to stay current in environmental sciences and is well qualified for this grant. His experience is relevant to the successful completion of this project.</p>
<p><b>Architect</b> (To be competitively contracted )</p>	<p>Requirements for the A&amp;E firm will include a depth of experience for commercial buildings on Indian lands, experience in working with Indian Tribes and organizations, experience with Universal Design and visitability standards, LEEDS energy standards and green energy rating systems, and</p>

	<p>Energy Star practices and products and with at least four projects completed successfully in the past three years. Successful projects will be those that were completed on budget, to specification, and on schedule without substantial disputes. References will be checked on recent projects for successful completion. This process fully meets the competitive proposal requirements of 24 CFR 85.36 to select the Architect under the following point awards:</p> <p>Technical Qualifications (related to the project type) - 35 points                  Record of Integrity, Performance and Timeliness – 25 points                  Experience with Tribes and Federal Regulations – 15 points                  Fees – 20 points                  Indian Preference – 5 points</p>
<p><b>Construction Contractor</b>                  (To be competitively contracted )</p>	<p>Only contractors licensed in the State of Nevada and in good standing will be invited to bid on the construction contract. Qualified Indian Contractors will be given preference in selection. The contractor will be required to have experience with building at least five similar commercial projects similar to the proposed projects in Indian Country in the past three years. Section 3 performance on prior contracts will be considered.</p>
<p><b>Humboldt County Building Inspector, Bobby Thomas</b></p>	<p>Bobby Thomas is the Building Official for the Humboldt County Building and Safety Division, the highest-level Building Code Compliance official in Humboldt County. He is one of four certified IBC inspectors working for Humboldt County. The County has individuals certified in structural, electrical, plumbing, and mechanical inspections. The individuals must pass rigorous training and pass certification exams to assure that they understand and can apply the applicable codes and standards, as they have.</p>

We have organized a team from existing staff and will contract with qualified experts to assure the managerial, technical, and administrative capability necessary to carry out this project. The project will be subject to the oversight of the Fort McDermitt Tribal Council, Tribal Chairman, Billy Bell, taking the primary leadership role. The Tribe has formed by No. FM10-005-037 (see Factor 3 attachment) the Fort McDermitt Travel Plaza Enterprise Board of Directors consisting of five Tribal Council and Community members. This Board will plan and manage the Enterprise on behalf of the Tribe in accordance with the Articles of Organization (Attachment to Factor 3), Charter and Bylaws. A professional Project Manager with extensive experience in Indian Country economic development projects will be competitively contracted to manage the project design, construction and reporting. We will issue a Request for Proposals in accordance with the HUD “*Model Form of Agreement between Owner and Design Professional*” for an A&E (Architecture and Engineering) firm, to design the building. Only Architects licensed in the State of Nevada will be invited to submit proposals. Requirements for the A&E firm will include a depth of experience for commercial buildings on Indian lands, experience in working with Indian Tribes and organizations, experience with Universal Design and visitability standards, LEEDS energy standards and green energy rating systems, and Energy Star practices and products. The Architect will be required to prepare the construction documents for the construction contract including the design and specifications, and solicitation, bids and award of the construction contract. The HUD “Project Manual” provided by Marlin Knight of HUD SWONAP will be provided to the A&E firm as a model for the construction documents. The HUD SWONAP “*Proposal Rating Sheets*”, “*Panel Scoring Summary*”, and “*Native American Enterprises Qualifications Statement*” will be utilized in the selection of the A&E firm.

The Construction Contract will be structured per the HUD Project Manual which provides procedures for the invitation to bid, contains the contract between owner and contractor, and technical specifications. Only contractors in good standing will be invited to bid on the construction contract. The Construction Supervisor, will provide on a day-to-day basis, the review and monitoring of work activities and work products of the construction contractor and sub-contractors. He will assist the Humboldt County Building Inspector who will provide plans review and inspections. He will ensure compliance with contract specifications, building codes, construction contract and payroll reporting, and resolve minor conflicts and disputes. We will adopt the Humboldt Building Codes and standards utilized by the County Building Department including plans review, acquiring a building permit, and utilizing a County Building Inspector for all phases of construction of the proposed building. The Environmental Review will be coordinated and reviewed for approval by the Fort McDermitt Tribe for submission to HUD SWONAP for final approval by our Environmental Coordinator. The financial management of the project, including procurement, reporting and compliance will be managed by Valerie Barr, the Fort McDermitt Finance Manager.

**Sub-Factor 1 b                      Project Implementation Plan (8 points):**

**HUD FORM 4125 – Implementation Schedule is included in the Forms Section of this Application.**

Project Tasks and Timelines are shown in the table below and Benchmarks are included to show the flow of work to take place under this grant. In addition, HUD Form 4125 - Implementation Schedule, is attached to provide an overview of the building construction. The time schedule and budget is prepared by calendar quarter and includes five benchmarks in which to assess progress in accordance with the budget. It is estimated that grants will be awarded around December, 2011 so we have scheduled a project initiation date of January 1, 2012. We will initiate work under the grant upon notification of award and compliance with any conditions of approval so we may begin prior to the Implementation Schedule project initiation date.

**Project Tasks and Timelines and Benchmarks:**

Project Tasks	Timeline	Benchmark	Measure
Grant Award	Dec 1, 2011		
Advertise for Project Manager	Dec 1, 2011		
Project Initiation, Tribal Review, Team Orientation	Jan 1–30, 2012		
Environmental Review and Posting	Feb 1- Apr 15, 2012		
Solicit Architect for A&E	Jan 2 –15, 2012		
Review and Award A&E proposals	Jan 16 – Feb 1, 2012		
Architect Prepare Construction Documents	Feb 2 – Mar 15, 2012		
Submit Environmental Review to HUD for Approval	Feb 2 – April 15, 2012		
<b>HUD Approval of Environmental Review</b>	<b>Apr 15–May 10, 2012</b>	<b>BM-1</b>	<b>HUD’s signed approval of Env</b>
Solicit Construction Bids	Apr 15, 2012		
Review Bids, Bonds, Insurance,	May 1- 10, 2012		

Contractor History and Qualifications			
<b>Award of Constructions Contract</b>	<b>May 11–18, 2012</b>	<b>BM – 2</b>	<b>Award Document, Notice to Proceed</b>
Dirt work, utility (WSE) extensions, site prep Travel Plaza	May 21–July 31, 2012		
Travel Plaza foundation, floor, rough-in bldg utilities	Aug 1 – Sep 20, 2012		
Framing, install insulation, roofing,	Oct 1–Nov 30, 2012		
Specialties bathrooms, coolers, food/drink service,	Dec 1, 2012		
Paint signage, landscaping, Flashing, exterior finishing, HVAC and mechanical	Jan 2-Feb 15, 2013		
<b>Travel Plaza roofed, closed-in, HVAC completed, and approved</b>	<b>Feb 4–20, 2013</b>	<b>BM – 3</b>	<b>Construction Log &amp; Inspection Report Signed off</b>
Interior drywall, cabinets, flooring, fixtures, mechanical, landscaping complete	Feb 21– 28, 2013		
<b>Interiors, Mechanical, landscaping complete, inspection approved</b>	<b>Mar 1 - 15, 2013</b>	<b>BM – 4</b>	<b>Construction Log &amp; Inspection Report Signed off</b>
Final inspection Approval	Mar 18- Apr 20, 2013		
<b>Grant Closed Out Subject to Audit</b>	<b>May 1, 2013</b>	<b>BM – 5</b>	<b>Close Out Subject to Audit Letter Signed Off</b>
	<b>May 31, 2014</b>		<b>A-133 Audit Completed</b>

**Benchmarks and Measures:** (Grant award–December 1, 2011, Project initiation – January 1, 2012) (measures below shown in bold):

**Benchmark #1** – April 15 – May 10, 2012 HUD **Approval** of Environmental Review. HUD’s written approval of the Environmental Review is the Benchmark.

**Benchmark #2**- May 11- 18, 2012 **Award** of Construction Contract. The executed Award Document signed off by the Tribal Chairman is the Benchmark.

**Benchmark #3**- February 20, 2013 The travel plaza building is closed in and **under roof and the HVAC completed and approved** by the Construction Supervisor. The Construction Supervisor will provide a written confirmation that the HVAC is complete and has been inspected and approved. The documented verification of acceptance, the written confirmation is the benchmark, stating that the HVAC and that the building roof is completed and accepted and the travel plaza facility is closed in.

**Benchmark #4**- March 1-15, 2013 Written **Inspection report** from the Construction Supervisor stating that the addition interiors, mechanical system, cabins, and landscaping are completed. The Inspection report form verified and signed by the Construction Supervisor is the Benchmark.

**Benchmark #5** – May 1, 2013 Grant **Closeout** Subject to Audit submitted to HUD. HUD’s letter certifying the grant is “*Closed out Subject to Audit*” is the Benchmark.

Upon award of the grant, we will advertise the Project Manager position in the Humboldt County newspaper to request proposals from qualified project management consultants. We will also email known Indian consultants who are professional project managers to get the widest coverage practical.

We will accept applications and rate them in accordance with HUD's "Any RFP" Rating and Ranking chart including Indian preference provisions provided by HUD SWONAP, Marlin Knight. HUD Indian Qualifications Statement including A-Native American Enterprises Qualifications Statement, and B-Native American and Alaska Native Employment and Training Statements will be utilized. We will select the Project Manager and initiate the project. With project initiation, the Project Manager, Finance Manager, Environmental Director, and Construction Supervisor will review all of the grant documents and requirements for implementing the grant to assure that all policies and regulations are met. We will review the Tribe's Policies and Procedures Manual including Financial Management, Procurement, Property Management, and Contract Administration in regard to the implementation of this grant. We will use the "*Environmental Assessment for HUD-funded Proposals*" revised March 2006 (or updated version if one is issued prior to project) to prepare the assessment. The Environmental Assessment is completed for this project and included in this application. An Environmental Review and Request for Release of Funds will meet all of the HUD requirements including NEPA, Historic Preservation, Floodplain Management, Endangered Species, Noise Abatement and Control, Toxic Chemicals & Radioactive Materials, Sole Source Aquifers, Wild and Scenic Rivers, Clean Air Act, Coastal Zone Management, Farmland Protection, Airport Clear Zones, and other environmental requirements. The Environmental Review will be completed by the Environmental Manager and coordinated by the Project Manager. **The Environmental Review should be completed and approved by HUD by May 10, 2012 (Benchmark-1).**

The Project Manager will prepare the architectural and engineering design (A&E) Request for Proposals **using HUD Model Form of Agreement Between Owner and Design Professional** shortly after award of the grant. We will solicit the Request for Proposals to Nevada-licensed design professionals to provide A&E services to the Tribe. The Project Manager will coordinate a group of Tribal Council members and key staff to evaluate proposals based upon the rating and ranking criteria established for A&E including Indian preference provisions. HUD Indian Qualification Statements, including A- Native American Enterprises Qualification Statement and B- Native American and Alaska Native Employment and Training Statement will be utilized. We will award the A&E contract to the most **responsive and responsible** qualified architect in accordance with the rating system. The ICDBG team and Tribal leaders will work with the architect to assure that the building design is best able to meet our goals and objectives including **Universal Design and visitability, LEEDS energy standards and green energy rating system and Energy Star** techniques and products. The architect, with input from the Project Manager and Tribal Council, will prepare the construction documents for Solicitation for Bids for the construction contract using the HUD Project Manual and Construction Contract format documents. The construction contract will include provisions for Indian preference in hiring and meet all other HUD and Tribal requirements.

The Tribal Finance Manager, with input from the Architect and Project Manager, will solicit bids in accordance with the Tribe's procurement policies and in compliance with the requirements of Part 85 and 1003. The construction contract and related construction documents will be prepared by the architect, using the **HUD Project Manual and Construction Contract sample documents**, with input and review by the Project Manager. The construction contract will be advertised and bids accepted. We will review **all responsive and responsible bids** and qualified Bids will be reviewed, verification of bid amounts, bonds and insurance will be conducted, and review of the contractor's credentials, references, and history will be completed by the Project Manager and reviewed by the Architect. **The construction contract should be awarded by May 18, 2012 (Benchmark-2).**

The project will incorporate Humboldt County Building Codes, Energy Star, Universal Design and visitability, and LEEDS green energy rating systems and the most recent **HUD PIH 2010-27 Notice of**

**Accessibility and Visitability Standards**, into the design of the building, and other facilities for the travel plaza.

There will be some latitude in the construction schedule to permit sub-contracting of work to be conducted simultaneously where practical. Getting the Travel plaza building **under roof and “closed in” and the HVAC installed, tested and approved** is a milestone in the construction **should be completed by February 20, 2013 (Benchmark-3)**.

The Construction Supervisor will monitor work taking place by the construction contractor and will communicate with the Architect, Project Manager and Humboldt County Building Inspector to assure that all requirements and specifications are being achieved.

The Inspection Report confirming completion of the travel plaza **interior, mechanical systems, parking area are completed to specification, and landscaping complete and approved by the Architect and Project Manager by March 15, 2013 (Benchmark-4)**.

All closeout documentation and reports completed; payments to contractors and sub-contractors confirmed, and **Closeout Subject to Audit completed** and submitted to HUD by **May 1, 2013 (Benchmark-5)**.

The final Audited Closeout should be completed by May 31, 2014.

**ECONOMIC DEVELOPMENT BENCHMARKS AS A RESULT OF NEW BUSINESS:**

Other Benchmarks and Measures that are a result of the Travel Plaza business include:

**POST GRANT BENCHMARKS:**

**Benchmark #6:** February 2013, Jobs Created – The hiring of the Travel Plaza Manager should be initiated upon award of the grant. The other employees will be hired about 3 months prior to the store opening.

**Measure:** The employment of Manger within four months of grant start and the employment of three employees, three months prior to store opening. The financial proformas project an expenditure of \$73,672 in year 1 and increasing thereafter in wage/salaries. The Measure will be actual expenditures on wage/salaries and benefits and employment of four full-time equivalency (FTE) positions.

**Benchmark #7:** December 2012, 2013, 2014. Job training provided: Job training will be provided each year to the four employees, resulting in 12 training slots over the first three years.

**Measure:** The successful completion of training represented by employment records and certificates of completion and the expenditure of \$6,577 budgeted for training in Year 1, increasing thereafter.

As the business is developed and becomes more profitable, profits will be distributed with a percentage being retained in the enterprise to promote business expansion and new business development while the aggregate net income will be transferred to the Tribal government to provide public services to the community for public benefits .

**Steps for Adjusting Work Plan:**

The Project Manager will monitor progress in implementing the work plan and will make adjustments if it appears that any of the benchmarks might be missed, and will take appropriate actions to avoid missing or not achieving the benchmarks. If any of the above benchmarks are not achieved within established timeframes, the Project Manager will provide a written report on the cause and reason for the adjustment, the impacts of such adjustment on the Architect, Contractor and/or sub-contractors, the Tribe, and others,

and will calculate any costs associated with such adjustments to any of the above, and will seek solutions to get back on schedule or seek approval to modify the Implementation Schedule. The Project Manager's report will be reviewed by the Construction Supervisor and the Financial Manager with an opportunity for them to add comments, concerns, potential solutions, and observations. Remedies will be recommended by the Project Manager to overcome any costs adjustments and an amended Implementation Schedule will be submitted to HUD for review and approval. The Tribal Chairman will review the report and recommended remedies and make any changes as appropriate. The Project Manager will keep the Tribal Council, Enterprise Board and HUD informed of the progress.

**Sub-Factor 1 c**      **Financial Management (7 points):**

**Financial Management Systems Meet 24 CFR part 85 and 1003:**

The Tribe's Financial Management System complies with 24 CFR Parts 85 and 1003 and the Fort McDermitt Tribe applies its financial management policies and procedures to Tribal activities. The tribe meets standards required under 24 CFR 85 Subpart C for financial administration by making sure there is a separation of duties for payments, assuring that expenditures are allowable costs, that reports and records are retained and after-the-grant requirements are met. The Tribal Financial Policies and Procedures manual explains internal controls, revenue and expenditure reporting, tracking of funds, and other requirements for procurement and contract management fully meeting Part 85 and 1003 for this and other grants. The Tribal Finance Manager oversees compliance and makes quarterly financial reports to the Tribal Council. Work is reviewed and monitored by the Tribal Council on a quarterly basis.

Our Finance manager and staff maintains our books and records of accounts on a day-by-day basis, tracking expenditures and obligations in the accounting system, monitoring acquisition activities and maintain receiving reports. We use our procurement policies to ensure fair competition in acquisitions. During project initiation and Team Orientation, the Financial Manager will review Financial Policies and Procedures with the Team members to assure they understand and will adhere to them. We have and follow financial management internal controls and compare actual expenditures to the budget. Our Finance manager will coordinate the receipt and expenditure of grant funds, drawing down funds in the LOCCS system, and approvals required for making expenditures or incurring costs. We provide for expending and accounting for grant funds, financial reports, maintenance of accounts, and preparation of financial reports. We review allowable and disallowable costs. Impress cash purchases will be reviewed and followed. We will establish the roles and responsibilities of the Project Manager, Construction Supervisor, Finance Director, and others in determining value of work in place, approval of invoices, approval of obligation of funds, etc. We will review separation of duties and authorities of the Team members. The Financial Manager will oversee the conduct of the financial activities under this grant to assure compliance. We retain records for at least seven years after the closeout of the grant.

Meetings will be scheduled to review the application of financial management policies and procedures periodically, (not less than quarterly) during the performance of this grant. Adjustments and corrections will be implemented by the Project Manager and monitored by the Financial Manager as needed to assure compliance with 24 CFR Parts 85 and 1003.

The Tribe will follow required procedures for facilitating fiscal control over grants such as this one. Our procedures meet the standards for financial management systems identified at 24 CFR Part 85.20 including the receipt of grant funds, procedures for expending and accounting for its funds, financial reporting, accounting, internal controls, budget control, allowable costs, source documentation, cash

management and other requirements. It details the internal controls, separation of duties, revenue and expenditure reporting, tracking of funds, and other requirements for financial management, procurement and contract management **fully meeting 24 CFR Parts 85 and 1003** for this and other grants. The Financial Management System of the Tribe meets the Part 1003 ICDBG requirements. The Project Manager will prepare contract reports, expenditure summaries, progress reports and the Financial Manager will oversee compliance and make quarterly financial reports to the Tribal Administrator for presentation to the Tribal Council. Quarterly Financial Reports and narratives will be prepared and submitted on status of funds, work progress, and contract/grant compliance and submitted to HUD.

**Sub-Factor 1d Procurement and Contract Management:**

**Procurement:**

The Tribe has in place and consistently follows its Procurement and Contract Management Policies and Procedures Manual that meets all the requirements of 24 CFR 85 and 1003. During the Project Initiation and Team Orientation meetings, the Finance Manager will review the processes to follow in purchasing, soliciting the A&E contract and the solicitation for bids for construction. Requisitioning and Acquisition Requests will be prepared by the Project Manager and Construction Supervisor. **HUD Model Form of Agreement Between Owner and Design Professional, and Project Manual and HUD sample Construction Contract documents and bid documents will be utilized.** Contract Solicitations, Requests for Proposals, Ordering, purchase orders, Request for Quotes, Contracts, and invoices will be prepared and approved by the Finance Manager, and the Receipt of goods and services will be acknowledged by the Finance Manager on a Receiving Report. The separation of duties provides an internal control to ensure that one person is not doing all aspects of a purchase. Financial compliance will be overseen by the Tribal Chairman with Financial Reports submitted to the Finance Manager and Tribal Council quarterly. Quarterly financial reports will be submitted to HUD as required. **Indian preference is and will be provided to qualified vendors and contractors in accordance with 24 CFR 1003.**

There are three major procurements under this grant. They will include the solicitation and selection of a Project Manager, an Architect, and a Construction Contractor. All three procurements will be competitive and provide preference for Indian applicants in accordance with 24 CFR 1003. The Project Manager and Architect will each be solicited through a Request for Proposals and a rating and ranking system, using HUD sample documents including Model Form of Agreement Between Owner and Design Professional and will assign points for various attributes such as recent, **relevant and successful** experience, education, knowledge regarding the types of projects we are conducting, experience in working in Indian Country and particularly with Tribes in our region, Indian Preference, etc. The HUD Indian Qualification Statement, including Native American Enterprises Qualifications Statement and Native American and Alaska Native Employment and Training Statement will be used. The HUD sample Panel Scoring Summary will be adapted and utilized to assign points and score proposals. The construction contract will be put out for bids for work that is specified in a solicitation for bids. This contract will be awarded to the lowest responsible and responsive bidder. Performance bonds and insurance will be required. We will discuss roles and responsibilities of the Team members regarding procurement, obligations to the Tribe, change orders, etc. We will review the RFP, the Solicitation for Bids, the rating and ranking of the proposers, etc. The Finance Manager will monitor compliance of the Team in the procurement for a Project Manager and Architect and the conduct of the A&E contract, the bids for construction, evaluation of bids, qualifying of contractors, application of Indian Preference, rating and ranking of the proposals and bid documents, review and approval of work products, processing of payments, wage rate verifications, and property reporting. The Architect will prepare the

construction contract bid documents in accordance with the HUD Project Manual and Construction Contract samples.

**Procurement Contract Management:** The Project Manager will provide contract management oversight of the project to ensure that all acquisitions are made in accordance with the policies and procedures of the Tribe and 24 CFR Parts 84 and 1003. The Project Manager will ascertain the separation of duties between the requisitioner, the purchaser, and the receiving agent. While small purchases are not anticipated outside of the three contracts discussed above, if any should be required, they will be conducted in accordance with 24 CFR 85.36 and 1003. The requisitioner will complete the order on a Tribal requisition form. A receiving report will be completed when the order is received. For larger purchases, formal competition is required. When seeking the services of an Architect for this project we will solicit a Request for Proposals and provide the format and requirements to be met, along with the timeframe for delivery. An evaluation model will provide points for education, experience, Indian preference and similar qualities as well as the price quoted to deliver the services. HUD Indian Qualification Statement, including A-Native American Enterprises Qualification Statement and B-Native American and Alaska Native Employment and Training Statement will be utilized. In the case of the Construction Contract, we will provide a solicitation for bids, listing the requirements and responsibilities and base the award on the capability of the bidder, the bid price, Indian preference. The HUD Project Manual and Construction Contract sample documents will be utilized. We will review contract administration processes and authorities during the Project Initiation and Team Orientation sessions. The Project Manager will ensure that everyone on the Team is aware of the procurement contract management requirements. The Project Manager will monitor overall performance to assure compliance with Tribal policies and procedures. The Project Manager will draft the quarterly narrative and financial reports and review and recommend change orders or amendments.

**Sub-Factor 2**      **Past Performance:** Not Applicable to New Applicants

# **RezBuilders, L.L.C.**

**(Certified Economic Developers)**

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June 9, 2011

Carolyn O'Neil, Administrator  
Southwest Office of Native American Programs  
U.S. Department of Housing & Urban Development  
One North Central Avenue, Suite 600  
Phoenix, Arizona 85004

Dear Administrator O'Neil:

I have participated in the planning and development of the proposed economic development project, the Fort McDermitt Travel Plaza Enterprise. The market analysis and financial proformas were largely prepared by Robin Evans, of RAE Solutions, an independent professional small business development financial analyst with substantial experience with feasibility and market analysis for this type of assessment.

In my opinion, the Feasibility Report meets the requirements of 24 CFR 1003.302(c), for economic development assistance projects. The financial analysis demonstrates that the project is financially feasible and the project has an excellent chance of success. The analysis includes information about the project's market share, sales levels, growth potential, projections of revenue, and project expenses. The project does not include borrowed funds so does not require debt service.

The analysis also demonstrates the public benefit resulting from the ICDBG assistance. The amount of funds requested provides a substantial public benefit to a small rural tribe with very limited economic development opportunities such as this. The creation of five new jobs is significant in reducing unemployment, decreasing poverty, and providing an anchor business that can support and enhance other new business opportunities on the Reservation. This is significant.

The Financial Feasibility Report documents and verifies that not more than a reasonable rate of return on investment is provided to the owner as a result of this grant.

The analysis also establishes that reasonable financial support will be committed from non-federal sources prior to disbursement of federal funds. Commitments by the Tribe include the value of the land that the project utilizes and cash toward meeting Tribal audit requirements.

The tribe has already invested in this project substantially by:

- Completing a Feasibility Study on the potential for sustainable financial success of the travel plaza project.
- Completion of a Marketing Plan and a Business Plan for the travel plaza business.

Building Strong Tribal Economies

- Conducting an Environmental Assessment with a cultural resources survey, biological assessment, public scoping, coordination with Federal and State agencies and the public, etc.
- Conducting an engineering-level topographic survey with 1-foot contour lines for the site
- Contracting for a land survey and preparation of a legal description of the property by a Nevada licensed surveyor.
- Creating a tribally-chartered Fort McDermitt Travel Plaza Enterprise wholly owned by the Fort McDermitt Tribe, appointing a Board of Directors and holding regular Board meetings over the past 18 months. Articles of Organization, Charter and bylaws are completed.
- Adopting a Tribal Tax Ordinance regulating the sale and taxation of tobacco products
- Drafting a commercial land lease between the Fort McDermitt Tribe and the Fort McDermitt Travel Plaza Enterprise for review and approval of the BIA for the travel plaza site.
- Initiating a road construction project for a new Frontage Road to serve the travel plaza and other future retail businesses adjacent to U.S. Highway 95. (The travel plaza is not dependent upon this road but will benefit from it).
- Holding numerous community meetings, committee meetings, Tribal Council meetings, informal staff meetings and work sessions in the planning, designing and budgeting for this project.

Funds provided to this project will not substantially reduce the amount of non-federal financial support for the activity.

The Fort McDermitt Tribe is a small poor rural tribe without much in the way of professional staff, and as a result, has missed out on a lot of the opportunities and funding available to larger tribes. The Tribe has turned a page and is working aggressively to attract economic development investments and improve the quality of life on the Reservation. This is an early first step toward that goal.

I am committed to assist the Tribe in making this project a success and to assure that their financial management system and internal controls are utilized and implemented throughout this development. This project has great potential for a needy community and we all appreciate HUD's assistance in making these improvements.

Sincerely



Bob McNichols  
pREZident

**Building Strong Tribal Economies**

**Bob McNichols, pREZident, RezBuilders, LLC,  
Certified Economic Developers**

Bob is pREZident of RezBuilders, LLC (Certified Economic Developers) providing project management and consulting services to Tribes in the Southwest. Bob provides assistance in community and business development planning, project management, market analysis and feasibility studies, commercial leases, rights-of-way, land acquisition, fee-to-trust transfers, tribal codes, environmental remediation, and Federal/Tribal relationships.

Bob has over 30 years experience working in Indian Country and has participated in the business planning and development of RV parks and campgrounds, shopping centers, hotels, casinos, convenience markets, housing developments, highway construction, broadband and land mobile radio communications systems, and light industrial facilities.

Bob completed the Economic Development Institute in 1990 and received his Certified Economic Developer (CEcD) designation from the International Economic Development Council in 1992. He completed the U.S. Department of Interior's Manager Development Program (DMDP) in Washington, D.C. in 1989. Bob earned a Bachelor's Degree in (forest) Entomology from Ohio University in 1978.

For the 8 years prior to the kick-off of RezBuilders, Bob was the Agency Superintendent, U.S. Bureau of Indian Affairs, Truxton Canon Agency. He administered Economic Development, Real Estate Services, Tribal Government Services, Natural Resources Management, Housing, Tribal Rights Protection, Tribal Operations, Roads Construction and Maintenance, Law Enforcement, and Social Services with Indian tribes in Arizona and managed lands totaling 1.2 million acres.

From 1979 to 1997 Bob served as Forest Manager and then Natural Resources Manager and performed the Real Estate Services and Economic Development functions for the five Tribes in the BIA Truxton Canon Agency.

Bob holds memberships in International Economic Development Council, National Association of Development Organizations, Risk Management Association, Society of American Foresters, and Society for Range Management.

Bob has been married to Paula for 40 years and has two children and six grandchildren.



## Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

June 7, 2011

Carolyn O'Neil, Administrator  
Southwest Office of Native American Programs  
U.S. Department of Housing & Urban Development  
One North Central Avenue, Suite 600  
Phoenix, Arizona 85004

Dear Administrator O'Neil:

I am the Finance Director for the Fort McDermitt Tribe. I oversee the accounting, control and reporting of the Tribe's financial resources. The Fort McDermitt Tribe is applying to your office for an ICDBG grant to design and construct a new Economic Development Project – a Travel Plaza. The travel plaza is a tribally-chartered enterprise and I serve on the Board of Directors for that Enterprise. This new business will create new jobs, provide an anchor to expand and establish new businesses such as mechanic shop, towing service, restaurant, etc. This facility will enable us to generate revenues to the Tribe that can be used for providing improved government services such as housing, education, health and social services.

The Tribe has been working aggressively to assure that our audits are current and comply with OMB Circular A-133 requirements. We have engaged the efforts of a financial consultant to work with our tribe and our auditors to assure that we are in compliance. We have established financial management and internal controls that meet all the requirements and are very close to being fully compliant with all requirements. This will be completed prior to the evaluation of this grant in August, 2011. Any findings or weaknesses will be addressed through a corrective action plan that will be implemented by the Tribe.

The Tribe's accounting policies and practices conform to accounting principles generally accepted in the United States applicable to governmental units. The financial statements of the Tribe are prepared in conformity with generally accepted accounting practices (GAAP). The Tribe has financial policies and procedures as well as procurement and contract management procedures which are in use and in compliance with 24 CFR Parts 84 and 1003.

The Tribe has successfully managed many grants and contracts that are very similar to the ICDBG grant that we are now applying for with your office. All previous ICDBG grants have been successfully completed and closed subject to audit. While we will be considered as a new applicant for this ICDBG grant, we have successfully performed and

completed many other grants and contracts that are very similar to the specific requirements of the ICDBG grant. We have planned, designed and constructed public facilities such as the Tribal Administration Building and the Senior Center.

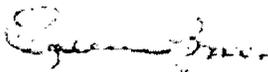
The Fort McDermitt Tribe has successfully managed and performed grants, contracts and assistance programs in the past five years which were funded by the following Federal agencies such as the Bureau of Indian Affairs, Indian Health Services, Environmental Protection Agency, and others. Some of the programs, projects and enterprises that we have successfully facilitated, managed or operated include Social Services, Indian Child Welfare Act (ICWA) grant, Indian General Assistance (IGA), Education, Housing construction and maintenance, community services, road maintenance and construction, wellness programs, and tribal courts.

The Fort McDermitt Tribe also manages buildings, roads, utilities, vehicles and equipment. We manage a wide variety of programs and projects successfully and will do the same with the HUD ICDBG grant when it is received.

I, and the staff of the Fort McDermitt Finance Department, are committed to participating in the financial management of the funds provided under the ICDBG grant and will participate in the reporting including SF 425, LOCCS management, ASER reports, performance reporting, Minority Business and Section 3 reporting, and other required reports.

We appreciate your favorable consideration of our grant application.

Sincerely,



Valerie Barr  
Finance Director



## Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

June 3, 2011

Carolyn O'Neil, Administrator  
HUD SWONAP  
One North Central Ave., Suite 600  
Phoenix, Arizona 85004-4415

***re: 2011 HUD ICDBG GRANT APPLICATION  
Economic Development: Ft McDermitt Travel Plaza  
Letter of Reference for ICDBG Team Members***

Dear Administrator O'Neil:

I am the Chairman of the Fort McDermitt Paiute and Shoshone Tribal Council. We appreciate the opportunity to apply for a HUD ICDBG grant for an economic development project, the construction of a travel plaza. We have completed a lot of work in preparation for this application, and based upon our market analysis and feasibility study, we believe the travel plaza has an excellent chance of sustainable financial success. This ICDBG grant will provide funding for phase 1, which is a stand-alone business that will be successful financially, even if future additions and phases are not added. Phase I will provide a convenience market that sells the most profitable and highest demand products including the typical convenience items of food, snacks and drinks, but will also have Native American tobacco products and carry a full supply of WIC products such as milk, formula, pampers, baby food, etc. as we will be the only store in 65 miles to accept WIC vouchers.

We have been diligent to meet all of the thresholds and grant requirements in accordance with the 2011 HUD General and ICDBG NOFAs.

We enlisted a professional economic development firm to prepare an objective Market Analysis that meets industry standards. RezBuilders, LLC is a Certified Economic Developer with 30 years experience in Indian Country. The financial proformas for the market analysis and most of the research and compilation of the Market Analysis was prepared by RAE Solutions, an independent professional financial analyst that specializes in small business development and with several years experience in Indian Country. The feasibility report was professionally prepared using the best industry standards for financial feasibility and credit analysis. The conclusions are based upon reliable data and analysis and comparisons to local, regional and national industry averages and performance. We are confident that this project is accurately described and that the financial projections are conservative in the application and as reliable as any forecasting in this type of market can be and should therefore be considered favorably. We are pleased that the conclusion of that report

provides “*an exceptional chance of sustainable economic success.*”

We utilized a professional licensed architect, R Group Architectural and Planning, Inc., to assist us with the conceptual design, site plan, and construction cost estimates. We used Gratton’s Construction Cost Estimating, a professional estimator with 25 years experience in the construction trades to review and make minor adjustments to the cost estimates. We used Wood Builders Company, Inc. a licensed General Contractor, with 30 years experience in commercial and residential construction, to review the site plans, floor plans, elevations and cost estimates to provide review and comments on the project. This project will be designed and constructed to Humboldt County building codes when the grant is awarded.

We have developed a team of qualified and experienced staff who are capable of performing this project successfully. The Project Manager, Architect, and Construction Contractor positions are not yet filled but we have established qualifications and experience requirements that will assure that knowledgeable, experienced, and capable individuals and firms will be selected and have a recent, relevant and successful track record.

The Architect will be advertised and selected using the *HUD Model Form of Agreement Between Owner and Design Professional*. The Project Director will be advertised and selected using HUD’s “*Any RFP*” procedures to solicit evaluate and select a qualified professional project manager with extensive experience in Indian Country and in working with ICDBG grants. The Construction Contractor will be solicited and the lowest responsible responsive bid will be accepted. We will use HUD’s *Project Manual and Construction Contract*” for preparation of construction documents, solicitation, receipt of bids, bonds, and provide due diligence and evaluation of bids for award to the lowest responsive and responsible contractor. This includes the due diligence to assure that we get qualified successful individuals and firms for this project with relevant and successful experience in the past five years.

We have adopted the Humboldt County Building Codes and Standards to be applied to the design and construction of this travel plaza. Bobby Thomas, the Humboldt County Building Official, will be conducting the plans review for code compliance and will provide construction inspections. Humboldt County has building inspectors trained, certified, and qualified to conduct code inspections for structural, mechanical, electrical and fire building codes and standards.

While I am the Tribal Chairman, I also serve as the Tribal Administrator, as we are a small tribe with limited resources. I have performed successfully over the past couple years in managing our finances, procurement, contract and grant management. We have reviewed and made improvements to our financial management, procurement, and other management systems to assure that we have internal controls and procedures in place which are in compliance with all regulatory requirements. We have initiated an effort, which is near completion, to assure that our annual A-133 audits are completed timely and to assure that any findings or weaknesses are addressed and corrected in corrective action plans and that corrective actions are implemented upon becoming aware of such.

Valerie Barr is our Finance Manager and she has been working diligently in automating our

financial management systems and assuring that our internal controls are in place to meet all applicable federal regulations and requirements. She will assure proper application of procurement and contract management policies, and compliance with contract management systems under this ICDBG grant. She will assure that our approved financial management procedures are followed, and will prepare and submit financial and other required reports. She will perform well with this project.

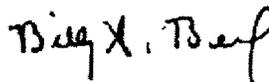
Karen Crutcher is our Vice Chairwoman and will serve the ICDBG project by providing Section 3 compliance. She will assure that eligible LMI residents are aware of and considered for any training and employment opportunities under this project. She will assure that contractors and subcontractors comply with our Section 3 plan. She knows the people and can perform this position very well.

We have enlisted the assistance of a professional Certified Public Accountant, Charles Carlaw, to assure that our financial system and procurement procedures meet all Federal requirements and provide reliable internal controls. He has been working diligently in reviewing and improving and automating our financial management systems.

Our Environmental Programs Coordinator is Duane Masters, who has worked on several projects by coordinating and reviewing environmental reviews and cooperating with other agencies. We used a professional archaeologist, HRA Conservation Archaeology, Inc., to conduct the cultural resources survey, and utilized a professional qualified biologist, Wildlife Inventory, Inc., for the biological assessment and completion of the Environmental Assessment for the travel plaza.

We appreciate the opportunity to submit this grant application and ask for your favorable consideration. If there are questions or additional information needed, please contact me. We have developed a substantial volume of information, data and analysis for this project and can provide detailed information on any aspects that you request. Thank you for the opportunity to compete for this grant funding.

Sincerely



Billy A. Bell  
Tribal Chairman

**RATING FACTOR 2 – NEED / EXTENT OF THE PROBLEM:**

The Fort McDermitt Paiute and Shoshone Indian Tribe have a LMI rate of 88% per the calculations made by the HUD Office of Native American Programs. The need and extent of the problem is documented and quantified by the U.S Census and discussed in detail in Sub-factor 1 below:

**Sub-Factor 1 – NEED AND VIABILITY:**

**Published data provided by HUD 88% LMI** for the Fort McDermitt Paiute and Shoshone Indian Tribe based on 2000 U.S Census data. A summary of U. S. Census data for the Fort McDermitt Indian Tribe with comparisons to the State of Nevada and to the United States is included below.

Jobs are critical to the economic health of our community. Economic development is desperately needed to provide opportunities for long-term sustainable job creation, training and education opportunities for our community members, and revenues to promote expansion of economic development efforts and revenue generation for the provision of public services. A Travel Plaza with convenience market on our Reservation will meet essential economic development needs by providing new jobs, job training, economic opportunities and public services that are critical to the viability of the Fort McDermitt community.

**Quantification of Need:**

The Fort McDermitt Paiute and Shoshone Indian Tribe have experienced long-term poverty, high unemployment and a lack of education and human services typically available to other communities. The following are census data numbers that compare the Fort McDermitt Indian Tribe, the State of Nevada and the United States.

The data published by the 2000 U.S. Census for Fort McDermitt shows Total **Population: 309**.

The 2000 U.S. Census reported the **Per Capita Income (PCI)** for the Fort McDermitt Paiute and Shoshone Indian Tribe of Nevada as \$6,322 which is only 28.8% of the State of Nevada, \$21,989, and only 29.3% of that of the United States, \$21,587.

The **Median Household Income (MHI)**, based on the 2000 Census for the Fort McDermitt Paiute and Shoshone Tribe of Nevada is \$16,667, or 37.4 % of that of the State of Nevada, \$44,581 or 39.7 % of that of the United States \$41,994. The MHI for the State of Nevada is 2.67 times the MHI of Fort McDermitt.

The 2000 U.S. Census shows the **poverty rate** for the members of the Fort McDermitt Indian Tribe is **4.6 times the poverty rate of Nevada** and 3.75 times the poverty rate in the nation. 34.5% of the families in the Fort McDermitt Indian Tribe are **living below poverty** compared to 7.5% for the State of Nevada, and 9.2% for the entire country.

The **unemployment rate**, per the 2000 U.S. Census, in the Fort McDermitt Tribe is 19.8% while

Tab 5, Factor 2, Page 1

the unemployment rate for the State of Nevada is 4.0%, and the United States is 5.8%.

*We have a desperate need for profitable, viable economic development that can be sustained over the long term. The jobs and revenue created, management training, health benefits provided, increase in public services including, health, education, and social services, and other benefits provided by constructing and managing phase I of the Fort McDermitt travel plaza and convenience market will help tremendously to alleviate those needs.*

This economic development project will provide at least four immediate sustainable jobs, benefits and services to tribal members. New jobs and other benefits will be provided in the following ways:

1) Direct employment: This project will provide a community-wide benefit by immediately creating at least four (4) new jobs managing, operating and maintaining the Travel Plaza.

There are currently an estimated 26 full-time jobs on the Reservation. Many of those jobs are with the Tribal government and other government agencies. This ICDBG Economic Development project will add four new jobs to our overall employment on the Reservation. While four new jobs may not seem like much in many communities, **it is a 13% increase** to overall Fort McDermitt employment (26+4 = 30; 4/30 =13.33%). This is significant to the economy of our Tribal community.

This phase I project will immediately reduce the current number of unemployed individuals in the civilian labor force, (shown in the 2000 census data as 44) from 44 individuals to 40. This is nearly a 10% reduction, very significant to our small community. **Profits from this phase I project will ultimately enable phase II expansion which will add an additional 5 to 6 jobs for a total of 10 new full-time jobs created at the end of phase II construction. (See Phase I financial feasibility study).**

2) New Jobs: Total **payroll including benefits** paid during the first full year are estimated to be \$73,672, increasing annually thereafter to nearly \$350,000, or \$349,583 over five years of operation.

Using 2000 US Census data, there are 93 families on the Fort McDermitt Reservation of which 63 of those families, or 67.7% are living below poverty. If the four new jobs from the Travel Plaza go to these LMI families, the number of families below poverty will be reduced from 63 to 59, or from 67.7% to 63.4%, a Reservation-wide reduction in poverty of 4.3%. This is very significant to the viability of a small community such as ours.

3 ) Area-wide benefit will be provided to residents of the reservation: The enterprise will provide Women, Infant and Children (WIC) program services to the 88% LMI residents on the Reservation and provide much needed competitively priced convenience items to local residents. Increased expenditures for these services will also require increased service providers (jobs) to provide those services. Currently, the nearest market to accept WIC vouchers is in Winnemucca, 70 miles away.

4) Employment through creation of new businesses: The Travel Plaza and convenience market will ultimately utilize profits to grow and expand additional businesses and to provide revenues to the tribal government to provide essential government services to the 88% LMI community. Profits generated by the enterprise for the purpose of investing seed money and development costs into expansion and new economic development projects will create additional employment to operate the new businesses; (see Articles of Organization for Fort McDermitt Travel Plaza Enterprise at the end ).

4) New job creation and increase in skilled labor force: This Travel Plaza and convenience market will support additional 4 new jobs and assist Tribal members to obtain on the job management training and formal business training. This training would support community members in starting their own businesses complimentary to this travel plaza such as an auto repair facility, gardening shop, tourism-related enterprises, arts and crafts manufacture and sales, and food services all of which will compliment the Travel Plaza. Although these jobs are not yet a reality the potential and anticipation is very real. This will be the first business to operate on the Fort McDermitt Reservation.

5) Jobs through the expansion of Tribal Programs and Services: The Travel Plaza when completed will transfer **a percentage of profits generated by the enterprise to the Tribal Government for the purpose of serving the Reservation residents by providing health education and social services programs on the Reservation** (Corporation Ordinance pending). These services will create an estimated 2 new jobs (FTE) to provide the increased services.

6) Job training: Job training will be provided for all positions created by this project. Training plans have been developed for each position and are available upon request. **A total of \$6,577 is budgeted for training in year one and increases annually.**

#### TRAINING PLAN 2011

Travel Plaza Manager	University of Nevada at Reno Great Basin College at Winnemucca
Assistant Manager	University of Nevada at Reno Great Basin College at Winnemucca
Associate #1	University of Nevada at Reno Great Basin College at Winnemucca
Associate #2	University of Nevada at Reno Great Basin College at Winnemucca

In order for the Fort McDermitt Tribe to become a thriving Indian community with a suitable, sustainable living environment and economic opportunities, we must develop economic activities to provide jobs to low and moderate income residents.

**The Tribe certifies that the federal assistance provided will not substantially reduce the amount of non-federal financial support for this activity.**

**We agree that the grant funds used for this project will be disbursed on a pro-rata basis with amounts from tribal funds and other sources being expended in advance of or in proportion to the grant funds.**

**Grant funds used for this project will be distributed proportionately to the federal funds.**

This economic development project will provide activities that benefit all residents of the reservation where 88% are low to moderate income earners. Four new permanent full-time jobs will be created and made available to low and very low income individuals (see Resolution FM11-006-045) in the community in order to manage, operate and maintain this enterprise. These are new entry-level jobs that do not currently exist. It should be noted that potential exists for the creation of a fifth position (Associate #3) in later years of phase I. The need will be assessed prior to phase II expansion efforts (See below).

New revenues generated from the business will be from outside the community and will be used within the community. Profits will be utilized in the community to reinvest and ultimately grow additional businesses and to provide revenues to the tribal government to provide essential government services to the community. Initially, this project will establish job training and employment for four community members and include a Travel Plaza Manager, Assistant Travel Plaza Manager, Associate #1 and Associate #2.

Risk Management Association (RMA) and National Association of Convenience Market (NACS) industry standards for similarly sized facilities were used as financial benchmarks for the Fort McDermitt travel plaza phase I feasibility study. To ensure applicable comparison, wages in the first full year of operation were assumed at an average of \$8.40/hour and are based on total hours worked rather than FTE. Total *estimated* annual salary expense on the profit and loss statement is \$73,672 for the first full year of operation and is in line with industry standards. Salaries are projected to increase each year thereafter according to stated growth rates and *may include the addition of a fifth position as needed at the end of the phase I five year planning cycle*. Flexibility was built into the financial model to allow for such management decisions. After phase II expansion, a total of 7-10 new jobs will have been created for the Fort McDermitt Tribe. Four jobs will be created as a result of this phase I effort. The timing of the creation of the fifth position depends on managements' ongoing assessment during the first two years of operation of phase I.

*Total wages of \$73,672 vary slightly from the following exhibits and demonstrate flexibility and contingency planning built into the plan to allow for maximum optimization of grant dollars. Four employees at higher pay rates may prove to have a more positive impact on the community and efforts to boost the local economy than adding a fifth position in later years, perhaps, at a lower rate. Management will ultimately make that decision.*

Both scenarios are shown below and include a detailed itemization of the four new positions that will be immediately created during Phase I and the respective pay rates for each of those

Tab 5, Factor 2, Page 4

positions.

FORT MCDERMITT TRAVEL PLAZA – PHASE I - Four jobs created

POSITION	HOURLY	ANNUAL
Travel Plaza Manager	\$10.00	\$20,800
Asst Manager	\$8.00	\$16,640
Associate #1	\$7.50	\$15,600
Associate #2	\$7.50	\$15,600
<b>TOTAL WAGES/Salaries</b>		<b>\$54,600*</b>
<b>Employee Benefits 18%</b>		<b>\$9,828</b>
<b>Training Budget</b>		<b>\$6,577</b>

FORT MCDERMITT TRAVEL PLAZA – PHASE I with optional position

POSITION	HOURLY	ANNUAL
Travel Plaza Manager	\$10.00	\$20,800
Asst Manager	\$8.00	\$16,640
Associate #1	\$7.50	\$15,600
Associate #2	\$7.50	\$15,600
Associate #3 (Optional)	\$7.50	\$15,600
<b>TOTAL WAGES/Salaries*</b>		<b>\$84,240*</b>
<b>Employee Benefits 18%</b>		<b>\$15,163</b>
<b>Training Budget</b>		<b>\$6,577</b>

\*As discussed in the phase I feasibility study, the average annual salary expense assumed for the phase I travel plaza is \$73,672 in the first -full year of operation and will include the immediate creation of at least four new full-time positions.

Travel and training costs for these four new enterprise employees in year 1 will be \$6,577 and will increase annually thereafter (See Profit and Loss Statement). Benefit expenses include full health, life, 401(k) and dental coverage and are calculated at a rate of 18%.

**Full Position Descriptions for the four positions have been prepared and are attached.**

The **Travel Plaza Manager** will report to the Travel Plaza Enterprise Board and will be trained to manage the day to day operations of the travel plaza. This employee will learn basic supervision techniques to supervise the other employees, oversee the inventory and point-of-sale system, collection and accounting of revenues, accounting of funds; and the basic operation and maintenance of the travel plaza.

The **Assistant Travel Plaza Manager** will receive the same training as the Manager and will be cross-trained to perform the same duties. The work will include the receiving shipments, track WIC program activities, inventory tracking, backup accounting, employee scheduling and

general safety functions.

The two/three **Associate Employees** will be trained to provide day-to-day operation services of the travel plaza and convenience market. This work will include attending to customer transactions, operating cash registers, credit and debit card transactions and completing duties as assigned by management.

The four entry-level jobs created by this activity will be permanent full-time jobs available to be held by low and very low income persons in the community.

A job training program will be required of the employees to learn the duties of the positions. The first year of employment, the Travel Plaza Manager will attend a business training program. The Travel Plaza Manager will participate in training at The University of Nevada, Reno and/or Great Basin College at Winnemucca. The Assistant Travel Plaza Manager will also take this basic training and advanced training in later years of operation. Training will be provided to the Associate employees based on the formal training from the University.

**Sub-Factor 2: PROJECT BENEFIT- Economic Development Project**

The Fort McDermitt Tribe is made up of persons with 88% Low or Moderate Income (LMI) per HUD-derived published 2000 U.S. Census data. Jobs created and jobs training made available will provide a community-wide benefit by reducing unemployment, increasing the number of skilled workers and increasing household incomes.

The four to five new entry-level jobs created by this project will be targeted to individuals who are low to very low income. A point system will be used to evaluate applicants by providing increased bonus points to very low and low income applicants, lesser bonus points to moderate income applicants, and no bonus points to higher income applicants.

This project will become economically self-sustaining, will initially create *at least four* new jobs, and will provide additional business opportunities for tribal members as the enterprise increases profits year over year. It will provide a source of revenue to expand the enterprise, add new enterprises, and provide revenues to the tribal government to use for much needed and highly beneficial tribal services on the Reservation.

**The successful completion and operation of this phase I project will enable expansion and construction of phase II creating a total of over 10 new full-time jobs created on our Reservation.**

**The phase I Travel Plaza will immediately create *at least four* new jobs, fringe benefits such as life, health and dental insurance and retirement plans for the new employees, job training opportunities, revenues for the Tribe and will provide area-wide benefits such as Woman, Infant and Children (WIC) program convenience items to households and members of the Fort McDermitt Tribe.**

The proposed Travel Plaza and convenience market, and the businesses that will be supported by increased traffic to this location, will benefit the neediest 88% LMI segment of the population.

Tab 5, Factor 2, Page 6

Position Descriptions for the newly created jobs are included in the Business Plan included at the end of the Feasibility Report, in this ICDBG application.

**ATTACHMENT TO FACTOR 1:**

2000 U.S. Census Data comparing Fort McDermitt Paiute and Shoshone Indian Reservation to the State of Nevada and to the United States:

**2000 US Census Data DP1 & DP3**

	<b>Ft McDermitt</b>	<b>Nevada</b>	<b>United States</b>
Total Population	309	1,998,257	281,421,906
Per Capita Income (PCI)	\$ 6,322	\$ 21,989	\$ 21,587
Median Household Income (MHI)	\$ 16,667	\$ 44,581	\$ 41,994
Median Family Income (MFI)	\$ 18,750	\$ 50,849	\$ 50,046
Household Income Less than \$10,000	26.7%	7.20%	9.50%
Families Income Less than \$10,000	13.8%	4.5%	5.8%
Families Below Poverty	34.50%	7.50%	9.20%
% Unemployed	46.8%	4.0%	3.7%
# Unemployed In Civilian Labor Force	44	61,920	7,947,286
Unemployed % of Civilian Labor Force	19.8%	4.0%	5.8%
	<b>Ft McDermitt</b>	<b>Nevada</b>	<b>United States</b>
Ft McDermitt % PCI of	100.0%	28.8%	29.3%
Ft McDermitt % MHI of	100.0%	37.4%	39.7%
Ft McDermitt % of MFI of	100.0%	36.9%	37.5%
Unemployment rate at Ft McD. exceeds by		1070.0%	1164.9%
Unemployment rate at Ft. McD. is Xtimes of		11.70	12.65
% Unemployed of Civilian Labor Force exceeds by		395.0%	241.4%
% Unemployed of Civilian Labor Force is Xtimes of		4.95	3.41
% of Families Living Under Poverty Exceed By		360.0%	275.0%
% of families Living Under Poverty is Xtimes of		4.60	3.75

**RATING FACTOR 3 – SOUNDNESS OF APPROACH (Total of 36 Points):**

The proposed Travel Plaza and convenience market is a project that has been selected as the most efficient and cost effective way to meet or reduce the impact of our most critical unmet needs including the reduction of unemployment (see Factor 2) for our entire Fort McDermitt Tribal community. This determination was made with input and participation of the community members in public meetings, council meetings, committee meetings and outreach, as well as notices and newsletters. This project was determined to be the most efficient way to address an abundance of needs including the provision of basic human services, stability of the community through the provision of access to health and employment resources, educational endeavors, and career enhancement opportunities. The development of a travel plaza is one business that will reduce the Tribe's dependence on Federal assistance programs by creating new jobs, be profitable, and thus sustainable, expanding over time, while providing support and funding for additional new businesses compatible to the travel plaza. The jobs and revenues will contribute toward meeting the needs of the low and very low income families identified in Factor 2, reducing unemployment, boosting low household incomes and reducing high poverty rates.

**Sub-Factor 1 – DESCRIPTION OF AND RATIONALE FOR PROPOSED PROJECT (12 Points):**

The **rationale description, size, location** and project for the proposed travel plaza are described in detail below. Reasons why we believe the construction of a phase I travel plaza will be most effective way to address the needs discussed in Factor 2 are included and include ways in which our community **viability** will be enhanced, as presented in Rating Factor 5. Anticipated cost savings related to project development due to program design or construction methods is also discussed below.

Our **rational** is based on financial analysis, Council meetings, community input and a phased approach feasibility study and market analysis (see attached feasibility study and 2011 addendum) that support our belief that this project is *the most practical and cost-effective way of meeting many critical needs (job creation, training, decrease poverty)* of our community over the long term. Economic Development resulting in job creation and reduced unemployment is critical to the future of our Tribe and the **viability** of our community.

The **size, type and location** of the Travel Plaza are as follows:

The Fort McDermitt Tribe proposes to develop, in phases, a full service, self-sustaining travel plaza as a profitable Tribally Chartered Enterprise, in accordance with the Articles of Organization, Charter and Bylaws established for the Enterprise. The plaza will consist of:

- The **size** of the phase I facility will be 1,800 feet and built according to Humboldt County building codes and ADA standards. It will include restrooms, sales area, checkout customer service station, drive through window, coolers and heating rollers for drink and hot convenience food items. The design layout is included below.

- The **type** of facility will be ADA accessible and designed using Universal Design guidelines and Energy Star cooling, water heating, insulation, etc. It will be a single level facility designed for pre-planned expansion.
- The site **location** of the travel plaza is on the Fort McDermitt Indian Reservation along Highway 95 just 3 miles South of McDermitt, Nevada.

This project will make our community a better place to live because it will provide the most viable and cost effective approach to address the needs outlined in Factor 2, that is, to **immediately create 4 new jobs (5-10 jobs phases II and III), reduce unemployment, reduce poverty for low to moderate income individuals and families, and increase per capita and household incomes.** There are currently 26 permanent full-time jobs on the Reservation. This grant provides a 7.5% increase in the number of jobs available to LMI community members. New wages generated in the first year are an estimated \$73,276 increasing annually thereafter to reflect cost of living increases. The Travel Plaza will contribute to meeting the needs of **new job creation, job training, and the establishment of profitable revenue generating businesses.**

The Travel Plaza will also make the community more livable by generating revenues for future businesses and providing public services directed toward **health benefits, education and job training, and social services** (WIC and convenience services) to the tribal community. The outputs **Jobs created and Job training are listed and discussed** in the eLogic Model and Rating Factor 5, sub factor 2.

The overall need for creating jobs, providing education assistance, improved health care and career training is always greater than can be met with available resources. After expansion efforts are completed a portion of net income generated from the travel plaza will be used to help meet these needs. This is in addition to the direct benefit of creating 4 new jobs and reducing unemployment on the Reservation (see Factor 5).

The new Fort McDermitt Travel Plaza will enhance the viability of our community immensely.

The need for a Travel plaza has been planned and sought for several years. The highest priority needs (reduced unemployment and poverty) for our community remains unaddressed and can be most effectively and efficiently addressed through the construction of a multi-phased travel plaza. This Travel Plaza including convenience market will be built to LEEDs energy standards and the Green Building Rating System.

The aerated concrete block will be used which serves as a high-quality structural building component and has a high energy efficiency insulation value. The use of aerated concrete construction contributes to meeting the energy and atmosphere goals of the Green Building Rating System developed by the U.S. Green Building Council. The use of this material eliminates the need for interior furring, insulation and sheetrock on exterior walls, eliminating those expenses from the construction budget. While aerated concrete is more expensive than typical concrete masonry units, the elimination of materials and labor for interior insulation and finish work will save approximately \$12,000 in construction costs. In addition, the system reduces the annual operation and maintenance costs and life-cycle costs for the facility. The

expected result of utilizing LEEDS standards is a 15-18% reduction in annual operating energy costs.

The Tribal Council adopted the Building Codes in use by Humboldt County under Resolution No. FM 11-005-035, excerpt below:

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Council hereby adopts, for the Fort McDermitt Travel Plaza, the Building Codes utilized by Humboldt County, Nevada as amended or modified, including:

- 2006 International Building Code
- 2006 International Residential Code
- 2006 International Fire Code
- 2006 International Energy Conservation Code
- 2005 National Electric Code
- 2006 Uniform Plumbing Code
- 2006 Uniform Mechanical Code

**BE IT FURTHER RESOLVED**, that the Tribal Council requires that only Nevada licensed firms be invited to submit proposals for Professional Design including preparing the plans, design and engineering of the proposed facility, and only Nevada licensed construction contractors be invited to bid on the construction of the proposed facility; and

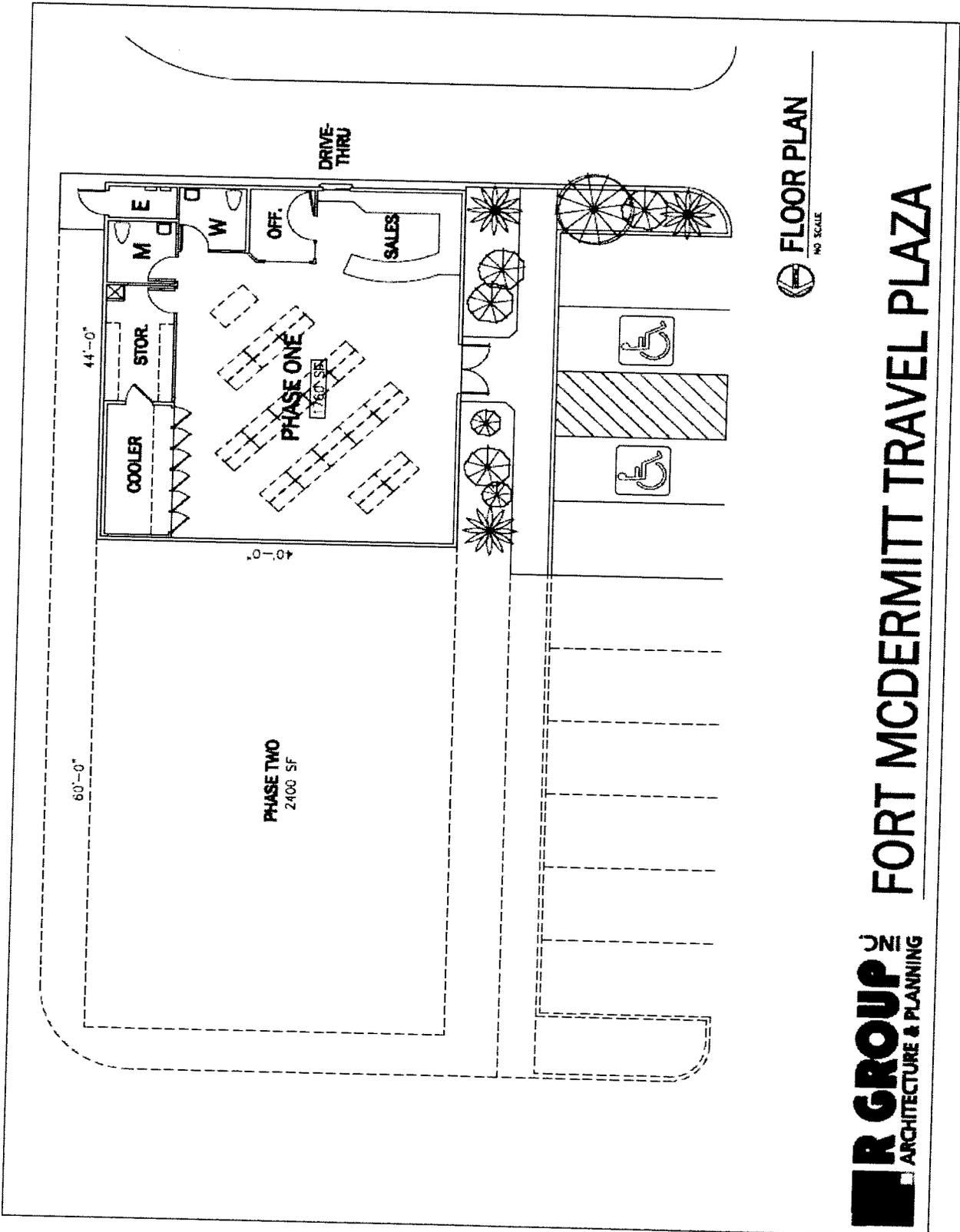
**BE IT FURTHER RESOLVED**, that the Tribal Council requires that the Contract/Agreement for Design Professional will require the Architect to design the building to meet the following:

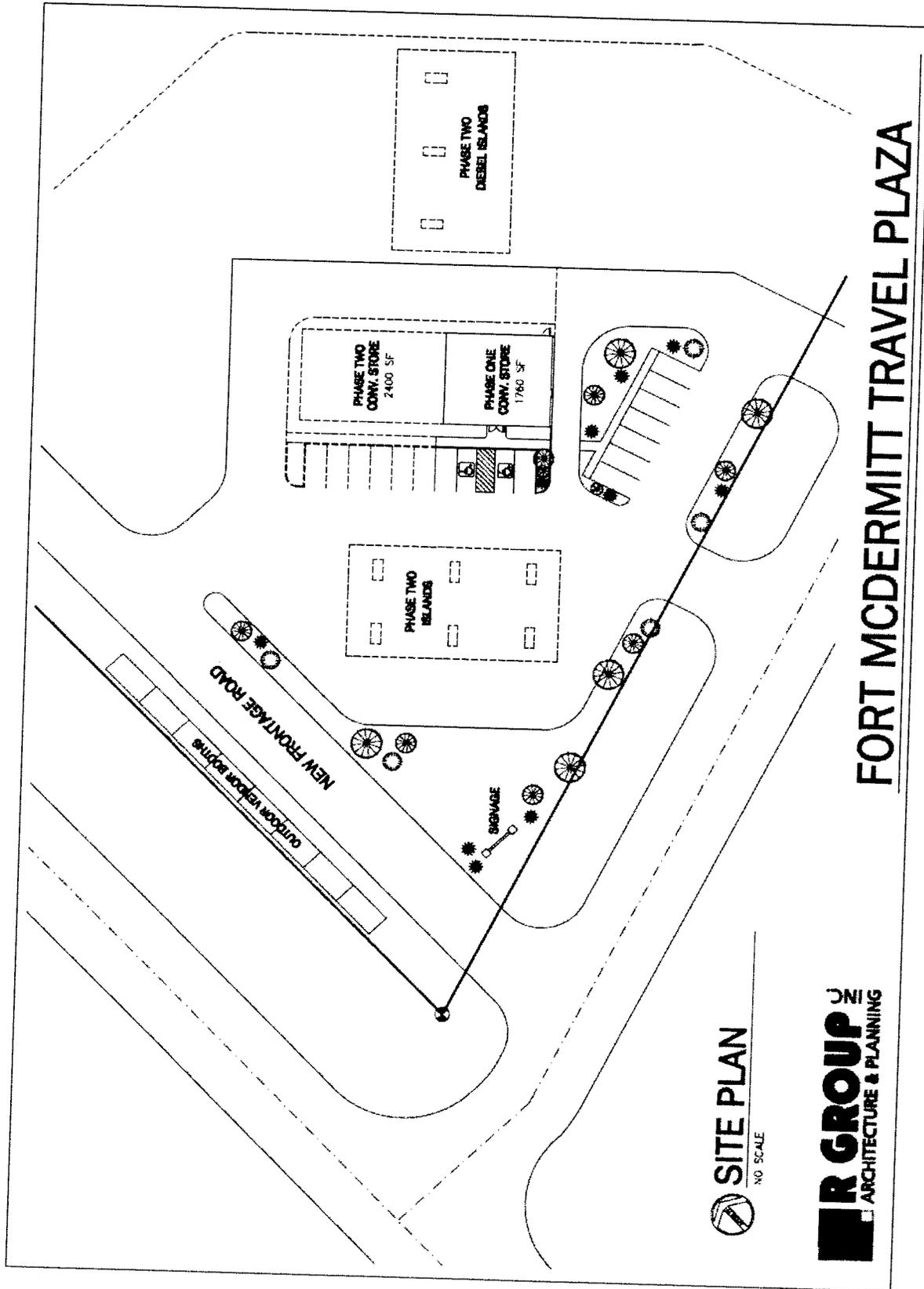
- All building codes utilized by the Humboldt County Building Department including the Nevada Fire Marshal's codes
- Universal Design standards for barrier-free, accessible design, and assistive technology
- Leadership in Energy and Environment Design (LEED) energy standards, and Green Building Rating System, developed by the U.S. Green Building Council
- Energy Star design features and products

The Fort McDermitt Tribe is committed to completing the design and construction of these facilities with safe, efficient and durable materials and applications.

We are working with a professional licensed Architect, Rex Alan Ruge, R GROUP Architecture & Planning, Inc., who has 18 years experience in professional design and has received many scholarships and awards including Design Excellence honors and earned recognition as an AIA Foundation Scholar. He holds NCARB Certification which is recognized nationwide. His bio is attached at the end of this Factor 3.

Conceptual Site and Floor Plans, for this project were prepared by Mr. Ruge:





**FORT MCDERMITT TRAVEL PLAZA**

**SITE PLAN**  
NO SCALE



**Sub-Factor 2 – BUDGET AND COST ESTIMATES (9 Points):**

**2. Budget and Cost Estimates (9 points).** The following budget is a thorough account of all reasonable costs and is detailed in the budget narrative below.

**(9 points)** The following cost estimates are broken down by line item for each proposed activity, including planning and administration costs. A description of the qualifications of the person who prepared the cost estimate is provided (see threshold narrative).

Construction Costs	QTY	Amount	Cost	% Dev Cost	% Project Cost
Building Permit, Plans Review, Inspections by County Building Division	1	\$ 14,000	\$ 14,000	2.31%	1.71%
Convenience Market (1,800 Sq. ft)	1,800	\$ 140	\$ 252,000	41.65%	30.86%
Electric Drop	1	\$ 8,000	\$ 8,000	1.32%	0.98%
6" Water line extension 400 feet	1	\$ 5,200	\$ 5,200	0.86%	0.64%
Septic System - 6,500 gal tank and 220' leach line	1	\$ 30,000	\$ 30,000	4.96%	3.67%
Sidewalk 6-foot width (in lineal feet)	220	\$ 90	\$ 19,800	3.27%	2.42%
8" Thick untreated Base Course (in square yards)	2,000	\$ 4	\$ 8,000	1.32%	0.98%
2 1/2 " thick asphalt	31,100	\$ 1	\$ 31,100	5.14%	3.81%
Curb & Gutter	120	\$ 67	\$ 8,000	1.32%	0.98%
Excavation - sitework	1	\$ 5,000	\$ 5,000	0.83%	0.61%
Highway Turnout - 800 cu yds ABC aggregate	800	\$ 9	\$ 7,360	1.22%	0.90%
Furnishings, Fixtures, Equipment, POS Register - Coolers, shelving, racks,	1	\$ 75,000	\$ 75,000	12.40%	9.19%
Allowance for Contingency		10%	\$ 46,340	7.66%	5.68%
<b>Total Construction Costs</b>			<b>\$ 509,800</b>	<b>84.26%</b>	<b>62.44%</b>
<b>Project Development Cost</b>					
Environmental Review, Archaeology, Biological, Environmental Assessment Documents		\$ 5,500	\$ 5,500	0.91%	0.67%
Soils Report - Geotechnical		\$ 5,000	\$ 5,000	0.83%	0.61%
Project Management & Administration		6.0%	\$ 36,300	6.00%	4.45%
A&E (% of Total Project Cost)		8.0%	\$ 48,400	8.00%	5.93%
<b>Total Project Development Cost</b>			<b>\$ 95,200</b>	<b>15.74%</b>	<b>11.66%</b>
<b>Total Construction and Development Cost (Grant)</b>			<b>\$ 605,000</b>	<b>100.00%</b>	<b>74.10%</b>
Audits - Tribal Cash Contribution			\$ 1,500	0.25%	0.18%
Land Tribal In-Kind - 10 Acres			\$ 210,000	34.7%	25.7%
<b>Total Tribal Cash Contribution</b>			<b>\$ 211,500</b>	<b>35.0%</b>	<b>25.9%</b>
<b>Project Value (Including Tribal Contributions)</b>			<b>\$ 816,500</b>		<b>100.00%</b>

**Cost Summary Details:**

**Tribal Real Estate 10 acres, valued as raw land (\$210,000 or 25.7% of project cost)** – This property is held in trust by the United States as part of the Fort McDermitt Paiute and Shoshone Indian Reservation. The size of the parcel is required to provide space for travel plaza including the phase I convenience market, parking, and large vehicle navigation, future expansion efforts including fueling islands and pumps, rest/dining pavillion, and an area to eventually expand in support of ancillary tribal businesses supporting the travel plaza. The value of the land is base on recent sale comparisons of similar properties (see Factor 4). The raw land is valued = **\$210,000** and is considered without any improvements or construction on the land.

**Tribal Cash Contribution for Audits = \$1,500** to be paid from the Tribe's general funds to cover the cost of annual professional audit and compliance reviews.

**Building Permit, Plan Reviews and Inspections** – This estimate is based on fees charged by Humboldt County Building Division for similar projects = **\$14,000**

**Travel Plaza Building - \$252,000** This estimate is based on the cost of construction of a aerated concrete block building on a concrete slab, single level, straight roofline, asphalt architectural shingles, with Energy Star ratings for insulation, windows, doors, appliances, and other features. The access doors, restrooms and all facilities will be ADA accessible. The Energy Star and ADA compliance increases the cost of the building by about 15% but will reduce the cost of energy over the life of the building. The cost per square foot for the convenience market, building portion of the travel plaza is approximately \$140 per square foot X 1800 square feet = \$252,000 for development cost estimate. RS Means regional and national averages are included below for comparative pricing purposes.

**Electric Drop** - These funds will pay for the extension of the electric service to the building. This cost is based on estimates by the electric provider, Harney Electric Cooperative = **\$8,000.**

**6" Water line extension**– Water line extensions, repair of risers and connections. These funds provide for the extension of waterlines, 400 feet to the new travel plaza and convenience market and for repairs to bring the existing waterlines up to code. This cost is based on preliminary estimates by similar projects conducted in the area by Indian Health Service and are adjusted for the changes made by adding additional line to the travel plaza. = **\$5,200**

**Septic System** - These funds will allow the installation of a 6,500 gallon tank and 220' leach line for the travel plaza. This cost is based on preliminary estimates made by Captain George Pringle, Civil Engineer, Indian Health Service, and adjusted for the changes made by adding capacity for expansion = **\$30,000.**

Sidewalk 4" depth, 6-foot width – 220 X \$90 = **\$19,800**  
8" Thick untreated base – 2,000 cy X \$4 = **\$8,000**  
2 ½" treated asphalt on 6" road base, striped = **\$31,000**  
Curb and Gutter, tilt-in 130' lineal ft X \$67 = **\$8,000**  
Excavation (Sitework) grading and compact = **\$5,000**



**COST SUMMARY DETAILS Continued – Additional Supporting Documentation**

**2011 RSMEANS CONSTRUCTION ESTIMATES  
Included in Updated 2011 Feasibility Study**

	LOW	MEDIUM	HIGH
1 Reno, NV S-Face Brick, Concrete Blk	\$ 160.98	\$ 178.93	\$ 223.90
2 National Avg, S-Face Brick, Concrete Blk	\$ 162.66	\$ 181.44	\$ 227.43
Fort McDermitt Travel Plaza, 1800 Sq. Ft		\$ 140.00	

Summary of comparisons: The costs for the Fort McDermitt Travel Plaza on a per/square/foot basis is lower than the RS Means averages because RS Means averages are based on Union (Davis Bacon) rates and we will not be using these rates. Also, we are using an aerated concrete block in place of the Face Brick on traditional masonry Concrete Blocks. The materials cost for the aerated concrete is less costly than the brick/block combination and provides an attractive finish inside and outside the facility without furring and drywall or other wall coverings. Because of the insulating qualities of the aerated concrete, it provides improved energy efficiency and lower construction costs. The Tribe can also purchase materials without the addition of State Sales and transaction taxes.

**RSMeans QuickCost Estimator**

Project Title: **Travel Plaza - Phase I**

Model: **Store, Retail**

Construction: **Split Face Concrete Block / Steel Joists**

Location: **RENO, NV**

Stories: **1**

Story Height (l.f.): **14**

Floor Area (s.f.): **1,800**

Data Release: **Year 2011 Quarter 2**

Wage Rate: **Union**

Basement: **Not included**



*Costs are derived from a building model with basic components. Scope differences and market conditions can cause costs to vary significantly.*

Cost Ranges	Low	Med	High
Total:	\$288,900	\$321,000	\$401,250
Contractor's Overhead & Profit:	\$72,450	\$80,500	\$100,625
Architectural Fees:	\$28,800	\$32,000	\$40,000
<b>Total Building Cost:</b>	<b>\$390,150</b>	<b>\$433,500</b>	<b>\$541,875</b>

RSMeans QuickCost Estimator			
Project Title:	Travel Plaza - Phase I		
Model:	Store, Retail		
Construction:	Split Face Concrete Block / Steel Joists		
Location:	U.S. National Average		
Stories:	1		
Story Height (l.f.):	14		
Floor Area (s.f.):	1,800		
Data Release:	Year 2011 Quarter 2		
Wage Rate:	Union		
Basement:	Not included		
 <p><i>Costs are derived from a building model with basic components. Scope differences and market conditions can cause costs to vary significantly.</i></p>			
Cost Ranges	Low	Med	High
Total:	\$294,750	\$327,500	\$409,375
Contractor's Overhead & Profit:	\$73,800	\$82,000	\$102,500
Architectural Fees:	\$29,700	\$33,000	\$41,250
<b>Total Building Cost:</b>	<b>\$398,250</b>	<b>\$442,500</b>	<b>\$553,125</b>

This estimate for the Fort McDermitt Travel Plaza is based on the cost of construction of a masonry aerated concrete building on a concrete slab, single level, straight roofline, asphalt architectural shingles, with Energy Star ratings for insulation, windows, doors, appliances, and other features. The access doors, restrooms and all facilities will be ADA accessible. The Energy Star and ADA compliance increases the cost of the building by about 8% but will reduce the cost of energy over the life of the building.

Cost Savings:

One-time savings:

Light-weight aerated concrete block construction in place of brick/block combination with furring strips and drywall application - \$16,370

Recurring Savings:

Insulating value of utilizing aerated concrete in place of traditional face brick over concrete block, monthly savings = \$40; Annual Savings \$480/year

LEEDS Standards and Green Energy design and components with Green Energy Rating Systems for monitoring - \$1,115

Total Annual Savings: \$1,595/year

One-time savings: By using aerated concrete block as the construction material we will save nearly 50% of the cost of this structural component. With the use of these energy efficient blocks and the attractive appearance of both sides of the block we can achieve higher insulation qualities without the added expense of furring strips and drywall applications. Aerated concrete blocks are a high quality construction material that meets the Nevada structural standards and provides energy efficiency. One time cost savings on the construction materials will result in savings of \$16,370.

On-going cost savings: Annual savings from aerated concrete and LEEDS design and components has been shown to average 18% on the energy consumption of a facility of this size. Energy costs for the travel plaza facilities should save an additional \$40/month or \$480/year.

LEEDs standards and rating systems have been adopted by Tribal Resolution FM11-005-037 to be incorporated into this project. Application of LEEDs usually provides 15-18% savings a year. However, with the aerated concrete construction, we have calculated a portion of that savings into the calculation above. Applying LEEDs in addition to the use of concrete should add an additional 10% per year for the design and construction of these facilities.

**Sub-Factor 3 – HUD POLICY PRIORITIES (3 Points):**

This application addresses the goals of Job Creation/Employment and Sustainability, two of HUD's 2011 policy priorities, as described in Section I.B.1. and 2. of the **General Section**.

**This project proposes to undertake activities that will create jobs and further local economic development particularly targeted to low-income populations and communities (1 point).**

The comprehensive analysis and feasibility study included with this application is considered additional information and demonstrates the level of commitment we have to ensure the success of this economic development project beyond the length of the award period. A phased construction was determined to be the most beneficial and cost effective use of funds and the most efficient means of optimizing committed time and resources.

**Job Creation and Training (1 point):** The proposed Phase I Travel Plaza and convenience market will support activities that sustain economic development on the Fort McDermitt Reservation. The Reservation is a low-income community according to HUD published data for Fort McDermitt LMI is:

Number of Persons: 321

Number of Persons with Low or Moderate Income: 284

**LMI %: 88%**

The proposed Travel Plaza will generate job creation opportunities for low-income residents of the Fort McDermitt Indian Reservation for years to come. The new economic development enterprise will enable the Fort McDermitt Tribe to **create and sustain at least four new full-time jobs** during phase I of construction. Upon completion of phase II and phase II expansion efforts, 10+ new full-time jobs are expected to have been created. (See the Fort McDermitt Paiute and Shoshone Tribe Financial Feasibility and Market Analysis). In addition, employees of the Travel Plaza will obtain professional business management and retail industry training in career ladders that they would otherwise not have access to. The value of education and increased level of marketable skills can be valued as priceless.

This economic development project will initially create four sustainable jobs, benefits and services to tribal members, 88.0% of which are low to moderate incomes. Jobs and other benefits will be provided in the following ways:

**Direct employment:** This project will provide a community-wide benefit by initially creating **four (4) new jobs** to manage, operate and maintain Phase I of the Travel Plaza and convenience market.

- There are currently 26 jobs (FTE) on the Reservation, mainly with Tribal government, the Tribal Convenience Market, and other government agencies. This project will add four new jobs, an increase of over 7.5%. Future expansion efforts (phases II and III) will add an additional 6 or more new jobs. An increase of over 10 new jobs for our small community.
- Providing direct employment to manage, operate and maintain the Travel Plaza. The 2000 US Census shows 94 in the civilian labor force with 50 employed and 44 unemployed. Four new jobs will provide an increase employment by 7.4%. This is significant for on-Reservation jobs in our community. (US Census employment data attached at end of this Factor 5).
- Reduction in the current number of unemployed individuals in the Fort McDermitt civilian labor force from 44 individuals to 40 individuals is a reduction of 20% in unemployment. It will reduce actual unemployment from 46.8% to 42.6% which is a good accomplishment for our community. (US Census employment data is attached at the end of this Factor 5)
- New wages generated the first year are projected at \$73,672 increasing annually thereafter. This will increase overall per capita income, \$6,322 on the Reservation.

**Job Training:** Each employee of the travel plaza will receive job training and business management training as a part of their career-ladder positions. Educational support will be provided by Great Basin College (see attached letter of support in Factor 2), the University of Nevada Reno, and NACS, as well as on Reservation tribal mentoring from the Travel Plaza Manager.

**Health, Dental and Wellness Benefits:** Each employee of the travel plaza will receive a full benefits package including health coverage for themselves and their families, dental and general wellness discounts from preferred service providers.

**Sustainability and Accessibility for Disabled Persons (1 point):**

Our proposed project also actively promotes sustainability through energy-efficient, environmentally friendly, healthy design, and includes elements of visitability and universal design.

The Fort McDermitt Tribe commits to incorporate Livability Principals and visitability standards described by the Partnership for Sustainable Communities into the planning, design and operation of this project (see Resolution FM-005-035 at the end of this Factor 3). The access doors, restrooms and all facilities will be ADA accessible. The Energy Star and ADA compliance increases the cost of the building by about 18% but will reduce the cost of energy over the life of the building.

**Sub-Factor 4 – COMMITMENT TO SUSTAIN ACTIVITIES (12 points).**

The Fort McDermitt Tribe has demonstrated that our commitment to our community's viability is unwavering and we are committed to the long-term financial success of the proposed travel plaza.

**c. Economic Development Projects (12 points). In addition to information requested in the economic development threshold requirement at Section III.C.3, applicants must describe: how your project will operate; why it is needed in your market/area; and how and why the project will succeed.**

**How the project will operate:** We have established a Tribally Chartered Travel Plaza Enterprise, wholly owned by the Fort McDermitt Tribe. We have appointed a Board of Directors for the Enterprise and adopted Articles of Organization, Charter and Bylaws (See Articles of Organization at the end of this Factor 3). When the facility is constructed and operational, we will develop a Tribal Corporation Code in which the distribution of net revenues are defined and the disposition of such is determined. We have drafted a land lease for the site between the Fort McDermitt Tribe and the Enterprise that is currently under review by the BIA. We have developed a business plan and marketing plan which are supportive of this project. We have position descriptions, career ladders, training plans for the positions. (See Resolution FM10-005-037 at the end of this Factor 3).

**Why it is needed:** There are currently 26 permanent full-time jobs on the Reservation. This grant provides a 7.5% increase in the number of jobs available to 88% LMI community members. New wages generated in the first year are an estimated \$73,276 increasing annually thereafter to reflect cost of living increases. The Travel Plaza will contribute to meeting the needs of **new job creation, job training, career-ladders, and the establishment of profitable revenue generating businesses.**

**Why the project will succeed:** The project will succeed because it will be profitable; it will generate revenues sufficient to pay payroll, benefits, operations, maintenance costs and to fund reserves above the costs of operating and managing the business. It has been planned and designed to meet market demand and provide needed products and services to a community that is much in need of such. It will sell convenience items which are in demand on a daily basis to the local community and to Highway 95 traffic. It will sell tobacco products at much lower costs

than any of its competitors. It can provide WIC products in which the nearest place to accept WIC vouchers is in Winnemucca, some 70 miles away. It has the advantage of not having debt service or State and Federal income taxes because the profits/revenues will be governmental income. This travel plaza is expected to serve our Tribe for generations by generating income and by immediately creating four to five immediate full-time jobs. Estimated 5-10 additional jobs would be created in future businesses complimentary to the travel plaza. By constructing this travel plaza the way the community members have planned, it will be beneficial to our entire Tribe for many years to come and will provide ongoing sustainable benefits without tribal or Federal subsidies. Increased per capita income, skilled labor and net income to the Tribal community are all measurable outcomes and determining factors that will make this project successful.

**In addition, The Fort McDermitt Tribe also commits funding to fund the Operations and Maintenance Plan** for the Travel Plaza, grounds, security, insurance, and ongoing upkeep of the facility (see Resolution FM11-005-037 at the end of this Factor 3). A summary of costs associated with the implementation of our operation and maintenance plan follows:

**Fort McDermitt Travel Plaza  
Operation & Maintenance BUDGET 2012**

	Cost		Units	Total
Supplies & Materials	\$ 80.00	12	Months	\$ 960.00
Repairs & Replacement of non-covered losses	\$ 80.00	12	Months	\$ 960.00
Custodial Services - Janitor (5 hrs/wk@\$10/hr)	\$ 50.00	52	Weeks	\$ 2,600.00
Fringe Benefits for Janitorial (26% EBC)	26%			\$ 676.00
Electric	\$ 120.00	12	Months	\$ 1,440.00
Water & Sewer	\$ 30.00	12	Months	\$ 360.00
Propane Gas Service	\$ 80.00	12	Months	\$ 960.00
Fire & Casualty Service (in Umbrella Policy)	\$ 1,120.00	per	Year	\$ 1,120.00
Capital Replacement Reserve	\$ 4,000.00	per	Year	\$ 4,000.00
Security (BIA LES & Humboldt County Sheriff's Office)	\$ -			\$ -
<b>Total Annual O&amp;M Budget -YEAR 1</b>				<b>\$ 13,076.00</b>
Assume 5% increase per year for Out Years	5%	per	Year	
O&M ANNUAL COST YEAR 2	\$ 653.80		YEAR 2	\$ 13,729.80
O&M ANNUAL COST YEAR 3	\$ 686.49		YEAR 3	\$ 14,416.29
O&M ANNUAL COST YEAR 4	\$ 720.81		YEAR 4	\$ 15,137.10
O&M ANNUAL COST YEAR 5	\$ 756.86		YEAR 5	\$ 15,893.96

A copy of our Travel Plaza Operation and Maintenance Plan is available upon request.

**ATTACHMENTS to FACTOR 3:**

- Resolution No. FM11-006-045 – ICDBG Grant Application Omnibus Resolution
- Resolution – FM11-005-037 - Operation and Maintenance Budget Approval
- Resolution – FM11-005-035 - Adoption of Humboldt County Building Codes, LEEDS standards and Green Energy Rating Systems, Universal Design, Visitability, etc.
- Bio – Rex Alan Ruge- Licensed Architect, R Group Architecture and Planning, Inc.
- Letter regarding Construction Cost Estimates, Steve Wood, President, Wood Construction Company, LLC; Licensed General Contractor;
- Certificate of Good Standing for Wood Construction Company, LLC
- Gratton’s Construction Estimating Letter and biographical information on Dan Gratton, Professional Construction Estimator, and his opinion on construction cost estimates for the Fort McDermitt Travel Plaza.
- Resolution - FM10-005-037 – Appointing Board of Directors to Travel Plaza Enterprise
- Articles of Organization, Charter, Bylaws, and Board of Directors



## Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

### RESOLUTION NO. FM11-006-045

#### RESOLUTION OF THE GOVERNING BODY OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE, NEVADA

##### *2011 Application for HUD Indian Community Development Block Grant (ICDBG) for an Economic Development Project – Travel Plaza Development*

**WHEREAS**, the Fort McDermitt Paiute and Shoshone Tribe of Oregon and Nevada is a Federally recognized Indian Tribe organized in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) as amended; and

**WHEREAS**, the governing body of the Fort McDermitt Paiute and Shoshone Tribe is the Tribal Council as set forth in the Constitution; and

**WHEREAS**, Tribal goals include developing viable communities, suitable living environments, and economic development opportunities, to improve the quality of life and standards of living for tribal members and other residents on the Fort McDermitt Reservation; and

**WHEREAS**, the application is for one high-priority economic development project, the professional design and construction of the Fort McDermitt Travel Plaza, which will provide area-wide benefits, *(new job creation and sustainability, revenues to the tribe for providing government services, and retail convenience market services and products to the public including cultural exchange)* to the neediest portion of the population; and

**WHEREAS**, this project will provide public benefits to the community including five or more new jobs initially, and will provide additional business opportunities for tribal members, and will provide a source of revenue to the Tribal government to provide tribal health, education, housing and social services on the Reservation, and will provide revenues or seed money to expand economic development opportunities, and will provide a highway rest stop with convenience items, food and snacks, native arts and crafts, gifts, tobacco products, and other products to local residents, tourists and others who visit our area; and

**WHEREAS**, the Fort McDermitt Tribe is **88% Low to Moderate Income**. This project will provide a public benefit to all the residents of the Fort McDermitt Indian Reservation community, 88% of which are Low to Moderate incomes, as defined in 24 CFR Section 1003.4 and these most needy persons will receive benefits from the ICDBG grant; and

**WHEREAS**, the Tribe adopted a plan in accordance with Section 3, 24 CFR Part 135, to target these new entry-level jobs created by this project to individuals who are low to very low income by providing increased bonus points to very low and low income applicants, and lesser bonus points to moderate income applicants, and no bonus points to higher income applicants; to notify Section 3 residents, contractors and subcontractors about training and employment opportunities generated by this business; and by sponsoring a job informational meeting to be conducted on the Reservation where category 1 or 2 persons reside, and similar activities; and

**WHEREAS**, the Fort McDermitt Travel Plaza will be operated and managed as a Tribally Chartered Enterprise, the Fort McDermitt Travel Plaza Enterprise, in accordance with the Articles of Organization, Charter, and Bylaws established for the Enterprise for the overall benefit to the public. Net revenues (profits) of the enterprise will be used partially by the enterprise for creating and expanding new businesses on the Reservation for new jobs and new revenue streams and partially to provide benefits to Tribal members per the mission and goals statement of the Tribe, i.e.: health, education, housing, social services. This provides an area-wide benefit to the 88% LMI reservation population; and

**WHEREAS**, the Tribe has met the requirements of 24 CFR 1003.604(a), Citizen Participation by providing for Reservation residents to examine and appraise this application by 1) furnishing information on the amounts of funds available for proposed community development and housing activities that may be taken, 2) holding public meetings scheduled at times to allow participation in order to obtain their views on community development, economic development, and housing needs, 3) developing and publishing or posting a Community Development Statement in such a manner as to afford affected residents an opportunity to examine its contents, and 4) affording residents an opportunity to review, and has and will continue to consider any comments and views, and as appropriate modify the application accordingly, and made the modified application available to residents. The need for viable economic development on the Fort McDermitt Tribe's Reservation lands is a need that has been made a high priority through participation by the community. This project is the highest priority in 2011 by the Tribe and its members; and

**WHEREAS**, the Fort McDermitt Tribe hereby makes a firm commitment to contribute its own resources totaling \$211,500 to achieve the objectives of this project, of which \$210,000 is the raw land value for the 10 acre Travel Plaza site, (the value determined by a professional independent land appraiser) and \$1,500 is a cash contribution toward meeting our audit requirements from the Tribe's general fund; these funds being provided to assure that the grant outputs and outcomes are achieved and successful, and the Council hereby confirms that it has the financial capacity to meet these commitments; and

**WHEREAS**, the Tribe asserts that this project meets HUD's Policy Priorities by: 1) Job Creation/Employment: Creating 5 or more new jobs initially that will be sustainable over time through the revenues and receipts of the proposed business, and potential growth of the existing business and spin-off businesses and resultant new jobs; Training and workforce development is

planned and budgeted into this project for such new positions. 2) Sustainability: Developing a property and new facilities that are clean and help residents lead healthy, safe, affordable, and productive lives by using energy efficiency and conservation practices including LEEDS, Energy Star, and Green Energy Rating systems; and 3) incorporating Universal Design and Visitability standards into all phases of the design and construction criteria for this project; and

**WHEREAS**, the Tribe is a new applicant and all prior HUD ICDBG grants have been closed subject to audit. The Tribe has created a qualified project team to assure capacity to carry out the provisions of this project and to fulfill the scope, timely and successfully, with its own employees and an experienced and qualified contracted project manager, Nevada licensed architect, and Nevada licensed construction contractor; and

**WHEREAS**, the Tribe has management systems and Internal control policies in place including financial policies and procedures, procurement and contract management, to fully comply with HUD general administration requirements in 24 CFR Parts 85 and 1003 and other Federal requirements; and

**WHEREAS**, the Tribe has a current Code of Conduct in place, with a copy included in this application, that is utilized and followed and is made known to the community, and meets the requirements of 24 CFR 84.42; and

**WHEREAS**, the Tribe's 2009 A-133 Audit, and prior year audits, will all be completed prior to the evaluation of this grant application, with any findings or exceptions addressed by corrective action plans and with the Tribe's commitment to fully comply with any such corrective action plan; and

**WHEREAS**, the Tribe hereby certifies that:

- a. that it is has no outstanding ICDBG arrears.
- b. that it is in full compliance with the Fair Housing and Civil Rights laws and has no findings.
- c. that it has no delinquent Federal debts.
- d. that it maintains financial standards that require open competition in all bidding.

**WHEREAS**, the Tribe has developed and adopted, by Tribal Resolution, an operation and maintenance plan that addresses regular maintenance activities, repairs, capital improvements and replacement reserves for repairs, fire and liability insurance, and security; and hereby commits \$13,076 annually, through the receipts of the business, to operating and maintaining this proposed economic development project, the facilities including buildings, structures, utilities, roadways, landscaping, signage, and other appurtenances associated with the Fort McDermitt Travel Plaza. The Travel Plaza will be maintained by the enterprise, by the Maintenance Worker, under the supervision of the Travel Plaza Manager, in accordance with the Operation and Maintenance Plan, and includes daily and periodic maintenance activities, making repairs in a timely manner, making capital improvements as needed, maintaining insurance, and establishing replacement reserves using funds generated by the Travel Plaza enterprise, an if the revenues from this business are not

sufficient, will utilize Tribal general funds to assure that preventive and operational maintenance is performed; and

**WHEREAS**, the space requirements for this project are determined to be sufficient and not excessive, to meet the needs of a commercial Travel Plaza, to provide space for fuel islands, traffic circulation, auto and truck parking, fuel storage tanks and pumps, and similar services as designed; and

**WHEREAS**, the Tribal Council has adopted, by Tribal Resolution, the Humboldt County Building Codes, Universal Design, Accessible Design & Assistive Technology, Energy Star and LEED Energy Standards for the design and construction of the Fort McDermitt Travel Plaza, and has established monitoring procedures to evaluate the success of these actions; and

**NOW, THEREFORE BE IT RESOLVED**, that the Tribal Council hereby authorizes the Chairman and/or Vice-Chair to submit the ICDBG application to HUD and approves the economic development project, the development of the Fort McDermitt Travel Plaza, as the highest-priority to meet the needs of our community; and

**BE IT FURTHER RESOLVED**, that the Tribal Council hereby authorizes the Tribal Chairman and/or Vice-Chair to sign and execute the ICDBG application and any and all documents that are a part thereof, and to sign and execute any construction and installation contracts, and any agreements and amendments with consultants, contractors, vendors and suppliers in accordance with approved Tribe's policies and procedures and applicable regulations, and to carry out the provisions of the Indian Community Development Block Grant described above.

#### CERTIFICATION

It is hereby certified that the foregoing **Resolution No. FM11-006-045** was adopted by the Fort McDermitt Tribal Council of the Fort McDermitt Paiute and Shoshone Tribe, composed of **Eight (8)** members of whom **Five (5)** constituting a quorum were present at a meeting duly held on the **8<sup>th</sup>** day of **June 2011**, and is adopting this resolution by affirmative vote of: **Four (4) FOR, Zero (0) AGAINST, Zero (0) ABSTAINING**, pursuant to the authority contained in the Constitution and Bylaws of the Fort McDermitt Paiute and Shoshone Tribe.



Vonnie Sam, Tribal Council Secretary  
Fort McDermitt Paiute and Shoshone Tribe



# Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

## RESOLUTION NO. FM11-005-037

### RESOLUTION OF THE GOVERNING BODY OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE, NEVADA

#### *Operation and Maintenance Plan and Budget Commitment for Fort McDermitt Travel Plaza*

- WHEREAS**, the Fort McDermitt Paiute and Shoshone Tribe of Nevada is organized in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 as amended; and
- WHEREAS**, the governing body of the Fort McDermitt Paiute and Shoshone Tribe is the Tribal Council as set forth in the Constitution; and
- WHEREAS**, the Fort McDermitt Council intends to submit an application for a HUD Indian Community Development Block Grant Program to construct a Travel Plaza; and
- WHEREAS**, at the completion of the project, it will be necessary for ongoing maintenance and operation of the facility to assure the long life and utility of this business property for many years to come; and
- WHEREAS**, primary security is provided to the Fort McDermitt Tribe through BIA Law Enforcement Services and the Humboldt County Sheriff's Office. We will also have the building designed to control entrance into the building and will utilize 24/7 video security cameras on the property. We will have outdoor lighting and secure doors and windows designed for the facility; and
- WHEREAS**, the cost of security is borne by the BIA for its services, by the Humboldt County Sheriff's Office for its services and within the operating budget of the Travel Plaza for the services provided by the managers and employees of the business and should that be insufficient by the Fort McDermitt Tribe's general fund; and
- WHEREAS**, the Fort McDermitt Tribe operates its own facility maintenance program under the Tribe's General Fund and should the revenues from the business enterprise be insufficient, will include the operation and maintenance of this facility under that program, including but not limited to, daily, weekly and annual maintenance including routine maintenance, preventive maintenance, prompt repair of damages, replacement

of burned out bulbs, landscaping, painting, electrical and plumbing repairs, etc.; and maintain casualty and liability insurance coverage, a capital reserve fund, and make all the necessary investments to keep the facility in safe operable condition; and

**WHEREAS**, the Fort McDermitt Tribe has the necessary funds through the Tribe's General Fund Facilities Management line to provide the maintenance and operation of the facility in accordance with the Fort McDermitt Travel Plaza Operation and Maintenance Plan-2011. The funds are largely provided on an annual basis through contract support funds and the indirect cost pool to the general fund; and

**WHEREAS**, a budget has been prepared for operation and maintenance costs as follows:

**Fort McDermitt Travel Plaza Operation and Maintenance Plan  
 Operation & Maintenance BUDGET PHASE 1**

	Cost	Units	Total
Supplies & Material	\$ 44.00	12 Months	\$ 528.00
Repairs & Replacement of non-covered losses	\$ 65.00	12 Months	\$ 780.00
Custodial Services – Janitor (5 hrs/wk @ \$10/hr)	\$ 30.00	52 Weeks	\$ 1,560.00
Fringe Benefits for Janitorial (26% EBC)	26%		\$ 405.60
Electric	\$ 120.00	12 Months	\$ 1,440.00
Water & Sewer	\$ 10.00	12 Months	\$ 120.00
Propane Gas Service	\$ 46.00	12 Months	\$ 552.00
Fire & Casualty Service (in Umbrella Policy	\$ 700.00	1 Year	\$ 700.00
Capital Replacement Reserve	\$ 2,640.00	1 Year	\$ 2,640.00
Security (provided by BIA & Humboldt County Sheriff's Office)	\$ -		\$ -
<b>Total Annual O &amp; M Budget – Year 1</b>			<b>\$ 8,725.60</b>
Assume 5% increase per year for Out Years	5%	1 Year	
O&M ANNUAL COST YEAR 2	\$ 436.28	1 YEAR 2	\$ 9,161.88
O&M ANNUAL COST YEAR 3	\$ 458.09	1 YEAR 3	\$ 9,619.97
O&M ANNUAL COST YEAR 4	\$ 481.00	1 YEAR 4	\$ 10,100.97
O&M ANNUAL COST YEAR 5	\$ 505.05	1 YEAR 5	\$ 10,606.02

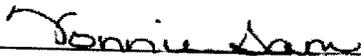
**NOW THEREFORE BE IT RESOLVED**, that the Fort McDermitt Tribal Council hereby adopts the Fort McDermitt Travel Plaza Operation and Maintenance Plan-2011 included in the ICDBG application; and

**BE IT FURTHER RESOLVED**, to implement the operation and maintenance plan the Tribal Council will appropriate and set aside \$8,725.60 annually beginning in Year 1, and predicting a 5% increase in costs per year thereafter, for maintenance, operations, insurance, utilities, security, Capital Replacement Pool, and repairs and replacement not covered by insurance. This source of revenue

is budgeted and available at the completion of construction. The revenue source for these requirements is first, from the revenues of the Travel Plaza enterprise, and second, if necessary, from the Tribe's general fund.

**CERTIFICATION**

It is hereby certified that the foregoing **Resolution No. FM11-005-037** was adopted by the Fort McDermitt Tribal Council of the Fort McDermitt Paiute and Shoshone Tribe, composed of **Eight (8)** members of whom **Five (5)** constituting a quorum were present at a meeting duly held on the **10<sup>th</sup>** day of **May 2011**, and is adopting this resolution by affirmative vote of: **Four (4) FOR, Zero (0) AGAINST, Zero (0) ABSTAINING**, pursuant to the authority contained in the Constitution and Bylaws of the Fort McDermitt Paiute and Shoshone Tribe.

  
\_\_\_\_\_  
Vonnice Sam, Tribal Council Secretary  
Fort McDermitt Paiute and Shoshone Tribe



## Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

**RESOLUTION NO. FM11-005-035**

### **RESOLUTION OF THE GOVERNING BODY OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE, NEVADA**

*ADOPTION OF HUMBOLDT COUNTY BUILDING CODES, UNIVERSAL DESIGN,  
ACCESSIBLE DESIGN & ASSISTIVE TECHNOLOGY, ENERGY STAR, LEED ENERGY STANDARDS,  
for the Fort McDermitt Travel Plaza Design and Construction-HUD ICDBG Grant 2011*

**WHEREAS**, the Fort McDermitt Paiute and Shoshone Tribe of Nevada is organized in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 as amended; and

**WHEREAS**, the governing body of the Fort McDermitt Paiute and Shoshone Tribe is the Tribal Council as set forth in the Constitution; and

**WHEREAS**, the Tribal Council has enumerated powers under Article VI, Section 1 (a) to negotiate with Federal, State and local governments; and (e) to manage all economic affairs and enterprises of the Fort McDermitt Paiute and Shoshone Tribe in accordance with the terms of a charter that may be issued to the tribe by the Secretary of the Interior; and

**WHEREAS**, Tribal goals include developing viable communities, suitable living environments, and economic development opportunities, to improve the quality of life and standards of living for tribal members and other residents on the Fort McDermitt Reservation; and

**WHEREAS**, the Tribe intends to submit an application to HUD for an Indian Community Development Block Grant (ICDBG) to construct a Travel Plaza as a sustainable and profitable business, as the best strategy to meet our highest priority needs, through the creation of new jobs, increased income to tribal members, and sustainable revenues to the Tribal government; and

**WHEREAS**, the Tribe desires to meet high standards of construction, to provide for safety and accessibility to the public, to be energy efficient, and be environmentally-friendly; and

**WHEREAS**, the Tribe desires to adopt the Humboldt County building codes to utilize in the design and construction of the facilities; and

**NOW THEREFORE BE IT RESOLVED**, that the Tribal Council hereby adopts, for the Fort McDermitt Travel Plaza, the Building Codes utilized by Humboldt County, Nevada as amended or modified, including:

- 2006 International Building Code
- 2006 International Residential Code
- 2006 International Fire Code
- 2006 International Energy Conservation Code
- 2005 National Electric Code
- 2006 Uniform Plumbing Code
- 2006 Uniform Mechanical Code

**BE IT FURTHER RESOLVED**, that the Tribal Council requires that only Nevada licensed firms be invited to submit proposals for Professional Design including preparing the plans, design and engineering of the proposed facility, and only Nevada licensed construction contractors be invited to bid on the construction of the proposed facility; and

**BE IT FURTHER RESOLVED**, that the Tribal Council requires that the Contract/Agreement for Design Professional will require the Architect to design the building to meet the following:

- All building codes utilized by the Humboldt County Building Department including the Nevada Fire Marshall's codes
- Universal Design standards for barrier-free, accessible design, and assistive technology
- Leadership in Energy and Environment Design (LEED) energy standards, and Green Building Rating System, developed by the U.S. Green Building Council
- Energy Star design features and products

and any potential disputes arising from conflicts in the implementation of the above codes will be addressed cooperatively between the Fort McDermitt Tribe's Project Manager and the Humboldt County Building Official.

#### CERTIFICATION

It is hereby certified that the foregoing **Resolution No. FM11-005-035** was adopted by the Fort McDermitt Tribal Council of the Fort McDermitt Paiute and Shoshone Tribe, composed of **Eight (8)** members of whom **Five (5)** constituting a quorum were present at a meeting duly held on the **10<sup>th</sup>** day of **May 2011**, and is adopting this resolution by affirmative vote of: **Three (3) FOR, Zero (0) AGAINST, One (1) ABSTAINING**, pursuant to the authority contained in the Constitution and Bylaws of the Fort McDermitt Paiute and Shoshone Tribe.

  
\_\_\_\_\_  
Vonnie Sam, Tribal Council Secretary  
Fort McDermitt Paiute and Shoshone Tribe

**REX ALAN RUGE, President**  
**R GROUP Architecture & Planning, Inc.**

Mr. Ruge graduated from Arizona State University with concurrent Master of Architecture and Master of Business Administration degrees in 1987. While attending the University he received many scholarships and awards including *Design Excellence* honors and earned recognition as an *AIA Foundation Scholar*. He put himself through school completely by himself while raising a family and working at night. This strong work ethic and determination to succeed have affected every aspect of his career and have given him a strong reputation in the community for consistently producing accurate, complete, quality work within any given time and cost constraints.

Upon graduation from ASU he served as Project Architect for a leading Architecture and Planning firm in Southern California and Florida from 1987 to 1993 on a wide range of Retail, Industrial, Office, and Resort projects throughout the United States. His experience with this firm included all areas of conceptual planning, design, construction administration, and project management. While at the firm he became a licensed Architect in Arizona and California and gained NCARB Certification (the equivalent of Nationwide Registration).

He moved to Kingman in 1993 and started R GROUP Architecture and Planning, Inc. while also obtaining his General Commercial and Residential Contractor's licenses. R GROUP was the first full-service Architecture, Planning, and Construction firm in the area and quickly grew into a multi-million dollar company. Over the years, R GROUP has had a major impact on the local tri-state area, working on hundreds of Architecture projects as well as serving as General Contractor on many commercial and residential buildings. R GROUP has been extremely involved in several subdivisions locally with over 70 homes completed in the Valle Vista area and over 140 homes in Chaparral Mesa alone, not to mention numerous custom homes throughout the area. This wealth of experience, coupled with Mr. Ruge's credentials provide unmatched professionalism and service to his clients. The firm has always pursued state-of-the-art CADD capabilities and all projects are done 100% electronically on an AutoCad platform. The vast array of projects completed include almost every type and range from small renovations to multi-million dollar developments. Offices, Retail Stores, Master-Planned Developments, Restaurants, Industrial Buildings, Warehouses, Hotels, Churches, and Custom Homes are just a few of the many varied projects completed over the last 18 years. Mr. Ruge handles 100% of the projects personally to ensure the quality and accuracy of the work. Since all preparation of documents is done directly by Mr. Ruge from his home office the firm has extremely low overhead which results in value-driven affordable services to his clients.

Mr. Ruge has three grown sons and lives with his wife, Kathy, in a custom home he designed and constructed in 2005 which overlooks the town he has called home for 18 years. His personal life revolves around spending time with his wife, his grown children, and coaching and umpiring (and sometimes playing on) baseball, softball, and volleyball teams in the community.

**Wood Construction Company, LLC  
Steve Wood, President  
1011 Astor Avenue, Suite A  
Kingman, Arizona 86401  
June 10, 2011**

**Billy A. Bell, Chairman  
Fort McDermitt Tribe  
P.O. Box 457  
McDermitt, NV 89421**

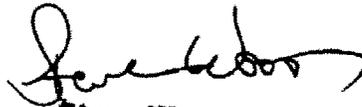
**Dear Chairman Bell:**

**I am a licensed General Contractor with 30 years experience in the construction trades. I have worked with many Indian Tribes, the USDA, Indian Health Service and BIA on residential, commercial, and infrastructure construction projects as well as renovation projects. I have reviewed the construction cost estimates prepared by R GROUP Architectural and Planning, Inc., and am confident that the Fort McDermitt Travel Plaza Phase 1 can be constructed, including the LEEDS, Green Energy Ratings, Energy Star and Universal Design standards, within the amounts estimated.**

**Using RSMeans and Dodge Reports data for similar construction projects in the region, the 1,800 square foot travel plaza should be accomplished for the \$600,000 construction cost budgeted.**

**This is taking into consideration that the Fort McDermitt Tribe does not have to use Davis Bacon wage rates. While conditions may change from area to area and over time, the budget provided by the Tribe appears to be reasonable and within the range of costs as estimated.**

**Sincerely**



**Steve Wood  
Builder**

# STATE OF ARIZONA



Office of the  
**CORPORATION COMMISSION**  
CERTIFICATE OF GOOD STANDING

To all to whom these presents shall come, greeting:

I, Ernest G. Johnson, Executive Director of the Arizona Corporation Commission, do hereby certify that

**\*\*\*WOOD CONSTRUCTION COMPANY LLC\*\*\***

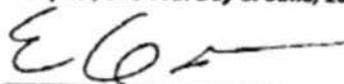
a domestic limited liability company organized under the laws of the State of Arizona, did organize on the 21st day of December 2010.

I further certify that according to the records of the Arizona Corporation Commission, as of the date set forth hereunder, the said limited liability company is not administratively dissolved for failure to comply with the provisions of A.R.S. section 29-601 et seq., the Arizona Limited Liability Company Act; and that the said limited liability company has not filed Articles of Termination as of the date of this certificate.

This certificate relates only to the legal existence of the above named entity as of the date issued. This certificate is not to be construed as an endorsement, recommendation, or notice of approval of the entity's condition or business activities and practices.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Arizona Corporation Commission. Done at Phoenix, the Capital, this 10th Day of June, 2011, A. D.



  
Executive Director

By: \_\_\_\_\_ 626287



# Gratton's Construction Estimating

Commercial, Industrial, Residential



June 4, 2011

Billy Bell, Chairman  
Fort McDermitt Paiute and Shoshone Tribal Council  
P. O. Box 457  
McDermitt, Nevada 89421

Dear Chairman Bell:

I am a professional construction cost estimator for contractors doing commercial, industrial and residential construction projects. I have 35 years experience in the construction business with the last 20 of those years doing construction estimating for individuals and private contractors as well as for State and Federal projects. I have estimated numerous projects on Indian Reservations over the years and am familiar with the labor availability, Indian preference provisions, and zoning and taxing provisions on Federal trust lands. I have developed estimates for at least eight projects on Indian lands in the past five years.

My experience includes providing services as the Senior Estimator for Technology Construction since 1992. I served as Construction Foreman for that company from 1987 to 1992. From 1982 to 1987, I was Assistant Superintendent for Public Works at Eureka Springs, Arkansas. From 1975 to 1980, I was the owner and operator of Gratton's Construction, Colorado Springs, Colorado in which I contracted heavy excavation and road building primarily. I have been working full-time from 1996 to present doing construction estimating as Gratton's Construction Estimating.

I've worked with the Hopi, Navajo, Apache, Hualapai, Chemehuevi & Fort Mohave - Aha Macav Tribes. I have worked with Indian Health Service - Roger Hargrove, Mike Stover, Tom Hientzman on various tribal projects. I was involved in the cost estimating and management for these entities. We specialized in water, sewer, electrical, wastewater treatment plants, water treatment plants, lift stations, storm drain systems, highway construction, underpass, and mass earthmoving. We built block, frame & metal buildings, pump stations, and chemical treatment systems for potable and waste water, storage tanks from 250,000 gallon to 2 million gallons, housing development tracts; grading and infrastructure to the finished pads. Projects generally ranged from \$500,000 to \$13 million in value.

The purpose of the estimates made by Gratton's Construction Estimating is to provide construction contractors the costs to use in bidding for projects. The consequences of being inaccurate can result in not getting jobs that are critical to the profitability and sustainability of the contractor's business when over-estimating or over-bidding, or putting a contractor out of business by under-estimating and under-bidding the actual cost of construction.

Reliable Construction Estimates  
901 Center Street, Kingman, AZ 86401; Phone: 928-753-2222; Fax: 928-753-5810

Reliable Construction Estimates

● Page 2

June 6, 2011

I have reviewed the conceptual plans and cost estimates provided to me for the proposed Fort McDermitt Travel Plaza. The estimated cost of \$136,460 for site development, utility extensions, septic system, sidewalks, curb and gutter, etc. is reasonable and appears to be adequate for this project.

The estimated cost of \$252,000, or around \$140 per square foot for the 1,800 square foot convenience market facility with restrooms, an office, is reasonable and within industry averages.

The estimated cost of \$75,000 for coolers, shelving, and racks for this facility appears to be reasonable.

The cost of \$95,200 for Professional Services (Environmental Review, A&E Design, Geotechnical Soils Report and Project and Construction Management) is reasonable and within industry averages, in today's construction economy.

A contingency of 10% for this type of construction project is normal so the \$48,400 for construction contingency is reasonable.

It is my opinion that, while actual costs may vary from job to job for a variety of reasons, the estimates made for the Fort McDermitt Travel Plaza are reasonable. If additional information is required, please contact me.

Sincerely



Dan Gratton  
Owner

Reliable Construction Estimates



# Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

**RESOLUTION NO. FM10-005-037**

## RESOLUTION OF THE GOVERNING BODY OF THE FORT McDERMITT PAIUTE-SHOSHONE TRIBE

*Ft. McDermitt Travel Plaza Enterprise, Board of Directors*

**WHEREAS**, the Fort McDermitt Paiute-Shoshone Tribe of Oregon and Nevada is organized in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 as amended; and

**WHEREAS**, the governing body of the Ft. McDermitt Paiute-Shoshone Tribe is the Tribal Council set forth in the Constitution; and

**WHEREAS**, the Tribal Council has enumerated powers under Article VI, Section 1. (a) to negotiate with Federal, State and local governments; and (e) to manage all economic affairs and enterprises of the Fort McDermitt Paiute and Shoshone Tribe in accordance with the terms of a charter that may be issued to the tribe by the secretary of the Interior; and

**WHEREAS**, the Tribe desires to promote economic development activities on the Fort McDermitt Indian Reservation; and

**WHEREAS**, the Tribe proposes to establish the Fort McDermitt Travel Plaza Enterprise, to be wholly owned by the Fort McDermitt Tribe and managed and operated through an independent Board of Directors appointed by the Tribal Council and regulated in accordance with the Fort McDermitt Travel Plaza Articles of Association, Charter, and Bylaws; and

**WHEREAS**, the mission of the Fort McDermitt Travel Plaza Enterprise is to create jobs for Fort McDermitt Tribal members and to generate revenues to the Tribal Government through the retail sales of fuel, convenience items, Native American crafts and gifts, tobacco products, groceries, short-order and restaurant food items, and other products and services associated with a travel plaza convenience market business; and

**WHEREAS**, the enterprise will employ tribal members and generate revenues to the Tribal government; and

**NOW THEREFORE BE IT RESOLVED**, that the Fort McDermitt Tribal Council hereby appoints the initial Board of Directors to serve on the Fort McDermitt Travel Plaza Enterprise Board of Directors and are to serve as Directors until their Successors are duly appointed and qualified:

- |                    |                                    |
|--------------------|------------------------------------|
| 1. Valerie Barr    | 1 year Term, expires June 30, 2011 |
| 2. Karen Crutcher  | 2 year Term, expires June 30, 2012 |
| 3. Billy Bell      | 2 year Term, expires June 30, 2012 |
| 4. Wilson Crutcher | 3 year Term, expires June 30, 2013 |
| 5. Raphael Bell    | 3 year Term, expires June 30, 2013 |

**BE IT FINALLY RESOLVED**, that the Tribal Council hereby authorizes the Tribal Chairman and/or Vice Chairperson to execute the ARTICLES OF ORGANIZATION for the Fort McDermitt Travel Plaza Enterprise.

**CERTIFICATION**

It is hereby certified that foregoing Resolution No. FM10-005-037 of the Fort McDermitt Tribal Council, composed of eight (8) members of whom Five (5) constituting a quorum were present at a meeting duly held on the 25<sup>th</sup> day of May 2010, was adopted by the affirmative vote of Four (4) FOR, Zero (0) AGAINST, Two (2) ABSTAINING, pursuant to the authority contained in the Constitution and By-Laws of the Fort McDermitt Paiute-Shoshone Tribe.



Rose A. Curtis, Tribal Council Secretary

Fort McDermitt Paiute-Shoshone Tribe

May 25, 2010

Approved Date

## FORT MCDERMITT TRAVEL PLAZA ENTERPRISE

### ARTICLES OF ORGANIZATION

The Fort McDermitt Tribal Council ("the Tribe"), pursuant to Article VI, Section 1 (g) of the Constitution of the Fort McDermitt, hereby adopts the following Charter and Articles of Organization for the Fort McDermitt Travel Plaza Enterprise.

#### ARTICLE I CHARTER

The name of the entity is the Fort McDermitt Travel Plaza Enterprise ("Enterprise"). The Enterprise shall be and shall remain wholly-owned by the Fort McDermitt Tribe, and all revenues in excess of reasonable operating expenses and reinvestments shall be distributed only to the Tribe for deposit into the Tribe's general fund. The Enterprise is organized to raise capital and external funding, to generate tribal government revenues, and thereby develop and promote tribal self-determination, tribal economic development opportunities, tribal self-sufficiency and tribal employment. Although it is a tribal enterprise owned by the Fort McDermitt Tribe conducting operations on behalf of the Tribe, the Enterprise shall remain an autonomous tribal entity and, unless otherwise provided herein or required by tribal or federal law, shall conduct its operations independent of the affairs of the tribal government.

#### ARTICLE II PURPOSES

The Enterprise is authorized to transact any and all lawful business and initially intends to do the following:

- a. Develop, acquire, operate and manage a Travel Plaza which will include a convenience market, fuel sales, gift shop, tobacco products sales, and similar activities; and may be expanded to include a short-order food service, restaurant, and other profit centers related to the Travel Plaza business.
- b. Oversee and manage the Fort McDermitt Travel Plaza Enterprise's commercial ventures and profit centers, so as to promote self-determination through economic development of the Tribe and its members, through the retail sale of convenience market products and goods, groceries, gifts, fuel, tobacco, sundry items, and similar products and services.
- c. Accept, consider and conduct other commercial retail activities and services as requested by the Tribal Council from time-to-time.

### ARTICLE III AUTHORITY

In furtherance and not in limitation of its business, the Fort McDermitt Travel Plaza Enterprise is empowered to do, and has all powers common to domestic corporations, and may enter into contracts and otherwise engage in, transact, and carry on commercial activities within the Fort McDermitt Indian Reservation and elsewhere. All property, real or personal, held or controlled by the Enterprise shall be held and controlled exclusively for the benefit of the Fort McDermitt Tribe either in the name of the Enterprise or of the Tribe.

### ARTICLE IV DUTIES

- a. The Enterprise, acting through its Board of Directors, shall have the following duties:
- b. Keep the Tribal Council reasonably informed of the Enterprise's activities by compiling regular minutes of all Board meetings and providing copies of the minutes and other records of the Enterprise to the Council, as requested.
- c. Give reasonably detailed written reports on Enterprise activities to the Tribal Council at least on a quarterly basis, and at other times upon request of either the Board or Tribal Council.
- d. Ensure that the Enterprise operates in compliance with these Articles and that the Board shall immediately bring any irregularities or noncompliance to the attention of the Tribal Council.
- e. Represent the Tribe in all commercial and business matters relative to the management, operation and maintenance of property currently owned and utilized by the Fort McDermitt Travel Plaza Enterprise and such other tribal commercial ventures as may be undertaken in the future.
- f. Prepare and submit to the Tribal Council for approval prior to each fiscal year all annual financial and operating budgets and annual operating plans for the Fort McDermitt Travel Plaza Enterprise and conduct all its activities in accordance with such approved budgets and plans.
- g. Comply with all applicable federal and tribal law.

### ARTICLE V PLACE OF BUSINESS

The principal place of business of the Enterprise shall be on the Fort McDermitt Indian Reservation, P.O. Box 457, McDermitt, Nevada 89421.

ARTICLE VI  
BOARD OF DIRECTORS

1. General Powers

The authority for the operation of the Enterprise is vested in the Board of Directors. The Directors shall have authority consistent with these Articles and the By-Laws of the Corporation and with all other applicable laws. The Board of Directors has the full power to adopt, amend, and rescind Bylaws not inconsistent with these Articles, to manage Fort McDermitt Travel Plaza Enterprise affairs, and to make all rules and policies expedient for effective and efficient management of the affairs of the Enterprise.

2. Standard of Care

Board Members shall strictly follow a standard of care requiring that any decision of or action taken by the Board shall be one that would be made by a prudent person seeking a reasonable return or investment and the preservation of property and financial resources.

3. Appointment

The initial members of the Board of Directors, identified in paragraph 4, below, shall be appointed, upon application, by the Fort McDermitt Tribal Council. The Tribal Council will fill any vacancy on the Board of Directors created by resignation, death, expiration of a Director's term, or otherwise, based on one or more recommendations jointly submitted in writing by the remaining active Directors. Such recommendation shall consist of a name or names of people the Tribal Council should consider to fill the vacancy on the Board of Directors. Such recommendation shall occur only after the Board of Directors has reasonably publicized the vacancy, conducted interviews, if deemed appropriate, and performed other due diligence with respect to the possible replacement(s). The Council shall then appoint one of the recommended replacements or reject all of the recommendations and appoint another person to fill the vacancy, at any special or regular meeting. No more than two members of the Board of Directors may simultaneously serve as a member of the Tribal Council.

4. Number and Tenure

The Board of Directors shall consist of five (5) persons. At least three members of the Board shall be enrolled members of the Tribe, at least one member shall have significant experience in operating a business, and at least one member shall have significant experience in the financial management of a business. Each member shall serve for a three year term; provided that, in order to stagger the terms of office, the first Director appointed shall serve a one year term, two Directors shall serve two year terms, and two Directors shall serve three year terms. The initial Board of Directors who are to serve as Directors until their successors are duly appointed and qualified are:

1. Valerie Barr  
1 year Term, expires June 30, 2011
2. Karen Crutcher  
2 year Term, expires June 30, 2012

3. Billy A. Bell 2 year Term, expires June 30, 2012
4. Wilson Crutcher 3 year Term, expires June 30, 2013
5. Raphael Bell 3 year Term, expires June 30, 2013

Each Director shall hold office until the officer's successor shall have been duly appointed and accepts office, until the officer's death, or until the officer resigns or is removed in the manner hereinafter provided. Upon expiration of a Director's term, that Director may be nominated for re-appointment to a subsequent three year term, subject to the procedures described in paragraph 3, above. In the event the Board of Directors does not nominate a successor within forty-five (45) days of the expiration of a Director's term, or the Council does not appoint a successor within forty-five (45) days of such nomination, the Director, whose term has expired, may be deemed to be re-appointed to a subsequent three year term, subject to the removal and resignation provisions stated herein.

5. Vacancies and Resignations

Any Director may resign at any time by giving written notice to the Enterprise Board Chairperson and to the Chairperson of the Tribe. Resignations shall be effective at the time specified in writing and the acceptance of such resignation shall not be necessary to make it effective. Any time there is a resignation or vacancy, the Enterprise shall promptly notify the Tribal Council. Any vacancy on the Board because of death, resignation, removal, or any other cause except for expiration of a Director's term, shall be filled for the unexpired portion of that term in accordance with paragraph 3, above.

6. Removal of Directors For Cause

A Director may be removed from the Board prior to the expiration of their term ONLY in accordance with the following procedures:

- A. The Tribal Council may initiate the removal of a Director by delivering to the Enterprise Chairperson and to the Director whose removal is sought a written Notice specifying the alleged Cause for Removal signed by not less than four members of the Tribal Council. The Notice shall recite alleged facts that might support a finding of Cause for Removal.
- B. Cause for Removal shall be limited to ONLY the following:
  - (1) Conviction in any federal, state, or Tribal court of a felony crime;
  - (2) Repeated instances of substantial neglect of duty as a Board Member;
  - (3) Conduct which clearly amounts to substantial and intentional disregard of the laws and procedures applicable to the affairs of the Enterprise, including the provisions of these Articles; or
  - (4) Substantial violation of the Board's Standard of Care, as described in Article VI(2), above, and resulting in harm to the Enterprise operations.

C. Not less than fifteen nor more than thirty days following delivery of the Notice requesting removal, the Tribal Council shall convene a meeting for the purpose of discussing the grounds for removal or retention of the Director. The Tribal Council shall give all members of the Board notice of the meeting at least ten days before it is convened, and all Directors may attend and participate in the meeting convened by the Council. However, the Council may vote in Executive Session. Before any vote is taken on whether Cause for Removal clearly exists, the Director involved shall be given a reasonable opportunity, either in person or through a representative of their choice, to answer or otherwise respond to the alleged Cause for Removal.

D. To remove a Director from the Board for Cause, the Tribal Council shall determine, based on the facts and circumstances discussed at the meeting, whether one of the Causes for Removal clearly exists, as listed in 6(B), above. The affirmative vote of a super majority of at least six of the members of the Council present at the meeting convened for that purpose shall be necessary to remove a Director for Cause. Any action of the Tribal Council to remove a Director shall be reflected in a written Resolution. The Resolution shall expressly describe the specific facts (that is, what the Director did or failed to do) that support the Council's decision that Cause for Removal exists.

7. Bylaws

The majority of Directors may adopt or amend Bylaws of the Enterprise at any regular or special Board meeting called for that purpose, so long as such bylaws are not inconsistent with the provisions of these Articles. The Bylaws of the Enterprise shall define and set forth all the rights, responsibilities, procedures, and other matters required for the conduct of the affairs of the Enterprise which are not specifically set forth herein.

8. Quorum

Three (3) members of the Board shall constitute a quorum of the Board for purposes of conducting Board business. A majority vote of members at a meeting duly called at which a quorum is present shall constitute the action of the Board.

ARTICLE VII  
GENERAL MANAGER

In the exercise of its reasonable discretion, where the Board determines that operations and net revenues to the Tribe would be enhanced, the Enterprise may retain, on a full-time or part-time basis, a qualified person to serve as General Manager. The General Manager shall have meaningful experience in retail business development, financial management, asset management, marketing or substantial experience with an entity in the tourism industry.

ARTICLE VIII  
COMPENSATION

1. Best Interests of the Tribe  
The commercial ventures that the Fort McDermitt Travel Plaza Enterprise manages, now and in the future, includes valuable assets of the Tribe. The Enterprise has been organized to manage the Tribe's Travel Plaza Enterprise in order to generate government revenues for the Tribe. By virtue of their responsibilities to the Enterprise, the Board of Directors, the General Manager (if any), and the employees of the Enterprise, all have a fiduciary responsibility to the Tribe. In performing their duties, the Board, General Manager and employees shall always act in the best interests of the Enterprise and the Tribe. With respect to the commercial operation of the Enterprise, the interests of the Enterprise and of the Tribe are the same, to generate government revenues for the Tribe.
2. Board to Set Reasonable Compensation.  
The Board of Directors from time to time shall establish reasonable compensation to be paid to or for the benefit of the General Manager and the employees of the Enterprise. The Board shall not establish compensation for itself, the General Manager or the employees that is unreasonable under the circumstances. Serving on the Board of Directors shall not be a full-time job. The job of the General Manager and other employees of the Enterprise may or may not be a full-time job, depending on the circumstances and the best interests of the Enterprise and the Tribe.
3. Compensation Standards  
In setting compensation, members of the Board shall be guided by these Articles of Organization and the following principles: (i) the purpose of the Enterprise is to generate government revenues for the Tribe; (ii) members of the Board owe a fiduciary and trust responsibility to the Enterprise and to the Tribe to generate a reasonable, long-term revenue stream for the Tribe; and (iii) no compensation shall be paid that is unreasonable under the circumstances or that is significantly greater than compensation paid to others for providing comparable services in comparable locations. The Board shall keep reasonably detailed records to reflect the Board's decision on setting compensation and its justification for such compensation.
4. General Manager  
If the Board selects a General Manager that is otherwise employed on a full time basis by the Tribe, the Enterprise shall not pay additional compensation to the General Manager. However, if the General Manager is employed by the Tribe on a part-time basis and is not paid by the Tribe on a full-time basis, and the General Manager is also employed by the Enterprise on a part-time basis, the Enterprise shall not pay compensation to the General Manager that, when added to compensation the Tribe pays the General Manager, is unreasonable under the circumstances.
5. Compensation Defined

"Compensation", as used in these Articles, means salary, wages, and typical employment benefits such as health insurance, retirement, and the like. "Compensation" does not include bonuses and the Board is not authorized to pay bonuses; except that the Board is authorized to develop and apply to Enterprise employees a reasonable performance-based incentive system that is determined by a predefined, objective accounting formula, and not by any subjective determinations.

6. Board Stipends

The Board shall meet only when reasonably necessary. The Board may set a reasonable stipend to be paid to members of the Board for attending meetings. In addition, Board members may be reimbursed reasonable and necessary expenses incurred while serving as a member of the Board, such as long-distance telephone charges, postage and similar items.

7. Travel

All travel more than a 75-mile distance of the Fort McDermitt Indian Reservation, and all overnight travel, by members of the Board or by the General Manager must be authorized in advance by the Board. All travel outside a 75-mile distance of the Reservation by other employees of the Enterprise, and all overnight travel, must be authorized in advance by the General Manager or by the Board. No travel shall be authorized unless it is reasonably anticipated to benefit the operation of the Enterprise, and the costs of such travel are reasonable and justified compared to the expected benefits to the Enterprise. Board members, the General Manager and employees may be reimbursed necessary and reasonable business related expenses incurred in authorized travel, such as hotel, mileage, long-distance telephone charges, and food.

ARTICLE IX  
REPORTS TO COUNCIL: SOVEREIGN IMMUNITY PRESERVED

1. Records and Reports to Tribal Council

The Enterprise shall maintain reasonably detailed business and financial records of its activities and the activities of the business entities it oversees, and all Enterprise records shall be available for inspection and copying by the Tribal Council and Tribal Treasurer, or their designees, upon reasonable notice. At least quarterly each year, an official representative for the Enterprise shall appear before and report to the Tribal Council regarding its activities.

2. Limited Waiver of Sovereign Immunity

No provision herein and no action of the Fort McDermitt Travel Plaza Enterprise shall be deemed or construed to waive the sovereign immunity of the Fort McDermott Tribe, or its affiliates, entities or subdivisions, other than in the Fort McDermitt Travel Plaza Enterprise, and then, only in accordance with the specific provisions of this Article.

The Fort McDermitt Travel Plaza Enterprise shall have no authority to waive the sovereign immunity of the Enterprise or that of the Fort McDermott Tribe generally. Any waiver of sovereign immunity may only be granted expressly by the Fort McDermitt Travel Plaza Enterprise on such terms and subject to such limitations as authorized by the Board of Directors.

The sovereign immunity of the Tribe, including sovereign immunity from suit in any state, federal or tribal court, is hereby expressly reaffirmed unless such immunity is waived in accordance with this Article. A "sue and be sued" clause or other authorization for the Fort McDermitt Travel Plaza Enterprise to waive its own sovereign immunity shall not constitute authorization for waiver of the immunity of the Tribe itself.

(1) The sovereign immunity of the Fort McDermitt Travel Plaza Enterprise may be waived by Resolution of the Board of Directors expressly waiving the sovereign immunity of the Fort McDermitt Travel Plaza Enterprise and consenting to suit against the Enterprise in any forum designated in the resolution; provided, that such waiver shall not be general but shall be specific and limited as to duration, grantee, transaction, property or funds of the Enterprise subject to the waiver, court having jurisdiction and applicable law. Such waiver shall be strictly construed and shall be effective only to the extent expressly provided and shall be subject to any conditions or limitations set forth in the resolution; or

(2) No express waiver of sovereign immunity by Resolution shall be deemed a consent to the levy of any judgment, lien or attachment upon property of the Tribe other than the property specifically pledged, assigned or identified in the Resolution.

#### ARTICLE X AUDIT: BOND

##### 1. Audit

Promptly after the close of each fiscal year, the Board shall have prepared by a certified public accountant an audit of the Enterprise operations. The audit shall be paid as an operating expense of the Enterprise. The auditor utilized by the Fort McDermitt Travel Plaza Enterprise may be the same auditor that the Fort McDermitt Tribe utilizes or another auditor specifically selected for the Enterprise.

##### 2. Fidelity Bond

The General Manager and any Board members or Enterprise employees who handle cash or general negotiable instruments shall be bonded in a reasonable amount as determined by the Board from time to time, to protect the Tribe against loss by reason of any acts of fraud, dishonesty, forgery, embezzlement, or willful misapplication of funds or property. Premiums on any bond shall be paid as an operating expense of the Enterprise. The Enterprise shall provide copies of the bond to the Tribal Council.

ARTICLE XI  
EXEMPT PRIVATE PROPERTY

The private property of the Directors, officers, and employees of the Enterprise and the Fort McDermott Tribe shall be forever exempt from Enterprise debts. The Enterprise shall indemnify any current or former employee or member of the Board against reasonable expenses actually and necessarily incurred by him or her in connection with the defense of any action, suit or proceeding in which he or she is made a party by reason of being, or having been such employee or member of the Board except in relation to matters as to which he or she shall be adjudged in such action, suit or proceeding to be liable for negligence or misconduct in the performance of duty, or except in relation to matters in which he or she was acting beyond the scope of his or her duty. This indemnification provision shall not apply to any proceeding to remove a member of the Board.

IN WITNESS WHEREOF, we have set our hands this 25<sup>th</sup> day of May, 2010:

  
-----  
Billy Bell, Chairman  
Fort McDermott

ATTEST:  
  
-----  
Executive Secretary

**RATING FACTOR 4: Leveraging of Resources (8 Points)**

The total project costs are	\$816,500	
HUD ICDBG Grant	605,000	
Tribal Contribution	211,500	(\$211,500 / \$816,500 = 25.9%)

The Tribe's contribution is 25.9% of the total project cost. The contribution will be the \$1,500 in cash from its general fund account, plus the land value contributed to the project valued at \$210,000. These funds are budgeted in the Cost Summary, HUD-4123, included in this application. The funds are committed and will be available to be expended in Fiscal Year 2012.

Statement: The Fort McDermitt Tribal Council will contribute \$1,500 to this project in cash, and land valued at \$210,000 as matching funds and land value to meet the purposes outlined in this application. This commitment is made by approved **Resolution**, included in this application.  
Resolution FM11-006-045

1) Tribal lands 10.0 acre site – The site was valued at \$210,000 as unimproved land based upon actual sales of comparable properties in the area – See attached appraisal at end of this Factor 4. For leveraging purposes, we are using the unimproved raw land value only for this resource contribution. The land valuation does not include the value of any existing facilities located on the land. The raw land value is established by a qualified professional real estate appraiser with extensive experience in land valuation. The land value is established using a reasonable extrapolation of land value based on recent sales of similar properties in the same or similarly situated areas.

Rex Ruge, a licensed Architect, RGroup, Architects, with 15 years experience in residential and commercial development (qualifications included in Factor 3) **determined that 10.0 acres is required** for this project, and is not excessive, to provide for the Travel Plaza, fuel islands, fuel storage tanks, auto and truck parking, and amenities.

**Land Value = \$210,000**

2) The total project cost is \$816,500. These funds will be made up by the following contributions:

HUD ICDBG GRANT FUNDING:	\$ 605,000
Tribal Land Contribution (undeveloped)	210,000
Tribal Cash Contribution to Audit	1,500
<b>TOTAL PROJECT COST</b>	<b>\$ 816,500</b>

This makes the total tribal contribution to the project as allowable non-ICDBG resources = **25.9%**.

The Tribal Council has committed to contributing the 10.0 acres land and \$1,500 cash defined above under Tribal Resolution, included in this application, and will provide staff and other resources as required. #FM11-006-045

The Fort McDermitt Paiute-Shoshone Tribe is committed to meeting the environmental review requirements under 24 CFR Part 58 and has initiated consultation and a biological assessment of the property to include in the Environmental Review.

Following is appraisal for 10.0 acre Travel Plaza Site on the Fort McDermitt Reservation.

Pages 98-103  
Redacted at  
applicant's request.

**RATING FACTOR 5 – COMPREHENSIVENESS & COORDINATION:**

**Sub-factor 1 – Coordinated Activities with Other Organizations and Tribal Departments:**

This project has been the discussion of numerous community meetings, committee meetings, Council meetings, and in our Tribe's planning, and remains the highest priority in our efforts to create new jobs and businesses on the Reservation. We are excited by this project as we know that this project can be successful. We have strengthened our project in responses to weaknesses identified in peer reviews, planning and development analysis, and professional input and will have a better and more successful business as a result. We are ready to move forward. Our Tribe has sought a coordinated, community-based process of identifying needs and assisting our community members (88% LMI) in self-sufficiency and sustainability.

While this travel plaza has been a high priority, construction funding is very limited and very competitive. Our plans have been evolving over the past few years to the point that we are prepared to proceed. Many of our Tribal Departments have been involved in planning this project.

We have held numerous public meetings and small-group consultations and with people in this area over the past several years and continue to do so. A partial list of outreach activities and coordination efforts for the Travel Plaza includes the following:

A Public Notice, Poster and Agenda, Meeting Notes, and Sign-in List of Participants are included in the Community Participation Section of Attachments to this Application. We have also included discussions with vendors and suppliers, and service providers, who can provide assistance or receive services from this travel plaza business. We have taken a holistic approach to planning this project. We have included Tribal staff and Council and community members in the meetings regarding this project. We need the jobs, revenue, and benefits that it will provide.

A few letters are included at the end of this section.

**Sub-factor 2 – Outputs, Outcomes and/or Goals**

The development of the travel plaza will have measurable outputs and outcomes that will enhance community viability.

**HUD GOALS**

The Fort McDermitt Travel Plaza is a "for profit" business that will address the "Need" recognized by HUD that Indian Tribes and Alaskan Natives are in need of jobs and skills training to improve the health, safety, and well-being of residents. The proposed economic development project will provide four new sustainable jobs and provide management and skills training to those individuals that will benefit their families the community they live in for years beyond the grant funding period.

We propose to build a business that makes our community inclusive and sustainable, free from discrimination (4A). This business will catalyze economic development and job creation, while enhancing and preserving community assets. It will provide the foundation for which other businesses will spawn, such as food service, arts and crafts, horseback rides, and cultural tours.

We intend to construct our facilities using LEEDs standards and green energy rating systems (4B) to be energy efficient and to make our community more healthy, affordable and diverse. The Tribe's adoption of LEEDs, Universal Design and visitability, credible building codes, and Energy Star equipment and appliances, is documented by Resolution FM11-005-035 included in this application.

We hope to transform the way HUD does business (5D) through cultural change by creating a healthy, open, flexible work environment that reflects the values of HUD's mission. We plan our grand opening in October of 2013.

#### **HUD PRIORITIES –**

**Job Creation/Employment (1a)** This business will improve access to job opportunities through information sharing, coordination with federal, state, and local entities, and other means. We will share information through a community bulletin board to show job and education opportunities available to from local Federal, State and private organizations.

**Job Creation/Employment (1c)** This business will expand economic opportunities and job creation opportunities for low-income residents by partnering with federal and nonprofit agencies, private industry, and planning and economic development organizations and by leveraging federal and private resources.

**Sustainability (2c)** We have incorporated clean, green, and efficient energy and materials into the travel plaza facilities, amenities, and grounds. This facility will provide sales of convenience items, food, drinks and snacks, tobacco products, WIC products, and will be designed for expansion for fuel sales, a restaurant, and gift shop. It will be a workplace as well as a service center for our community. We have demonstrated our interest in improving our residents' health and safety, particularly that of children and other vulnerable populations, by promoting green and healthy design, construction, rehabilitation, and maintenance of these facilities.

**Sustainability (2g)** This project promotes the design and construction of buildings and communities that are accessible and visitable by people with disabilities. We have adopted Universal Design and visitability standards for this project.

#### **NEEDS**

Our Tribe, like many other Indian Tribes and Alaskan Natives, is in need of economic development and job creation activities to foster self-sufficiency. This project will contribute toward meeting the need by providing new jobs and revenues for our community.

Our implementation of these goals and priorities are demonstrated in the outputs and outcomes detailed below.

#### **OUTPUTS:**

**Jobs Created** – In Year 1, four new entry level jobs for low income residents will be created including Travel Plaza Manager, Assistant Manager, Maintenance Worker and Clerk. Training will be provided through workshops provided by National Association of Convenience Stores, Great Basin College, University of Nevada Reno, and other sources.

**Job Training** - The four new employees will be hired at entry-level and in need of job training. All four employees will be provided job training each year in accordance with the Training Plans developed. The four employees for three years will result in 15 training slots being accomplished. \$4,500 is budgeted for Training in year 1 and increases annually.

**Commercial Space Built** – This project will provide a new 1,800 square foot convenience market with restrooms, coolers, fixtures, office, and amenities. This economic development project will provide net income that will be divided with a portion retained by the enterprise to support and expand existing businesses and create new businesses and a portion being transferred to the Tribal Government to provide public services including health, education and social services. Total costs budgeted for capital improvements is \$509,800.

**Rehabilitation-Real Property Improvements (Dollars)** – This category is the closest category in the eLogic Model to describe the commercial space to be built and improved under this project. The project will provide for capital improvements including a new 1,800 square foot convenience market, extend water, electric, and sewer utilities, asphalt and curbing, with landscaping and amenities.

#### **OUTCOMES:**

**Jobs Created** – The outcomes of the four newly created jobs will reduce unemployment and increase family household incomes. It will bring some of the below-poverty families to above poverty income. It will meet much of the “need” detailed under Factor 2. Outcomes will include improved health and well-being for our residents by:

1. Providing direct employment to manage, operate and maintain the Travel Plaza. The 2000 US Census shows 94 in the civilian labor force with 50 employed and 44 unemployed. Four new jobs will provide an increase employment by 7.4%. This is significant for on-Reservation jobs in our community. (US Census employment data attached at end of this Factor 5).
2. Reduction in the current number of unemployed individuals in the Fort McDermitt civilian labor force from 44 individuals to 40 individuals is a reduction of 20% in unemployment. It will reduce actual unemployment from 46.8% to 42.6% which is a good accomplishment for our community. (US Census employment data is attached at the end of this Factor 5)

3. New wages generated the first year are projected at \$73,672 increasing annually thereafter. This will increase overall per capita income on the Reservation which is significant for a small rural community.
4. There are 93 families on the Fort McDermitt Reservation, 63 of those families are living below poverty. This project will create four new jobs and if those four employees are in separate families, the number of families below poverty will be reduced from 63 families to 59 families below poverty. This will be a reduction in the current poverty rate from 67.7% to 63.4%, a reduction of 4.3% on the reservation. This is significant for this community. (US Census data on Families in Poverty is attached at end of this Factor 5).

**Job Training** - The four new employees will be hired at entry-level and in need of job training. All four employees will be provided job training each year in accordance with the Training Plans developed.

1. The four employees for three years will result in 5 training slots being accomplished. \$4,500 is budgeted for Training in year 1 and increases annually.

**Commercial Space Built** – This project will provide a new 1,800 square foot convenience market with restrooms, coolers, fixtures, office, and amenities.

1. This economic development project will provide net income that will be divided with a portion to be retained by the enterprise to support and expand existing businesses and create new businesses and a portion to be transferred to the Tribal Government to provide public services including health, education and social services.
2. Area-wide benefits to all residents of the reservation by using a portion of the net income from the enterprise to serve reservation residents by providing health, education, and social services to the community which is 88% LMI. Increases expenditures for these services will also require increased service provider jobs to provide those services.

**Rehabilitation-Real Property Improvements (Dollars)** – This category is the closest category in the eLogic Model to describe the commercial space to be built and improved under this project.

1. The project will provide for capital improvements including a new 1,800 square foot convenience market, with restrooms, coolers, and fixtures, provide water, electric, and sewer utilities, asphalt and curbing, and include landscaping and amenities.

The Fort McDermitt Tribe's goal, consistent with HUD's goals and priorities, is to meet the essential needs critical to the provision of a safe, accessible, energy efficient travel plaza that will create four new full-time jobs, provide workforce training and support through an employee training program for low income individuals and families. By reducing unemployment of LMI individuals we will provide a more solid foundation for our people and result in a more viable community.

We have utilized the 2011 HUD Logic Model to display our goals, outputs, outcomes, measures, and benchmarks that will contribute to the enhancement of the viability of our community.

## **OUTPUTS- OUTCOMES- MEASURES and EVALUATION TOOLS:**

The proposed travel plaza enterprise will meet our most critical unemployment needs by creating four new full-time jobs, providing management training and supporting existing businesses and programs and expanding those businesses using a portion of the net income generated from the Travel Plaza. In Factor 2, we identified our high priority needs that will be addressed through the completion of this project and we described the solutions that will be provided to meet those needs, and the expected results. This grant is for the development of a travel plaza that will create four new jobs and the creation of those jobs is one measure of success. The need for this grant is to meet our goal – to meet the essential needs critical to the provision of unemployment and to increase the wellbeing and income levels of low income residents. This will make ours a more viable community with a much improved quality of life for our residents.

### **Evaluation Tools and Frequency of Reporting:**

**Benchmarks and Measures:** (Grant award–October 30, 2011, Project initiation – January 1, 2012) **(measures below shown in bold):**

**Benchmark #1** – April 30, 2012 HUD **Approval** of Environmental Review. HUD’s written approval of the Environmental Review is the Benchmark.

**Benchmark #2**- May 20, 2012 **Award** of Construction Contract. The executed Award Document signed off by the Tribal Chairman is the Benchmark.

**Benchmark #3**- December 20, 2012 The Travel Plaza building is closed in and **under roof and the HVAC completed and approved** by the Construction Supervisor. The Construction Supervisor will provide a written confirmation that the HVAC is complete and has been inspected and approved. The documented verification of acceptance, the written confirmation is the benchmark, stating that the HVAC and that the building roof is completed and accepted and the building is closed in.

**Benchmark #4**- April 30, 2013 Written **Inspection report** from the Construction Supervisor stating that the addition interiors, mechanical system, and landscaping are completed.

The Inspection report form verified and signed by the Construction Supervisor is the Benchmark.

**Benchmark #5** – May 31, 2013 Grant **Closeout** Subject to Audit submitted to HUD. HUD’s letter certifying the grant is “*Closed out Subject to Audit*” is the Benchmark.

### **POST GRANT BENCHMARKS:**

**Benchmark #6:** December 2011, Jobs Created – The hiring of the Travel Plaza Manager should be initiated upon award of the grant. The other employees will be hired toward the end of year 1.

**Measure:** The employment of four employees by the end of Year 1. The financial proformas project an expenditure of \$73,672 and increasing thereafter in wage/salaries. The Measure will be actual expenditures on wage/salaries and employment of four fulltime equivalency (FTE) positions.

**Benchmark #7:** December 2012, 2013, 2014. Job training provided: Job training will be provided each year to the four employees, resulting in 15 slots over the first three years.

**Measure:** The successful completion of training represented by employment records and certificates of completion and the expenditure of \$4,500 budgeted for training in Year 1, increasing thereafter.

As the business is developed and becomes more profitable, profits will be distributed with a portion being retained in the enterprise to promote business expansion and new business development and a portion to be transferred to the Tribal government to provide public services to the community (see Fort McDermitt Travel Plaza Enterprise Charter and Bylaws).

#### **MAINTENANCE OF DATA:**

Data for the construction phase of this project will be collected and maintained by the Project Manager on a weekly and monthly basis; compiled and put into a narrative report to the Tribal Chairman within four days after the end of each month. All the construction reports, data, payroll records, contract documents, will be organized at the end of the Project Manager and turned over to the Chairman. This information will be held by the Tribe for at least seven years and then archived.

**Individual Case Records** will be collected and maintained for business purposes and marketing by the Travel Plaza Enterprise. These reports will be quantified and used in measuring the success of the programs being conducted at the new facility.

**Agency Database** records will be maintained by the Travel Plaza Enterprise. These records are used to establish priorities, set goals, measure sales and turnover of inventory, revenues, spoilage, etc, with results and report progress. These reports will be instrumental for our business in determining the degree of success of the business.

**Specialized Database** An automated on-line reservations system will be used that will track the number of visitors, where they come from, where they are going and the length of stay. It will be used for marketing and evaluating our operations.

**ATTACHMENTS TO FACTOR 5:**

Community Participation Documentation:

- Community Development Notice of 2011 ICDBG Grant Opportunity, March 8, 2011  
Public Meeting Poster/Notice of Meeting for ICDBG Application, March 8, 2011  
Agenda of Public Meeting for ICDBG Grant Application, March 8, 2011  
Sign-in Sheet for Public Meeting March 8, 2011, ICDBG Grant  
Public Meeting Notes – ICDBG Grant – March 8, 2011  
Scoping Meeting Travel Plaza – August 25, 2010  
Scoping Meeting Travel Plaza – Sign-in Sheet  
Scoping Meeting Travel Plaza – Meeting Notes,
- Letter of Commitment and Biographical sketch: Naomi Adams, Wildlife Inventory Systems, regarding Environmental Review
- Letter from Nevada Department of Natural Resources regarding review of Cultural Survey
- Letter of Commitment: Lisa Campbell, Director, Winnemucca Center, Great Basin College
  
- Additional Letters of Commitment are included at the **end of Factor 1** by Bob McNichols, RezBuilders, LLC and from Valerie Barr, Finance Manager, Fort McDermitt Tribe
  
- Letters regarding Project Cost Estimates are included at the **end of Factor 3** by Dan Gratton, Owner, Grattons' Construction Cost Estimating, and Steve Wood, Wood Construction Company, LLC.
  
- We have numerous consultation letters, scoping meeting notes, community meetings, and other consultation, coordination, and cooperation, included in the Appendix of the Environmental Assessment for the Fort McDermitt Travel Plaza, referenced in the Table of Contents, that are available to ICDBG upon request. We did not include them here due to space limitations.



## Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

### COMMUNITY DEVELOPMENT STATEMENT and PUBLIC NOTICE

Community Development Notice  
(as required by 24 CFR 1003.604)

In order to permit members of the Fort McDermitt Paiute-Shoshone Tribe to examine and appraise our 2011 application for grant funds from the U.S. Housing Urban Development (HUD) Indian Community Development Block Grant (ICDBG) we invite you to comment and provide input into the grant application.

The Fort McDermitt Tribe has the opportunity to apply for approximately \$605,000 under the HUD ICDBG grant program for community development, economic development, or housing activities and a range of other activities in the 2011 funding cycle. The deadline to submit the application and to have it received and validated by HUD in Washington D.C. has not yet been announced but is expected to be open in the near future.

**A public meeting is scheduled for Tuesday, March 8, 2011 at 2:00 p.m.** at the Fort McDermitt Administration Building, Council Meeting Room. We request your attendance and participation in planning this important project. We want to know your views towards the project to be applied for under this grant program. You are also invited to submit written comments to the Fort McDermitt Tribal Administrator to be considered in our 2011 ICDBG grant application.

Our Tribe has successfully performed and completed prior ICDBG grants and have not applied for the last couple of years. We are updating our audits and should have them completed prior to the grant award. We are proposing to apply for a grant for an economic development project that will provide jobs and revenues to our members and Tribal government. We have completed a Feasibility Study for the proposed Tribal Travel Plaza that has been planned for several years. The financial proformas show an excellent chance of sustainable financial success.

All of our prior HUD grants have been successfully performed and completed and in full conformance with HUD and other applicable regulations. You are invited to review and comment on the Tribe's performance under any prior community development block grants. The full details of the grants are available from the Tribal Administrator in the Tribal Office.

It is proposed that the 2011 ICDBG grant be used to fund one high-priority Economic Development project, the construction of the Fort McDermitt Travel Plaza, to be discussed and recommended at this meeting. We need your input and participation in the selection of this project to meet the highest priority needs of our community. Please provide your views to us on this important activity.

Billy A. Bell  
Billy Bell, Tribal Chairman  
Posted: February 22, 2011

The above notice was posted on community bulletin boards from February 22, 2011 until March 30, 2011 including the Fort McDermitt Community Center, Elder Center, Indian Health Services office, BIA Western Nevada Agency, Tribal Office, and other offices and distributed to tribal and program offices for distribution and dissemination to employees and tribal members.

# **Fort McDermitt Paiute & Shoshone Community Meeting**

**EVERYONE IS INVITED TO ATTEND**

**Tuesday, March 8, 2011, 2:00 p.m.**  
**At the Senior Citizens Building**

**TOPIC: HUD COMMUNITY DEVELOPMENT BLOCK GRANT -2011**

The Ft. McDermitt Tribe intends to apply to HUD for an Indian Community Development Block Grant (ICDBG) in 2011. We would like to have everyone participate to discuss the needs of our tribe and potential projects which might most effectively address those needs. All Tribal members should attend this meeting. We want to hear your opinions, ideas and recommendations for this project.

**Refreshments will be provided...  
& DOOR PRIZES....**

Fort McDermitt Paiute-Shoshone Tribe

Community Meeting

Tuesday, March 8, 2011

2:00 p.m.

AT THE TRIBAL ADMINISTRATION BUILDING  
HUD INDIAN COMMUNITY DEVELOPMENT BLOCK GRANT  
2011 ICDBG Grant Application

Meeting Agenda

Convene Meeting

Discussion:

- 1) Review HUD ICDBG funding opportunity
- 2) Discuss needs to be met with this grant application; and amount of funds available
- 3) Discuss Travel Plaza Economic Development project, market analysis, and financial proformas.
- 4) Discuss potential projects for 2011 ICDBG grant application
- 5) Recommend 2011 ICDBG project
- 6) Adjourn Meeting

Sign In Sheet, Community Meeting, HUD ICDBG: March 8, 2011

Fort McDermitt, Public Community Meeting  
Tuesday, March 8, 2011; 2:00 p.m.  
Sign-in Sheet

Name:	Phone:	email:
1. Vonnie Sam	532-4017	sam.vonnie@yahoo.com
2. Violet Horn	532-8317	
3. Justin Barr	532-8200	
4. Tilda Smart	532-8259	<del>Tilda Smart</del> Tilda-Smart@gmail.com
5. Doree Masters Sr.	532-8259	dmasters55@gmail.com
6. Josephine White	532-4575	
7. JEFF FISHERMAN	532 4017	
8. Gaylene Tom	532-8259	gaylene-tom@yahoo
9. Valerie Tom	532-8259	valr8421@yahoo
10. Billy A. Bell	532-8259	billy.bell.fortmcdermitt@gmail.com
11. Helen L. Snapp	532-8008	N/A
12. P. Cable	532-4560	
13. Elizabeth Horn	532-8322	
14. Wilson Crutcher	635-2587	N/A Crutcher_0801@hotmail.com
15. Scott GERZ (ms) 750.9759		Scott GERZ PATH RENEWAL@LAS.COM
16.		
17.		
18.		
19.		

Meeting Notes: March 8, 2011



## Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

Community Meeting Notes: March 8, 2011

Chairman Billy Bell welcomed everyone to the meeting and explained the purpose of the meeting is to discuss potential projects for the tribe's application for a ICDBG grant. The meeting was held at the senior center and refreshments were provided. Also door prizes were given to several attendees. The tribe is hoping to apply for a Housing Urban Development Indian Community Development Block Grant this year. We have not received a grant for several years because of our accounting system and audits not being current. We have now got all of our financial systems in place and internal controls in place so we should now be able to apply for this grant. Our audits are not yet completed but the Tribe and auditors and consultants have taken an aggressive effort to get the audits up to date by the time the grant application is due in September or October. Egghart and Associates is working with Valerie Barr to get the audits completed and submitted and making good progress. We have developed a work plan and time schedule to have all the audits through 2009 completed and submitted to HUD by the end of September 2011. Everyone was asked to sign the sign-in sheet that was passed around.

We can use the ICDBG grant for a lot of different purposes including housing, community facilities, economic development, and other purposes. We want to use the grant for the construction of the travel plaza. The travel plaza enterprise articles of organization has been approved and the Board of Directors has been meeting regularly. We have contracted with a professional economic development firm to prepare a market feasibility study and it is nearly complete. It appears that this project has a good marketing potential and has sufficient demand to be financially successful. We have completed a legal survey of the travel plaza site and topographic mapping. We have also drafted a lease and submitted it to BIA for review, between the Fort McDermitt Travel Plaza Enterprise Board of Directors and the Fort McDermitt Tribal Council. The travel plaza enterprise will be wholly owned by the tribe as a tribally chartered business. An architect, Rex Ruge, RGroup Architects, is preparing a floor plan, site plan and cost estimates for the construction of the travel plaza. We are also working with BIA on a high priority road construction grant to construct a frontage road that will provide easy access on and off highway 95.

The tribe needs jobs more than anything else. We have high unemployment and need to have work for our families. The mines are not employing as many people as they used to and we do not have any other employers in the area. If we build the travel plaza we can use it as an anchor to build additional retail businesses such as a car wash, mechanic shop and restaurant. We know we can make money on convenience sales but moreso on tobacco products and WIC vouchers. Families must go all the way to Winnemucca to use their WIC vouchers. This alone will provide a lot of sales at the travel plaza. The cost of fuel at McDermitt is about 75 cents a gallon more than at Winnemucca. We can sell gasoline for less than the McDermitt station and still have a good markup and make money on it. Our tribe needs housing desperately and we need to look

for ways to build homes. We are looking into other ways to bring jobs and housing to the reservation. The travel plaza is the highest priority for this grant. We can apply for housing under other funding sources.

It is important that we get started on the grant application as we have a lot of work to do. We will need to get an appraisal of the land value to use in the grant application. We also need to meet with the Humboldt County building inspector to use their building codes and have them to review the plans and conduct building inspections during construction. This will require a memorandum of agreement since the travel plaza is located on the reservation. We need to prepare a operation and maintenance plan and budget for the application. We need to provide everyone a chance to look at our application and make comments and incorporate the comments into the application. We need to establish a Paiute-Shoshone Native American theme for the travel plaza and businesses that will be connected to it. We need to develop a team to work on the grant application and also to work on the project implementation once it is funded. It was agreed by the meeting that the travel plaza is still our highest priority and we should apply for funding to build it. We may have to do it in more than one project because we can only apply for \$605,000 each year. We can design the project so that we can do the convenience store this year and add fuel pumps and other features next year. Each phase of the project must be financially feasible without any assurance that future phases will be funded or built. We can also use BIA roads funds for the frontage road and are working with them on the plans, specifications and engineering for the road. The success of the travel plaza is not dependent upon the frontage road being built but will benefit from it.

The tribe has been seeking a tribal market or store for many years. The travel plaza can meet this need as well as provide new jobs, job training, and revenue to expand the business and grow new businesses. It will also provide a portion of the income to the Tribal government to provide government services to the tribal members. Everyone agreed to move forward with the ICDBG grant application.

# Scoping Meeting

## Fort McDermitt Travel Plaza Environmental Assessment

Fort McDermitt Paiute and Shoshone Tribe  
Billy A. Bell, Chairman  
P.O. Box 457  
McDermitt, Nevada 89421  
(775) 532-8259

August 25, 2010

August 25, 2010

1:00 pm

Sign In Sheet

Phone Number

Name, Title

E-mail

Mailing Address

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

*Redacted*

Meeting Notes:

The meeting opened at 1:15 with Chairman Billy Bell welcoming visitors to the meeting and discussing the travel plaza project.

Bob McNichols discussed the proposed travel plaza project plans and work accomplished to date. He provided a powerpoint presentation regarding the plans, work being performed, and potential businesses that might be associated with the travel plaza.

The Cultural Resources assessment was contracted to HRA Conservation Archaeology to conduct an archaeology review of the project site. The biological assessment is being conducted by Bob McNichols, with RezBuilders. Letters are being sent out to several federal and state agencies for consultation on the project and potential environmental impacts that may be of concern. Duane Masters is assisting with the environmental assessment by providing review and comment on the project and assistance as needed.

Chairman Bell said the site was part of a military hay project several years ago and has been disturbed for agricultural purposes. He said the irrigation ditch that crosses the northwest corner of the site belongs to the Tribe and is managed by the Tribe.

There were no species of concern or threatened or endangered species associated with the site as far as any of the attendees knew of. There were no migratory birds or nesting sites that anyone knows of. The presence of pigmy rabbit or great sage grouse was not known.

The BIA will be requested to provide input at the Agency and Western Region. We will look for any other environmental reviews that have taken place. None of the attendees knew of any environmental assessments or impact statements that have been prepared at or near the project site. We will ask BIA, IHS, HUD and others for any environmental reviews on this portion of the Reservation.

The meeting continued with discussions on the theme of the proposed project, logo and name, and size, services to be provided, and tobacco and alcohol sales on the Reservation. Duane Masters, Environmental Coordinator, will continue to work with the contractors on this project.

Meeting adjourned at 3:35 p.m.



## *Wildlife Inventory Systems, LLC*

3701 Chinguapin Drive  
Willits, CA 95490  
Phone: 707 459-4761  
Fax: 707 459-2500

Email: [naomi@wildlifeinventoriesystems.com](mailto:naomi@wildlifeinventoriesystems.com)

*A California Certified Small Business*  
Biological, Environmental & GIS/GPS Consulting  
Resource Assessment - T & E Species - Biological Studies

Billy A. Bell, Chairman  
Fort McDermitt Indian Tribe  
P.O. Box 457  
McDermitt, Nevada 89421

June 7, 2011

Dear Chairman Bell:

It has been my pleasure to work on the environmental review for the proposed travel plaza to be located at the intersection of U.S. Highway 95 and the South Old Reservation Road. We are nearing completion of the Environmental Assessment and will be able to provide the final draft to you shortly for review and comment. It is my opinion that we will not have any significant environmental issues to contend with and this is an acceptable location for the travel plaza and retail businesses that you are proposing at this location.

It is my understanding that the Tribe is applying for a HUD Indian Community Development Block Grant to construct the first phase of the travel plaza project which will consist of a convenience market for typical convenience items such as snacks, drinks, food items, some assortment of groceries, tobacco products, WIC products, etc. I offer my full support and participation in the planning, design and development of this project in any way that I can be of assistance.

I am available to assist in the mitigation of any environmental issues or concerns that may arise. Thank you for the opportunity to assist you on this project.

Sincerely

A handwritten signature in black ink that reads "Naomi Adams". The signature is written in a cursive, flowing style.

Naomi Adams



**Naomi**

3701 Chinquapin Dr.  
Willits, CA 95490  
(707) 459-4761

**Adams**

**Key Points**

- Environmental writing: Versed in National Environmental Policy Act (NEPA) "How to Manage the NEPA Process" certificate from the Bureau of Indian Affairs (BIA).
- Written many Biological/ Environmental Investigations, Environmental / Biological Assessments, Research Assessments, Grant Applications, and many custom documents since working as an Environmental Specialist (1997)
- Worked with numerous California and Nevada Tribes as well as private companies, cities and counties on various environmental issues
- Assisted and wrote various federal grants for a local California Tribe valued at just under \$1,000,000.00
- Employed as Mendocino County Assistant Clerk-Recorder (number two in command), selected from a field of over 23 applicants.
- Elected Sierra County Clerk-Recorder in the Primary Election in a field of 4 candidates.
- Extensive administrative and supervisory skills.
- Cooperation: providing competent and efficient service in our business and throughout my career has been an important goal.
- Fire Science, research and mapping, delineating fuel loads and monitoring compliance
- Reviewed, evaluated and commented on pending legislation for the County Clerk-Recorder's Association

**Experience**

Environmental Specialist - Wildlife Inventory Systems, LLC (WIS) Ukiah and Willits, CA  
2009-Present

In 2009, Wildlife Inventory Systems became an LLC. Naomi became one of the principles, owning 51% of the company. Duties remained the same, with the exception of more bookkeeping. Wrote more Biological Investigations and Cumulative Impact Analyses for various projects, working with private and governmental organizations, and various sovereign tribes/nations. Also grant writing, proofing and completing required forms.

Environmental Specialist - Wildlife Inventory Systems, (WIS) Ukiah and Willits, CA  
1997-2009

Wrote Biological Investigations and cumulative impact analyses for various projects which required

environmental review; did all the bookkeeping for WIS since 1995. Interfaced with County, State and Federal agencies regarding various projects.

Assistant Mendocino County Clerk Recorder - Mendocino County Ukiah, CA 1993-1997  
Staff supervisor, responsible for maintenance of the office computers and recording software. Trained staff in new computer technology and programs. Managed the office personnel, conducting performance reviews, and hiring new employees and handled problems with staff and customers. Recorded, indexed and reviewed documents for recording. Travelled to other counties to train their staff.

Sierra County Clerk-Recorder - Sierra County, Downieville, CA 1990 - 1993  
Elected as Sierra County Clerk-Recorder in June, 1989, taking office in January, 1990; winning the office in the primary election, in a field of four (4) candidates. Managed Superior Court, the Recorder's Office, Clerk of the Board of Supervisors, Commissioner of Civil Marriages, Registrar of Voters, and executed many other duties including Vital Statistics; conducted all countywide elections within the County of Sierra. Set all Board of Supervisor meeting agendas, prepared public notices, clerked all Board of Supervisor meetings and prepared all minutes from those meetings. Converted the Recorder's manual system utilizing original old records and recordings into a modern, computerized system.

Deputy Clerk-Recorder - Sierra County, Downieville, CA 1986 - 1990  
Converted hand written data into a generic database for Superior Court. Reviewed documents for recordability, recorded documents, indexed the recorded documents, micro filmed and proofed the film, providing copies for the public and assisted in the preparation for the Board of Supervisors meetings.

Deputy Clerk - Sierra County Assessors Office, Downieville, CA 1985 - 1986  
Re-vamped the Assessor's Office filing system, determined chain of title for new recordings, changes in ownership and current ownership percentages. Reviewed all the Assessor Parcel Maps for accuracy, and became well versed in the county mapping system. Supervised the cadastral draftsman when maps involved parcel splits, combining parcels, and redrawing boundaries after Record of Surveys for boundary line adjustments were submitted for recordation.

#### Education

Bachelor of Arts, California State University, Sacramento - 1978  
Major, Psychology (Graduated with Honors)  
Minor, Environmental Science

References provided upon request



MICHAEL E. FISCHER  
Assistant Director

STATE OF NEVADA  
DEPARTMENT OF CULTURAL AFFAIRS  
State Historic Preservation Office  
100 N. Stewart Street  
Carson City, Nevada 89701  
(775) 684-3448 • Fax (775) 684-3442  
www.nvshpo.org

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40  
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RODNEY M. McVEY  
Bureau of Indian Affairs

May 25, 2011

Rodney McVey  
Bureau of Indian Affairs  
Western Regional Office  
2600 North Central Avenue  
Phoenix, Arizona 85004-3008

2010-192

RE: Fort McDermitt Indian Reservation Travel Plaza, Humboldt County, Nevada.  
Undertaking #2010-1288.

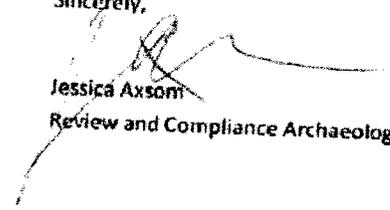
Dear Mr. McVey:

The Nevada State Historic Preservation Office (SHPO) has reviewed the subject undertaking in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. Based upon the subject documents received by the SHPO November 08, 2010 and May 16, 2011, the SHPO concurs with the Bureau of Indian Affairs' (BIA) determination that the proposed undertaking will not pose an effect to any historic properties.

If any buried and previously unidentified resources are located during the project activities, the SHPO recommends that all work in the vicinity of the find cease and this office be contacted for additional consultation per 36 CFR 800.13.b.3..

If you have any questions concerning this correspondence, please contact Jessica Axson by phone at (775) 684-3445 or by e-mail at [jaxson@nevadaculture.org](mailto:jaxson@nevadaculture.org).

Sincerely,

  
Jessica Axson  
Review and Compliance Archaeologist







## Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

June 6, 2011

Carolyn O'Neil, Administrator  
Southwest Office of Native American Programs  
U.S. Department of Housing & Urban Development  
One North Central Avenue, Suite 600  
Phoenix, Arizona 85004

Dear Administrator O'Neil:

I serve on the Board of Directors for the Fort McDermitt Travel Plaza Enterprise, a tribally chartered enterprise wholly owned by the Fort McDermitt Tribe. I am glad to see that the Tribe is applying to HUD for an ICDBG grant to construct Phase 1 of the travel plaza which will be a stand-alone convenience market that is profitable and sustainable without additional subsidies. We will market convenience items including drinks and snacks, light groceries, tobacco products, and will carry a variety of WIC products to utilize Women Infants Children vouchers. Currently the nearest place to purchase WIC products is in Winnemucca, some 65 miles away, as the store in the Town of McDermitt does not accept WIC vouchers.

This business can be financially sustainable upon completion of phase 1 and has a lot of room for growth and expansion in later phases. We can later add fuel sales, short order food service, arts and crafts, interpretive center, and other amenities, products and services.

We have held many meetings and participated in the planning of this project and are confident that it can be successful. We have prepared a Business Plan, Marketing Plan, and Financial Feasibility Study and have had reviews and updates prepared to demonstrate the feasibility of this business. All reports indicate that this business has an excellent chance of sustainable financial success if properly developed and managed.

I am committed to participating in the development of the project in the future by providing input and assistance in the planning, design and management of the travel plaza. Thank you for this opportunity.

Sincerely

*Bill A. Beal*

Fort McDermitt Travel Plaza  
Enterprise Board of Directors

Great Basin College Letter of Commitment:



May 27, 2011

Billy Bell, Chairman  
Fort McDermitt Paiute-Shoshone Tribe of Oregon and Nevada  
PO Box 457  
McDermitt, Nevada 89421

Re: Fort McDermitt Travel Plaza Management Training and Educational Assistance

Dear Chairman Bell:

Great Basin College is pleased to offer management training and educational assistance support for the Fort McDermitt Paiute and Shoshone Indian Tribe's proposed Travel Plaza and convenience market.

We would like to serve as a resource for the Fort McDermitt Indian Tribe in the areas of workforce education, business training and career enhancement services. It is our goal to serve our students and neighboring communities by providing an environment for educational excellence, innovation, and awareness.

We strive to provide high quality, affordable and accessible higher education to all who seek it. We would like to assist in designing curriculum and providing academic standards for your Travel Plaza employees and for other community projects. Great Basin College offers resources such as an internet-accessible college library, computer labs, bookstore, rooms and facilities that are available to the Fort McDermitt Paiute and Shoshone Indian Tribe.

Thank you for this opportunity to work together with you, your staff, and your community.

Sincerely

Lisa Campbell, MA  
Director, Winnemucca Center

**ELKO MAIN CAMPUS**  
1500 College Parkway  
Elko, NV 89801  
775.738.8493 • fax 775.738.8771

**ELY CENTER**  
2115 Bobcat Drive  
Ely, NV 89301  
775.269.3599 • fax 775.269.3599

**PAHRUMP VALLEY CENTER**  
531 East Calvada Boulevard  
Pahrump, NV 89049  
775.727.2000 • fax 775.727.2014

**WINNEMUCCA CENTER**  
3490 Kluney Canyon Road  
Winnemucca, NV 89445  
775.623.4824 • fax 775.623.1812

[www.gbcnv.edu](http://www.gbcnv.edu)



Nevada Small Business Development Center  
College of Business  
A partner in The Business Services Group

Nevada Small Business Development Center  
Winnemucca Office  
90 West Fourth Street  
Winnemucca, NV 89445  
(775) 623-1064

Billy A. Bell, Chairman  
Fort McDermitt Paiute and Shoshone Tribe  
P.O. Box 457  
McDermitt, Nevada 89421

June 13, 2011

Dear Chairman Bell:

I received your request for a peer review of the financial projections and assumptions for the proposed travel plaza to be built on the Fort McDermitt Reservation just south of the town of McDermitt. I reviewed the information and am pleased to provide my opinions and comments. I recognize that your tribe has been planning for this project for quite some time and have organized a tribally chartered travel plaza enterprise, conducted an environmental assessment, and completed the feasibility study, among other things.

In my opinion, the May 2, 2011 feasibility report prepared by RezBuilders and RAE Solutions meets professional standards and provides reasonable estimates and conclusions. Perhaps most importantly, I found the projected sales volumes, expected income, and projected expenses to be very reasonable estimates for a convenience store and gasoline station at this location.

While success of any project is not assured, the financial pro formas provide a credible estimate of expected performance results based upon what similar businesses are doing when similarly situated.

I wish you the best in your efforts to develop this project. Please do not hesitate to contact me whenever I can be of assistance.

Sincerely,

Bill Sims  
Business and Economic Development Specialist  
Nevada Small Business Development Center

# 2011 eLogic Model® Information Coversheet



## Instructions

When completing this section there are "mandatory" fields that must be completed. These fields are highlighted in yellow. The required data must be entered correctly to complete an eLogic Model®. After completing all mandatory fields on the coversheet click on the "Check Errors" button at the top of this page. Applicant Legal Name must match box 8a in the SF-424 in your application. Enter the legal name by which you are incorporated and pay taxes. CCR Doing Business is new for 2010 eLogic Model®. Only complete this field if your registration at CCR includes an entry in Doing Business as: (dba). Enter the DUNS # as entered into box 8c of the SF-424 Application for Federal Assistance form. Enter the City where your organization is located, this information must match the SF-424 data in your application. Use the dropdown to enter the State where your organization is located, this information must match the SF-424 data in your application. This information must match the SF-424 data in your application. Enter the Grantee Contact Name and email address in the field provided. Enter the name of the person that completed the eLogic Model® and their email address in the field provided. When completing the Project Information Section, applicants except Indian Tribes must enter their Project Name, Project Location City/County/Parish, State, Project Type, and Construction Type. If there are multiple locations, enter the location where the majority of the work will be done. Indian tribes, including multi-state tribes, should enter the City or County associated with their business address location. For Indian Tribes, enter the state applicable to the business address of the Tribal entity.

### Program Information

HUD Program	ICDBG
Program CFDA #	14.862
Program Component	

### Grantee Information

Applicant Legal Name	Fort McDermitt Paiute-Shoshone Tribe
CCR Doing Business As Name	
DUNS Number	064791478
City	McDermitt
State	Nevada
Zip Code	89421-0000
Grantee Contact Name	Billy A Bell
Grantee Contact email	Billy.Bell.FortMcDermitt@gmail.com
Logic Model Contact Name	Bob McNichols
Logic Model Contact email	BobMcNichols@RazBuilders.com

### Project Information

Project Name	Economic Development-Travel Plaza Development
Project Location City/County/Parish	Humboldt
Project Location State	Nevada
Zip Code	89421-0000
Project Type	Economic Development
Construction Type	New Construction

### Additional Information for Reporting (Leave Blank At the Time of Application)

Grants.gov Application Number	
HUD Award Number	
Logic Model Amendment Number	





Applicant Legal Name: Fort McDermitt Paiute-Shoshone Tribe  
 HUD Program: HUD Program  
 Project Name: Economic Development-Travel Plaza Development  
 Reporting Period: Year 2  
 Reporting Start Date: 0  
 Reporting End Date: 0

OMB Approval 2535-0114 exp. 04/30/2011



DUNS No. 064791478 - 0

HUD Goals	Policy Priority	Needs	Services/Activities	Measures			Outcomes	Measures			Evaluation Tools
				Pre	Post	YTD		Pre	Post	YTD	
1	Policy	2	3	4	5	6	7	8	9	10	11
4a	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4b	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4c	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4d	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4e	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4f	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4g	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4h	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4i	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4j	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4k	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4l	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4m	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4n	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4o	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4p	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4q	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4r	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4s	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4t	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4u	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4v	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4w	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4x	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4y	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h
4z	1a	1b	1c	2a	2b	2c	2d	2e	2f	2g	2h













United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
WESTERN REGIONAL OFFICE  
2600 North Central Avenue  
Phoenix, Arizona 85004-3008



IN REPLY REFER TO:  
Environmental Quality Services

Memorandum

To: Superintendent, Western Nevada Agency  
Attention: Environmental Coordinator

From: Deputy Regional Director – Trust Services *Rodney McCoy*

Subject: Section 106 of NHPA, Travel Plaza, Ft. McDermitt Indian Reservation

You are hereby advised that the consultation process with the Nevada State Historic Preservation Office (SHPO) has been completed for the proposed undertaking, **approval of a lease for a travel plaza (Project No. 2010-192)**, on the Ft. McDermitt Indian Reservation. The SHPO has concurred with my determination of "No Historic Properties Affected" by receipt of the attached letter dated May 25, 2011.

We have determined that the following reports are accurate for purposes of compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA):

*An Archaeological Survey for the Fort McDermitt Paiute and Shoshone Tribe of Nevada and Oregon, Humboldt County, Nevada (Eskenazi 2010);*

*Letter Report for the Fort McDermitt Travel Plaza (Peters 2011).*

Our responsibilities under the NHPA are hereby complete, with the proviso that should unrecorded cultural material be encountered in the course of construction, work shall cease at that location and the BIA Regional Archeologist be notified immediately.

This determination should be included as part of the National Environmental Policy Act (NEPA) documentation associated with the proposed action to demonstrate compliance with Federal responsibilities under Section 106 of NHPA.

If you have any questions, please contact Mr. Garry J. Cantley, Regional Archeologist, at (602) 379-6750 extension 1256.

Attachment

cc: Chairman, Ft. McDermitt Tribal Council



# Fort McDermitt Paiute and Shoshone Tribe

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259 • Fax (775) 532-8487

## RESOLUTION NO. FM11-005-036

### RESOLUTION OF THE GOVERNING BODY OF THE FORT McDERMITT PAIUTE AND SHOSHONE TRIBE, NEVADA

#### *Code of Conduct*

**WHEREAS**, the Fort McDermitt Paiute and Shoshone Tribe of Nevada is organized in accordance with Section 16 of the Indian Reorganization Act of June 18, 1934 as amended; and

**WHEREAS**, the governing body of the Fort McDermitt Paiute and Shoshone Tribe is the Tribal Council as set forth in the Constitution; and

**WHEREAS**, the Tribe desires to provide for fair and equitable treatment of all persons and firms interested in conducting business with the Tribe; to assure that supplies, services, and construction are procured efficiently, effectively, and at the most favorable prices available to the Tribe; to promote competition in contracting; provide safeguards for maintaining a procurement system of quality and integrity; and assure that purchasing actions are in full compliance with applicable Federal standards and regulations, Tribal and local laws; and

**WHEREAS**, we have developed a code of conduct that specifically prohibits the real and apparent conflicts of interest that may arise among officers, employees, or agents of the Fort McDermitt Tribe, prohibits the solicitation and acceptance of gifts or gratuities by Tribal officers, employees, or agents for their personal benefit in excess of minimal value; and outlines administrative and disciplinary actions available to remedy violations of such standards.

**NOW, THEREFORE BE IT RESOLVED**, that the Fort McDermitt Tribal Council hereby adopts the Code of Conduct which will be followed and enforced by the officers, employees, and agents of the Tribe. This Code of Conduct will remain in force and effect until officially modified or cancelled by formal action of the Fort McDermitt Tribal Council.

**CERTIFICATION**

It is hereby certified that the foregoing **Resolution No. FM11-005-036** was adopted by the Fort McDermitt Tribal Council of the Fort McDermitt Paiute and Shoshone Tribe, composed of **Eight (8)** members of whom **Five (5)** constituting a quorum were present at a meeting duly held on the 10<sup>th</sup> day of **May 2011**, and is adopting this resolution by affirmative vote of: **Three (3) FOR, Zero (0) AGAINST, One (1) ABSTAINING**, pursuant to the authority contained in the Constitution and Bylaws of the Fort McDermitt Paiute and Shoshone Tribe.

Vonnie Sam  
Vonnie Sam, Tribal Council Secretary  
Fort McDermitt Paiute and Shoshone Tribe

## **Fort McDermitt Tribe CODE OF CONDUCT**

### **A. PURPOSE**

The purpose of this Code of Conduct Policy is: To provide for fair and equitable treatment of all persons or firms interested in conducting business with the Fort McDermitt Tribe; to assure that supplies, services, and construction are procured efficiently, effectively, and at the most favorable prices available to the Tribe; to promote competition in contracting; provide safeguards for maintaining a procurement system of quality and integrity; and assure that purchasing actions are in full compliance with applicable Federal standards and regulations, Tribal and local laws.

This code specifically prohibits the real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibits the solicitation and acceptance of gifts or gratuities by Fort McDermitt Tribal officers, employees, or agents for their personal benefit in excess of minimal value; and outlines administrative and disciplinary actions available to remedy violations of such standards.

### **B. GENERAL**

The Fort McDermitt Tribe, its officers, employees and agents shall adhere to the following code of conduct consistent with applicable Tribal or local law, and comply with the U.S. Department of Housing and Urban Development's ICDBG and NAHASDA regulations.

### **C. APPLICATION**

This Code of Conduct applies to all contracts for the procurement of equipment, supplies, services and construction entered into by the Tribe. It shall apply to every expenditure of funds by the Tribe for public purchasing, regardless of the source of funds, including contracts that do not involve an obligation of funds (such as concession contracts). However, nothing in this Code shall prevent the Tribe from complying with the terms and conditions of any grant, contract, gift or bequest that is otherwise consistent with law.

When both Federal and non-Federal funds are used for a project, the work to be accomplished with the funds shall be separately identified; and the funding agency's Indian preference regulations must be applied to the work financed by the agency. If it is not possible to separate the funds, then the funding agency's Indian preference regulations shall be applied to the total project.

The term "procurement" as used in this statement, includes both contracts and modifications

(including change orders) for construction or services, as well as purchase, lease or rental of supplies and equipment.

Program managers or other authorized designees of the Tribal Council will name a Contracting Officer ("CO") for each procurement action. The Contracting Officer (CO) will institute operational procedures to implement this Code. The CO shall also establish a system of sanctions for violations of the ethical standards as described in this Code, consistent with applicable law. The Tribal Council appoints and delegates procurement authority to the CO, who is responsible for ensuring that any procurement procedures adopted are appropriate for the Tribe and comply with applicable law, regulations, the Tribe's Procurement Policy, and terms of any grant agreement funding a specific procurement activity.

#### **D. CONFLICT OF INTEREST**

No employee, officer or agent of the Tribe shall participate directly or indirectly in the selection of, or in the award of, or administration of any contract if a conflict, real or apparent, would be involved. Such conflict would arise when a financial or other interest in a firm selected for award is held by:

1. An employee, officer, or agent involved in making the award;
2. An employee's, officer's, or agent's relative (including grandfather, grandmother, father, mother, son, daughter, brother, sister, uncle, aunt, nephew, niece, husband, wife, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister); or
3. An employee's, officer's, or agent's partner; or
4. An organization which employs, is negotiating to employ, or has any arrangement concerning prospective employment of any of the above.
5. The conflict of interest provision shall not apply in instances where a person who might otherwise be included under the conflict provision is low-income and is selected for assistance in accordance with the Tribe's written policies for eligibility for assistance, provided there is no conflict under applicable Tribal law. The person receiving the assistance must make a public disclosure of the nature of assistance to be provided and the specific basis for the selection of the person. The Tribe shall provide the appropriate funding agency a copy of the disclosure before the assistance is provided to the person.

#### **E. GRATUITIES, KICKBACKS, AND USE OF CONFIDENTIAL INFORMATION**

Tribal officers, employees or agents shall not solicit or accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts, and shall not knowingly use confidential information for actual personal gain. Exception: Unsolicited gifts, gratuities, and tokens of appreciation of minimal value may be accepted, when such value does not exceed \$15 per incident or \$50 per year from any individual or organization.

#### **F. PROHIBITION AGAINST CONTINGENT FEES**

Contractors shall not retain a person to solicit or secure a Tribal contract for a commission, percentage, brokerage, or contingent fee, except for bona fide employees.

**G. DISCIPLINARY ACTIONS**

It is the responsibility of all Tribal Council members, officers and employees of the Tribe to observe all laws and applicable policies of the Tribe, including this Code.

The procedural sequence for reprimand of a Tribal Council member shall be as follows:

- 1. The Council member shall receive one written warning for a violation of this policy, or violation of other Conflict of Interest/Nepotism laws of the Tribe in relation to procurement;
- 2. The Council member will receive at least five (5) days written notice of a second violation of this policy; and
- 3. By at least five (5) affirmative votes of the Tribal Council, the Council member shall be removed from office for procurement-related neglect of duty or gross misconduct.

The procedural sequence for reprimand of a Tribal employee shall be:

- 1. A Tribal employee shall receive one verbal warning by the Contracting Officer ("CO"). The CO shall submit written documentation of the verbal reprimand to the Personnel Department for the employee's file. In the case of a manager, the Tribal Chairman or the Tribal Council shall give the verbal warning.
- 2. A second occurrence shall result in suspension or termination, depending on the severity of the violation, and notice shall be provided in writing to the employee with copies to the Tribal Chairman and Personnel files. The CO will determine which of the two disciplinary actions to impose. In the case of a manager, the Tribal Chairman or the Tribal Council will make the determination.

The procedural sequence for reprimand of contractors shall be:

- 1. The contractor shall receive one written warning from the CO.
- 2. A second warning shall constitute a violation of the contract and said contract shall be terminated.
- 3. Contractor will be suspended, debarred or determined ineligible to do business with the Tribe, in accordance with Tribal law or Federal financing agency regulations regarding future contracts.

**H. METHOD OF AWARENESS**

This Code shall be available to the public on the Tribe's website or available in person or by telephone at the Fort McDermitt Tribal office. Copies will be provided to all new employees upon employment, and posted on Tribal bulletin boards. Managers shall provide a current copy of this Code to all employees or agents involved in procurement for the Tribe annually.

Managers shall implement operational guidelines for compliance with this Code and the Procurement Policy, and shall update and instruct their employees annually regarding the department's operational guidelines. All procurement contracts shall contain a reference to this policy and notice that copies are available upon request.

\*\*\*



Nevada Small Business Development Center  
College of Business  
A partner in The Business Services Group

Nevada Small Business Development Center  
Winnemucca Office  
90 West Fourth Street  
Winnemucca, NV 89445  
(775) 623-1064

Billy A. Bell, Chairman  
Fort McDermitt Paiute and Shoshone Tribe  
P.O. Box 457  
McDermitt, Nevada 89421

June 13, 2011

Dear Chairman Bell:

I received your request for a peer review of the financial projections and assumptions for the proposed travel plaza to be built on the Fort McDermitt Reservation just south of the town of McDermitt. I reviewed the information and am pleased to provide my opinions and comments. I recognize that your tribe has been planning for this project for quite some time and have organized a tribally chartered travel plaza enterprise, conducted an environmental assessment, and completed the feasibility study, among other things.

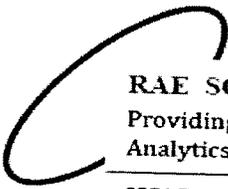
In my opinion, the May 2, 2011 feasibility report prepared by RezBuilders and RAE Solutions meets professional standards and provides reasonable estimates and conclusions. Perhaps most importantly, I found the projected sales volumes, expected income, and projected expenses to be very reasonable estimates for a convenience store and gasoline station at this location.

While success of any project is not assured, the financial pro formas provide a credible estimate of expected performance results based upon what similar businesses are doing when similarly situated.

I wish you the best in your efforts to develop this project. Please do not hesitate to contact me whenever I can be of assistance.

Sincerely,

Bill Sims  
Business and Economic Development Specialist  
Nevada Small Business Development Center



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May 16, 2010

Billy Bell, Chairman  
Fort McDermitt Paiute-Shoshone Tribe of Oregon and Nevada  
PO Box 457  
McDermitt, Nevada 89421

Re: Fort McDermitt Travel Plaza Financial Feasibility Study - Phase 1 Addendum

Dear Chairman Bell:

I participated in the preparation of the "*Fort McDermitt Paiute and Shoshone Tribe Financial Feasibility and Market Analysis*" for the Fort McDermitt Travel Plaza, dated May 2, 2011, prepared by RezBuilders, LLC and RAE Solutions. The purpose of that report was to determine the potential for financial success for a fully developed Travel Plaza which includes a convenience market, tobacco products, Native American arts & crafts, and fuel sales.

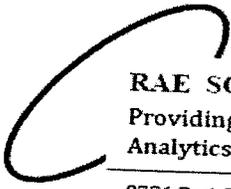
Upon completion of that report and at your request, RAE Solutions conducted a financial feasibility and competitive market study for a phased approach for that same project to examine the financial feasibility of a lesser investment which, as Phase I, will include the sale of convenience items, tobacco products, and Women Infant Children subsidy voucher (WIC) supplies but not include fuel sales, arts and crafts, and similar products. You asked for my professional analysis and conclusions regarding the potential for financial success and sustainable profitability of Phase I of the Travel Plaza.

I have completed an independent financial analysis, taking into account advantages and disadvantages of the proposed site location, area demographics, regional and local supply and demand, and the financial sustainability of Phase I of the travel plaza under normal management practices.

I examined the financial feasibility of the Phase I project, to determine financial performance with the investment reduced from \$1.2 million to \$605,000 and the sales potential for this first phase.

*The analysis that is a part of this addendum demonstrates that with a minimal investment of \$605,000, a Phase I retail convenience market selling tobacco products, convenience items, and WIC products located on the Fort McDermitt Indian Reservation has an excellent chance of long-term, sustainable financial success.*

Determining financial factors are summarized in the attached addendum.



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## **Fort McDermitt Travel Plaza Financial Feasibility - Phase I Addendum**

### ***Sales Revenue and Profit Analysis***

The first phase of the Fort McDermitt Travel Plaza will provide a culturally unique and economically feasible retail experience for local, regional and commuter patrons. To maximize profits, the Fort McDermitt Tribe is seeking a capital infusion in the amount of \$605,000.

This amount includes \$509,800 for construction, development costs and a 10% contingency to accommodate any unforeseeable construction expense. Additional in-kind Tribal contributions include land valued at \$210,000 and working capital of \$25,896 totaling \$235,896 of Tribal in-kind contribution.

Resulting sales and profit estimates are conservative and are based on minimal traffic counts, consumer purchases per visit and reinvestment of profits into the business.

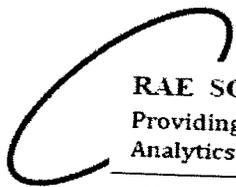
Sales projection estimates for the first phase of the Fort McDermitt Travel Plaza are partially based on managements' ability to penetrate existing competitive markets. Estimates are derived using several factors, including the uniqueness and pricing of products sold and competitive market conditions.

Cumulative gross revenues for the phase I travel plaza are also based on anticipated costs and transaction volumes and are projected to surpass \$1.7 million in sales in the first five years of operation. Average annual gross revenues for the phase I facility are estimated at \$350,271.

*Cumulative net income before depreciation (EBITDA) for the same five-year period is expected to reach \$223,416 with cumulative net income after depreciation (EBIT) remaining profitable at \$114,258.* Payroll expenses over five years are an estimated \$349,583 or 49.0% of sales demonstrating the unwavering financial commitment the Tribe has to decreasing unemployment and poverty on the Reservation.

Annual profit margins are consistent with and slightly more favorable than Risk Management Association (RMA) and National Association of Convenience Markets (NACS) industry averages; 32.6% and 34.1.6%, respectively. Net profit margin for phase I of the travel plaza is an estimated 6.52%, nearly 3.0% higher than RMA standards. It should be noted that the Tribe enjoys a zero liability federal tax provision resulting in significant savings and competitive financial advantages not applicable to non-tribal enterprises referenced in RMA surveys.

Additionally, the travel plaza will not be burdened with long-term debt/loan liability and therefore depreciable asset valuation becomes somewhat non-applicable; however to ensure a comprehensive analysis net earnings are exhibited with and without the impact of depreciation.



***Cash Flow Statement and Balance Sheet Analysis***

Cash flow generated from phase I operations include the sale of Native American tobacco products, WIC items, and convenience items and prove to be sufficient to financially sustain the facility without expansion efforts over a long period of time. Phase II expansion efforts, as discussed in the overall feasibility study dated May 2, 2011, are expected to incrementally increase net income above and beyond those of phase I and further support long-term profits for the Tribe.

The overall cash position of the Phase I travel plaza is positive with a steady *annual cash flow of an estimated \$50,000* and assumes the following growth assumptions and inflationary factors:

	2014	2015	2016	2017
Inflationary Rate	3.74%	4.00%	4.00%	4.00%
Growth Rate	4.25%	4.50%	4.75%	4.75%

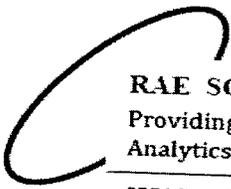
*Estimated annual cash flow over five years is \$228,684.* To properly manage the substantial cash flow, the Fort McDermitt Tribe has assembled a management team with the drive, experience, and entrepreneurial spirit necessary to propel the enterprise to the front of the local retail market with regional advertising and marketing through billboards, signage, and promotions to begin within the first year following funding.

The phased travel plaza will provide high profit margins and positive cash flow from the sale of Native American tribal tobacco products. Advertising will occur on highway billboards and on-site signage to alert the traveling public to the travel plaza. The Tribe will also conduct local and regional promotions through newspaper and radio advertisements. Additional cash flow will be generated through the use of dispensing machines for ice, lottery, video, drinks, and similar sales. Employee buy-in will also motivate workers to boost sales at the counter.

A successful marketing campaign will help to increase cash flows by promoting convenience items and Native American tobacco products and will also drive future expansion efforts through reinvestment of net profits. The Phase I Travel Plaza will also create up to 4 new full time entry-level jobs for community members including full health benefits and management training opportunities.

Assuming a 4.25% growth rate in the first year and a 4.75% growth rate in years four and five, *total assets at the end of year five are estimated to be nearly \$1 million, or \$955,154.* Total assets at the end of year one are an estimated \$849,242.

Inventory turn-over assumptions track conservative industry trends and utilization of a state-of-the-art point-of-sale systems will enable the phase I travel plaza inventory turnover to be as close to "real-time" as possible. An allowance for loss is included in the assumptions; however, does not exceed those of industry standards for similarly sized convenience, food and tobacco retailers.



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In-kind land contribution valued at an estimated \$210,000 is considered a non-depreciable item and is carried on the balance sheet year-over-year.

The initial capital investment of \$605,000 for the Phase I Fort McDermitt travel in conjunction with Tribal land valued at \$210,000, and \$25,896 working capital allows sufficient working capital to provide for the following estimated financial performance indicators:

*The current ratio* is used mainly to indicate the ability of an enterprise to pay back its short-term liabilities (debt) using its short-term assets (cash, inventory, receivables). The higher the ratio, the more capable the enterprise is of paying its obligations. A ratio under 1.0 suggests that the enterprise would be unable to pay off its obligations if they came due at that point.

The current ratio and other financial performance indicators for the Phase I travel plaza are detailed in the attached financial statement proforma and are summarized below.

	2013	2014	2015	2016	2017	RMA AVG
Current Ratio	1.8	3.5	5.1	6.7	8.2	3.2

*The Internal Rate of Return for phase I of the travel plaza is an estimated 8.14%.* Internal rates of return are used to evaluate the desirability of investments or projects. The higher a project's internal rate of return, the more desirable it is to undertake the project. Assuming all projects require the same amount of up-front investment, the project with the highest IRR would be considered the best and undertaken first. The attached financial proformas and "what-if" analysis results indicate that the Fort McDermitt travel plaza is a highly desirable use of investment funds.

**Conclusion**

*It is my conclusion that with dedication, adherence to responsible fiscal principles and ongoing developmental support, Phase I of the Ft. McDermitt Travel Plaza has an excellent chance of obtaining sustainable profit-generating status as a stand-alone facility for the Ft. McDermitt Tribe.* The travel plaza has high potential for growth and expansion over the long term and would provide the much needed support structure for future retail businesses on the reservation.

In addition to wages, benefits and income provided to employees and their families, jobs created will help to instill pride, a sense of responsibility and accomplishment to community members, families and community. Increased profits and new jobs will help to reduce the Tribe's reliance on Federal funding and will promote and enhance Tribal sovereignty, self-determination, financial independence and, ultimately, the preservation of the Fort McDermitt culture and identity.

Opportunities for future expansion including the addition of two fuel pumps, a car wash, drive-through food service, ATM access and a children's play area for resting tourists to enjoy are all options to be further discussed and evaluated in a Phase II analysis.

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Thank you for the opportunity to work with you on this project. If you have questions or need more information regarding the methodology, analysis, or conclusions of the original report or of this addendum, please contact me. I wish you well with your efforts to create new business ventures for your tribe.

Sincerely



Robin Evans

The Fort McDermitt Paiute and Shoshone Tribe  
Phone: (775) 532-8259  
Fax: (775) 532-8487

P.O. Box 457  
McDermitt, Nevada 89421

# Fort McDermitt Paiute and Shoshone Tribe Financial Feasibility and Market Analysis

## FORT MCDERMITT TRAVEL PLAZA

Funding Assistance Provided By:  
USDA Rural Development  
Rural Business Enterprise Grant



**May 2, 2011**

Prepared by:  
**RezBuilders, L.L.C.**  
&  
**RAE Solutions**

Pages 151-239  
Redacted at request  
of applicant.

# **BUSINESS PLAN**

**Fort McDermitt Paiute-Shoshone Tribe**

**Fort McDermitt Travel Plaza**

**Phase 1**

May 9, 2011

# **Business Plan**

## **Travel Plaza and Convenience Market**

### **Table of Contents:**

- i Cover sheet
- ii Statement of purpose
  
- I. The Business
  - A. Description of business
  - B. Marketing
  - C. Competition
  - D. Operating procedures
  - E. Personnel
  - F. Business insurance
  
- II. Financial Data
  - A. Loan applications
  - B. Development Cost (including land)
  - C. Revenues and Sales
  - D. Pro-forma Annual Income Statement (5 years)
  - E. Pro-forma cash flow
  - F. Pro-forma Balance Sheet
  - G. Estimated Performance Ratios
  
- III. Conclusion

**STATEMENT OF PURPOSE:** The purpose of this business plan is to provide a framework to guide the organization and development of the Fort McDermitt Travel Plaza and Convenience Market to make it economically viable, profitable and sustainable over the long term.

I. The Business – Fort McDermitt Travel Plaza and Convenience Market

**A. Description of business:** The Fort McDermitt Travel Plaza is a “for-profit” business operated by the Fort McDermitt Paiute-Shoshone Indian Tribe through their Economic Development Enterprise Board of Directors.

**Legalities** – The business will be a wholly owned Tribal Enterprise of the Fort McDermitt Paiute-Shoshone Tribe managed by an Enterprise Board of Directors under the supervision of the Fort McDermitt Paiute-Shoshone Tribal Council.

**Business type** – The business will be a profit oriented retail sales business, providing an exciting Native American themed grocery and convenience item shopping experience to our customers.

**Our product / service** - The products we offer include competitively priced convenience items including groceries, Native American tobacco products and prepared food and drinks to the traveling public and local community members. Future expansion efforts will be developed as net income increases over time.

**Business structure:** The Fort McDermitt Travel Plaza is a new business. The business will be owned and managed by the Fort McDermitt Paiute-Shoshone Tribe and managed as a “for-profit” entity by the Fort McDermitt Enterprise Board of Directors. It will be managed under the Articles of Organization, Charter and Bylaws in accordance with Fort McDermitt ordinances. We intend to aggressively market this new facility and make the shopping experience an efficient and affordable alternative to competing markets. The Travel Plaza will be located directly off of Highway 95 just 4 miles south of McDermitt, Nevada. The plaza will be visible from the highway with easy access on and off of Highway 95. We do not plan to use a franchise in the near term.

**Why will the Fort McDermitt Travel Plaza be profitable** – The Travel Plaza and convenience market industry is expanding despite a down market as hurried families and travelers look for fast, convenience sources of on-the-go foods and sundry goods. The Fort McDermitt Travel Plaza will offer discount programs such as Women, Infant and Children (WIC) products and discounted promotional items to return customers. Native American Tobacco products will also be offered at a fraction of the cost of non-native brands. The margin on such items provides a significant competitive advantage to the Fort McDermitt Tribe.

**When the business will be open (days, hours)?** – The Fort McDermitt Travel Plaza and Convenience Market will be open seven days a week and 365 days a year. Services will be provided 18 hours a day from 6am – 11pm. Phase I of the facility will create at least four (4) new full-time jobs including a Travel Plaza Manager, Assistant Manager, and two (2) full-time associate. Hours of operation may be adjusted or extended depending on demand during the last two hours of operation for a six month

period. An additional clerk/security position may be added if the demand warrants it. We will provide activities for visitors during each season of the year.

*What we've learned about our kind of business from outside sources (trade suppliers, bankers, other franchise owners, franchisor, and publications)?* – We have referenced industry publications and professional risk management financial performance benchmarks as a baseline to project and measure the success of our Travel Plaza. We recognize that this business will require professionalism in management and some upfront marketing to properly promote the grand opening of our new Native-American-owned Travel Plaza and Convenience Market. We will provide quality service and offer competitively priced high-demand, convenience items to our patrons. Employees of the travel plaza will obtain formal business management and training Great Basin College, National Association of Convenience Markets (NACS) and other nearby educational resources and will be “customer service” oriented.

**B. Marketing** - Our marketing plan will be simple and well planned in order to optimize the value of each dollar spent to the fullest extent possible. The Tribe has allocated just under \$4,000 for initial marketing and advertising efforts. We will utilize such mediums as highway billboards, internet and radio sparingly as these methods tend to be the most expensive. Rather, we intend to host a grand opening ceremony complete with attractive highway signage, flags and attention grabbing promotional displays. We believe our most effective advertisements will be positive word of mouth. This emphasizes the importance of operating a clean, competitively priced travel plaza that much more important.

The Fort McDermitt Travel Plaza, once established, will become a well known and sought after location. We will offer competitively priced convenience items, specialized family oriented discount food programs such as WIC and discounted Native American tobacco products bringing cultural traditions and a Native American themed experience to our customers. We will also provide superior customer service. (A marketing plan is included in a separate attachment to this document).

**C. Competition** – We have analyzed all competing Travel Plazas and convenience markets located within a 70 mile radius of the proposed site. There are only four (4) directly competing travel plazas and convenience markets to which we will compete for market share. A full analysis of our competition is included in a separate document (See the 2011 Market Feasibility Study).

**D. Operating procedures:** A full-time Travel Plaza and Convenience Store Manager will be responsible for the daily operations of the Enterprise. The Travel Plaza Manager will report to the Fort McDermitt Enterprise Board of Directors. The Enterprise Board sets broad guidelines, performance goals, and direction on the overall marketing and management of the business. The Travel Plaza Manager will have discretion to resolve problems and provide services. The Travel Plaza Manager will be evaluated and compensated on his/her ability to control costs, manage and maintain the facilities, offer quality customer service and increase net income (profits).

**E. Personnel** – Initially, Phase I construction of the Travel Plaza will enable the creation of four (4) full-time jobs. We will hire a Travel Plaza Manager, Assistant Manager, and two (2) Associates/Clerks. We will utilize career ladders to get our staff trained as quickly as

possible for these positions. Each will receive formal business management training and customer service orientations. Job position descriptions are included in a separate document, attached. Low and Very Low income residents will be sought out to apply for any positions that we have available, and for contracts and sub-contracts that may be awarded. We will work to develop self-employment opportunities for low and very low income individuals for contract maintenance, auto repair service, towing and Native American arts and crafts making and sales.

**F. Business insurance** – Property, Fire and Liability insurance will be covered by the Fort McDermitt Tribal Comprehensive Policy for property, facilities, all the employees and the public at normal industry rates and requirements.

**FINANCIAL PRO-FORMAS ARE INCLUDED IN THE ADDENDUM TO THE FEASIBILITY REPORT AND WILL NOT BE REPEATED HERE**

**III. Conclusion**

The proposed Fort McDermitt Travel Plaza is a much needed and anticipated economic development retail enterprise that will create new jobs, reduce unemployment, and provide training and educational opportunities for Tribal members. Community members and traveling tourists will benefit from the construction of a new travel plaza and convenience market that offers competitively low prices for prepared foods, snack items, cold drinks and refreshments and culturally specific Native American goods.

Operating profits are estimated to be approximately 13% of sales year-over-year with earnings before interest and taxes (Net income) averaging 6.5% of sales. Net income after five years of operation is a very conservative \$29,437 and will benefit Tribal Members, Tribal government and area-wide residents since a percentage of earnings will be reinvested into the enterprise for future expansion efforts and additional tribal services. Based on extensive analysis and market research, Phase I of the Travel Plaza has an excellent chance of financial success. Financial performance summary is shown below.

	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
Sales	\$ 178,500	\$ 370,392	\$ 385,208	\$ 400,616	\$ 416,641
Operating Profit excluding Depreciation (EBITDA)	\$ 28,471	\$ 47,990	\$ 49,648	\$ 51,625	\$ 53,690
Operating Profit (% sales)	11.5%	13.0%	12.9%	12.9%	12.9%
Depreciation	\$ (12,135)	\$ (24,264)	\$ (24,253)	\$ (24,253)	\$ (24,253)
EBIT	\$ 8,336	\$ 23,726	\$ 25,387	\$ 27,372	\$ 29,437
EBIT % sales	4.7%	6.4%	6.6%	6.8%	7.1%
Net Income	\$ 8,336	\$ 23,726	\$ 25,387	\$ 27,372	\$ 29,437

Figure 11: Fort McDermitt Travel Plaza Estimated 5 year Financial Performance Summary

The Fort McDermitt Tribe believes that the initial funding of \$816,508 will be sufficient to carry the new Fort McDermitt Travel Plaza and Convenience Market

through to initial profitability. These financial needs will be met through a blend of equity (\$211,500) and HUD ICDBG grant funds (\$605,000).

With a reasonable application of business management practices, this project is financially feasible and has an excellent chance for sustained economic success.

\*\*\*\*\*

## **ATTACHMENTS:**

### **Job Descriptions –**

# Travel Plaza Manager

**Position Type:** Full time. The position includes weekends, evenings, and holidays.

**Experience Preferred:** Convenience store and/or management experience preferred but not necessary. Will initiate an aggressive training program through NCSA to get immersion training in convenience store management. Will engage consultant to provide on-the-job training and technical assistance to employees on early management of the store and facilities.

**Job Purpose:** Travel Plaza Store Manager will assist Assistant Store Manager in supervising staff and growing store profits.

**Skills/Qualifications:** Customer focus; vendor relationship skills; market knowledge; employee relations; results driven; good verbal and written communication skills

**Benefits:** Dental insurance, life insurance, medical insurance, optical insurance, paid sick leave, paid vacation, 401(k)

## **Duties:**

- Works complimentary shifts to the Assistant Manager
- Create, enforce and track employee time schedule
- Demonstrate strong commitment to customer service
- Receive payment by cash, check, credit cards, vouchers, or automatic debits
- Resolve customer complaints
- Make sure every Guest is greeted with a smile
- Make sure every Guest is thanked for their business and invited to return
- Check in vendors and maintain displays
- Train newly hired Associates
- Coach existing associates to higher levels of service
- Conduct cash audits at least once per shift
- Inspect work environment for safety hazards
- Remove obstacles preventing faster and friendlier customer service
- Sign for gasoline and diesel fuel deliveries
- Order supplies and merchandise
- Put away orders and stock shelves
- Cover for Associates to allow for breaks and lunches
- Communicate procedural changes to Associates
- Enthusiastically encourage Associates to participate in contests and promotions
- Attend regularly scheduled meetings
- Brew coffee and clean fountain area
- Communicate scanning problems or incorrectly priced merchandise
- Achieve shift labor budget goals
- Constantly deliver faster and friendlier service by scheduling Associates as necessary.

## **Physical Demands:**

- Regularly required to lift and / or move items up to 25 pounds
- Occasionally required to lift and / or move items up to 50 pounds

## **Travel Plaza Assistant Manager**

**Position Type:** Full time. The position includes weekends, evenings, and holidays.

**Experience Preferred:** Convenience store and/or management experience but not necessary. Will initiate aggressive training through NACS and Great Basin Community College. Will provide on-the-job training and technical assistance through a consultant.

**Job Purpose:** Assist Store Manager in various store duties as well as assist Store Manager in supervising staff and growing store profits.

**Skills/Qualifications:** Customer focus; vendor relationship skills; market knowledge; employee relations; results driven; good verbal and written communication skills

**Benefits:** dental insurance, life insurance, medical insurance, optical insurance, paid sick leave, paid vacation, 401(k) Career training will be provided upon acceptance of offer.

**Duties:**

- Complete store operational requirements in the absence of the Store Manager
- Print payroll, close daily and monthly reports, and print/prepare any other required reports
- Respond promptly to employee calls, customer, vendor, or other issues in manager absence
- Maintains applications by training, coaching, and counseling, staff in absence of Manager
- Lead staff in a fair manner to the standards outlined in the Employee Handbook
- Ensure availability of merchandise and store services
- Learn to monitor, maintain and order inventories
- Secure merchandise by utilizing security systems and implementing security measures
- Protect employees and customers by providing a safe and clean store environment
- Maintain the stability and reputation of the store by complying with legal requirements
- Maintain operations by assisting the Manager in initiating, enforcing policies and procedures
- Contribute to the team effort by accomplishing related results as needed
- Compute and record totals of transactions
- Count cash drawers to ensure amounts are correct and that there is adequate change.
- Identify prices of goods and services and tabulate bills using calculators, cash registers, or optical price scanners

**Physical Demands:**

- Regularly required to lift and / or move items up to 25 pounds
- Occasionally required to lift and / or move items up to 50 pounds

## **Travel Plaza Associates #1, 2 and 3**

**Position Type:** Full time. The position includes weekends, evenings, and holidays.

**Experience Preferred:** 1+ years of retail sales experience but not necessary.

**Job Purpose:** Assist Store Manager in various store duties as well as assist Store Manager in supervising staff and growing store profits.

**Duties:**

- Perform any and all regular duties as outlined in the cashier job description.
- Complete store operational requirements in the absence of the Store Manager.
- Greet customers entering establishments.
- Issue receipts, refunds, credits, or change due to customers.
- Issue trading stamps, and redeem food stamps and coupons.
- Maintain clean and orderly checkout areas.
- Monitor checkout to ensure adequate cash is available
- Process merchandise returns and exchanges.
- Receive payment by cash, check, credit cards, vouchers, or automatic debits.
- Request information or assistance using paging systems.
- Sort, count, and wrap currency and coins.
- Weigh items sold by weight in order to determine prices.
- Calculate total payments received during a time period, and reconcile this with total sales
- Cash checks for customers.
- Compile and maintain non-monetary reports and records
- Keep periodic balance sheets of amounts and numbers of transactions.
- Post charges against correct accounts.
- Stock shelves, and mark prices on shelves and items.
- Pay company bills by cash, vouchers, or checks.
- Works opposite shifts from the Manager - rotating weekends, evenings, and holidays.
- Ability to follow all required procedures of an open or close.
- Assist Manager with the financial safe/vault including audits, refilling, printing safe reports,

**Benefits:** dental insurance, life insurance, medical insurance, optical insurance, paid sick leave, paid vacation, 401(k)

**Physical Demands:**

- Regularly required to lift and / or move items up to 25 pounds
- Occasionally required to lift and / or move items up to 50 pounds

Pages 250-259  
are duplicates of  
pages 240-249.

## ENVIRONMENTAL ASSESSMENT

### Fort McDermitt Paiute and Shoshone Travel Plaza

Prepared for:

- ❖ U.S. Department of Health and Human Services Southwest Office of Native American Programs
- ❖ U.S. Department of Agriculture, Rural Development
- ❖ U.S. Department of the Interior, Bureau of Indian Affairs, Western Regional Office
- ❖ U.S. Department of the Interior, Bureau of Indian Affairs, Western Nevada Agency



THE ATTACHMENTS HAVE BEEN REMOVED FROM THIS DOCUMENT TO SAVE SPACE IN THE 2011 ICDBG GRANT APPLICATION TO HUD FOR AN ECONOMIC DEVELOPMENT PROJECT - FORT MCDERMITT TRAVEL PLAZA

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## ACRONYMS

A&E	Architecture and Engineering
BIA	Bureau of Indian Affairs
CEQ	Council on Environmental Quality
CFR	Code Federal Regulations
EA	Environmental Assessment
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
HUD	Housing and Urban Development
IHS	Indian Health Services
LID	Low Impact Development
MBTA	Migratory Bird Treaty Act of 1918, as amended
NAAQS	National Ambient Air Quality Standards
NCSS	National Cooperative Soil Survey
NCLAPG	North Central Nevada Local Area Planning Group
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NRCS	National Resource Conservation Service
NRHP	National Register of Historic Places
ROW	Right-of-way
PCI	Per Capita Income
PSE	Planning, Specifications, and Engineering
SHPO	State Historic Preservation Office
TCP	Traditional Cultural Property
USC	United States Code
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United State Geological Survey

# 1 – INTRODUCTION

## 1.1 PROJECT BACKGROUND

The Fort McDermitt Tribe (Tribe) has sought its own retail market for many years. The proposed Travel Plaza is expected to include a convenience store, tobacco products, fuel sales, and Native American arts and crafts. It may also include a restaurant and other services to be determined in the future. The Travel Plaza should also complement and support other new and potential businesses in the area.

It is proposed that the Travel Plaza have a Native American theme and may include a Paiute and Shoshone interpretive area and kiosks to attract the interest of tourists and enable the Tribe to tell its story in its own way. Native American owned enterprises that are attractive and desirable to the traveling public, that provide an "experience" that is diverse and fulfilling, and are located in an area that provides substantial natural beauty, culture, and services should be successful if properly structured and managed. The Tribe is committed to making this project successful and sustainable. The intersection of Highway 95 and BIA Route 4 (County Route 334) – South Old Reservation Road, located on the Fort McDermitt Indian Reservation (Reservation) provides an attractive location for a sustainable environmentally-friendly Travel Plaza to serve the local population of the Reservation and surrounding area as well as the travelers on Highway 95.

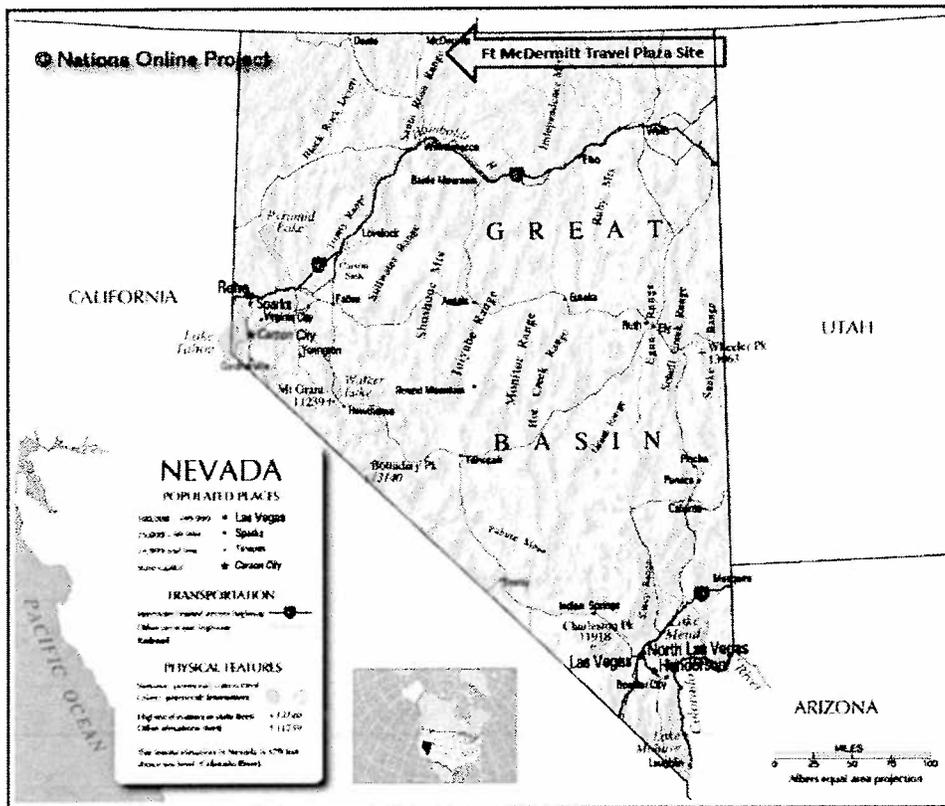


FIGURE 1. Location Map for Ft McDermitt Travel Site

The site for the Travel Plaza is initially ten (10) acres in size with on relatively flat land, bordered on the West by Highway 95 and on the South by BIA Route 4 (County Route 334) –

South Old Reservation Road (see Figure 1. *A General Location Map for the Fort McDermitt Travel Plaza Site*).

However, the entire project will encompass approximately 25 acres. The additional fifteen (15 acres) will allow for Frontage Road construction and maintenance, as well as future expansion of commercial enterprises. The site is located in Humboldt County on land held in trust by the United States for the beneficial use of the Fort McDermitt Tribe (Figures 1 and 2).

The Tribe created a new Tribally-chartered “for profit” business, the Fort McDermitt Travel Plaza Enterprise (Enterprise), wholly owned by the Tribe, and managed and operated through an independent Board of Directors. The Tribal Council, in a Special Tribal Council Meeting, dated May 25, 2010 passed a resolution appointing the five (5) new Directors (see Appendices “A” and “B”). The Ft McDermitt Travel Plaza Enterprise Board of Directors is regulated in accordance with the Fort McDermitt Travel Plaza Articles of Association, Charter, and Bylaws, entitled Articles of Organization (see Appendix “C”). The Tribe intends to enter into a 25 year lease for the Travel Plaza parcel with the Enterprise (see Appendix “D”). The project is known as the Fort McDermitt Travel Plaza.

The Bureau of Indian Affairs (BIA) has two actions to consider for this project: 1) approval of a 25 year lease between the Tribe and the Tribally Chartered Enterprise, and 2) approval of funding assistance for a frontage road to be constructed with Federal Highway Trust funds provided through the BIA. Prior to making decisions, federal agencies are required to consider environmental factors and potential consequences of their actions, in accordance with the National Environmental Policy Act (NEPA). This Environmental Assessment (EA) has been prepared to consider the project, alternatives, and potential environmental impacts, in compliance with NEPA. The Fort McDermitt Tribe has contracted with RezBuilders, LLC to prepare this EA on their behalf. Resource specialists from the BIA and the Tribe are participating in development of the EA.

## **1.2 PURPOSE AND NEED FOR ACTION**

The purpose of this project is to create a financially sustainable “for-profit” business on the reservation that will create new jobs and generate revenues to the Tribal Government. The Travel Plaza should initially employ five to seven full-time positions and provide revenue to the Enterprise to expand and create additional business ventures. It should also provide revenues to the Tribal government to provide services to the community.

The purposes of the project are to create jobs, to provide income to Tribal members, to generate revenue to the Tribal government, to reduce dependence on assistance programs, and to become self-sufficient. A Travel Plaza will help meet these goals. The Tribe needs economic development activities to provide revenue to the Tribal government and jobs for Tribal members. Revenues are needed for essential government services. The opportunities for viable economic development are limited on the Reservation and the construction of a Travel Plaza for the retail sale of convenience items, fuel sales, and tobacco products (see Appendix “E” – *Resolution No. FM11-005-034 Tobacco Taxation Law*) is the most promising project to be a sustainable and successful business for the Tribe.

The federal approval of the expenditure of funds managed by the BIA, Western Regional Office, Roads Division, and the approval of a land lease between the Fort McDermitt Tribe and the Fort McDermitt Travel Plaza Enterprise, constitute federal actions under NEPA of 1969 (42 U.S. Code [USC] 4371 et seq., as amended). An EA is required since the proposal will require approval by the BIA. The Tribe has consulted with the Superintendent and Natural Resources Officer, BIA Western Nevada Agency, about this project. An initial response from the BIA Western Nevada Agency, Superintendent, Ms. Athena Brown, was received May 04, 2011, (see Appendix “F”) along with a copy of the Certified Title Status Report (TSR) regarding the Travel Plaza Site (see Appendix “G”).

The Tribe intends to submit a grant application to BIA Roads for a High Priority Roads Construction grant for the Highway 95 right/left turn complex and the turnout and frontage road construction costs. In 1997 the Tribe passed Resolution FM97-06-026 - Concerning Road Improvement Projects (see Appendix “H”). Then in anticipation of the Travel Plaza project, the Tribe passed two (2) new resolutions updating the Road Inventory Transportation Improvement Plan and new priorities (see Appendix “I” - *Resolution FM 11-002-023 IRR Road Inventory Transportation Improvement Plan Update*) and (See Appendix “J” *Resolution FM 11-0021-023 Amendment*). The Tribe will contract for the planning, specifications, and engineering (PSE) for road design and construction cost estimates. The PSE will be used as a part of the grant application. The funds will be budgeted and put into a PL93-638 contract between the BIA and the Tribe for the construction of the road facilities.

This EA may also be used in the Tribe’s efforts to seek other Federal funding from other agencies in the form of grants or loans for the master planning, design and construction of the Travel Plaza. This other funding may include a BIA loan guaranty, United States Department of Agriculture (USDA) Rural Development grants or loans, Housing Urban Development (HUD), Indian Community Development Block Grants (ICDBG), US Department of Commerce Economic Development Administration, or other funding assistance. At this time, no applications have been prepared or submitted to other funding agencies and these agencies are listed as potential examples. If and when the Tribe does decide to seek funding assistance, and should that assistance be from Federal agencies, such approval of funds would constitute a new Federal action, and the Tribe will comply with that funding agency’s policies and procedures for environmental review and compliance. If this does happen at some time in the future, this EA will likely be utilized as a background document to meet the requirements of the specific funding agency.

### **1.3 STATUTORY AND REGULATORY AUTHORITY**

This EA has been prepared in accordance with the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] § 1500-1508) and other applicable laws. In addition, this EA follows the implementing procedures for these regulations in U.S. Department of the Interior Departmental Manual 516 (Chapters 1-7, and 10), which are specific to BIA activities.

In addition to NEPA, other applicable laws, regulations, and Executive Orders (EO) that relate to the project include, but are not limited to, the following:

- American Indian Religious Freedom Act, August 11, 1978 (Public Law 95-341, 42 U.S.C. 1996 and 1996a), 42 U.S.C. 1996.
- Antiquities Act of 1906, 16 USC 431-433, and amendments.
- Archaeological and Historical Preservation Act (AHPA) of June 27, 1960, as amended (PL 86-523, 16 U.S.C. 469-469c-2).
- Archaeological Resources Protection Act of 1979, as amended; (PL 96-95; 16 U.S.C. 470aa-mm).
- Clean Air Act, 42 U.S.C. §7401 et.seq. (1970) and Amendments, Title 42, Chapter 85, U.S.C.
- Clean Water Act of 1972 as amended, (Federal Water Pollution Control Act), 33 U.S.C. §§1251-1387.
- Endangered Species Act of 1973 as amended, (16 U.S.C. §1531 et.seq.)
- Farmland Protection Policy Act of 1981 (PL 97-98)
- Historic Sites Act of 1935 as amended; (49 Stat. 666; 16 U.S.C. 461-467)
- Migratory Bird Treaty Act (MBTA) of 1918 as amended; (16 U.S.C. 703-712)
- National Historic Preservation Act of October 15, 1966 as Amended, (PL 89-665; 16 U.S.C. 470 et. Seq.)
- Wilderness Act of 1964, PL 88-577 (16 U.S.C. 1131-1136)
- EO 11988, Floodplain Management, May 24, 1977, 42 F.R. 26951
- EO 11990, Protection of Wetlands, May 24, 1977, 42 F.R. 26961
- EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 11, 1994, F.R. Vol. 59, No. 32.
- EO 13186, Responsibilities of Federal Agencies to Protect Migratory Birds, September 18,2002, F.R. Vol. 66, No. 11.

#### 1.4 SUMMARY OF AGENCY INVOLVEMENT AND REQUIRED PERMITS:

The BIA is the Lead Agency for project approval

Agency/Entity	Authorization or Permit
Bureau of Indian Affairs	NEPA lead; National Historic Preservation Act lead; Approval of use of Federal Highway Trust funds managed by BIA Roads Division. Approval of lease between Tribe and Tribal Enterprise for 10-acre site.
Office of Special Trustee	Review of land lease and preparation of Appraisal of land value
U.S. Fish and Wildlife Service	Endangered Species Act compliance; Biological Assessment and response.
Nevada Department of Transportation	Encroachment Permit and Approval of design for turnout on Highway 95

#### 1.5 PUBLIC INPUT

A project scoping/consultation letter was sent during the initial stages of the project development to the following agencies:

- Athena Brown, Superintendent, BIA, Western Nevada Agency, 311 East Washington St, Carson City, Nevada 89701-4065
- Mr. Bryan Bowker, Director, Bureau of Indian Affairs, Western Region, ATTENTION: Amy Heuslein, Environmental Quality Services, 2600 N. Central Ave., 4<sup>th</sup> Floor, Phoenix, Arizona 85004
- Mr. Bryan Bowker, Director, BIA, Western Region, ATTENTION: Chip Lewis, Branch of Roads, 2600 N. Central Ave., 4<sup>th</sup> Floor, Phoenix, Arizona 85004
- Mr. Pierre Cantou, Trust Protection Specialist, BIA Western Region, 2600 N. Central Ave., 4<sup>th</sup> Floor, Phoenix, Arizona 85004
- Mr. Stan Webb, Realty Manager, BIA Western Region, Branch of Realty, 2600 N. Central Ave., 4<sup>th</sup> Floor, Phoenix Arizona 85004
- Advisory Council on Historic Preservation, 12136 West Bayaud Avenue, Suite 330, Lakewood, Colorado 80228
- U.S. Bureau of Land Management, 1340 Financial Boulevard, P.O. Box 12000, Reno, Nevada 89520-0006
- Federal Emergency Management Agency, Region IX, Mitigation Division, Presidio of San Francisco, P.O. Box 29998, San Francisco, CA 94129
- Federal Emergency Management Agency, Region IX, Planning and Historic Preservation, Oakland, California
- Don Davis, MPH Director, Phoenix Area Indian Health Service, Two Renaissance Square, 40 North Central Avenue, Phoenix, Arizona 85004
- State of Nevada, Department of Cultural Affairs, State Historic Preservation Office, 100 N. Stewart Street, Carson City, Nevada 89701
- U.S. Department of Interior, National Park Service, Cultural Resources Team, 1111 Jackson Street, Oakland, California 94607
- U.S Army Corps of Engineers, Sacramento District Office, Attn: CE-SPKCO-O, 1325 J Street, Room 1480, Sacramento, CA 95814-2922
- U.S. Fish & Wildlife Service, Reno Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502

A public Scoping Meeting was held on August 25, 2010 at the Fort McDermitt Tribal Administration Office. Coordination with the BIA, IHS, USDA, and other agencies is ongoing. This Draft EA will be made available for public review and comment for 30 days. Comments will be included in the Final EA that is prepared for this project (See Appendix "K" - Scoping Meeting Minutes).

## **2 – PROPOSED ACTION AND ALTERNATIVES**

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### **2.1 PROPOSED ACTION ALTERNATIVE**

The proposed action, the “Preferred Alternative” is to plan, design and develop a Travel Plaza on a ten (10) acre section of a twenty-five (25) acre site with a turnout from Highway 95 and a frontage road that will run about 2,000 feet parallel to Highway 95 along the edge of the site. The Federal actions associated with this project consist of two actions: 1) BIA approval of a 25 year lease between the Fort McDermitt Tribe and the Tribally-chartered Fort McDermitt Travel Plaza Enterprise, and 2) BIA approval of funding assistance from BIA Roads for a frontage road to be constructed with Federal Highway Funds provided through the BIA.

Project construction activities will involve ground leveling and earthwork, foundation work, convenience market construction, paving of parking area and roadway into and out of the site, septic tank and leech field, installation of fuel storage tanks, fuel pump islands, and outdoor cultural interpretation / picnic area on the initial 10 acres. The Frontage Road will be included along the entire 25 acre project site.

Indian Health Service (IHS) has agreed, by letter dated October 15, 2010 under signature of Michael Welch (See Appendix “L”), to provide technical assistance and review of water and sewer services. Electric service already exists provided by a Harney Electric Cooperative distribution line through the site (See Appendix “M”). Necessary approvals have been obtained for placement of utility infrastructure. The Tribe has also had the proposed Travel Plaza Site appraised as to the probable value of the initial 10 acres. The company, Collective Strategies, provided that value (See Appendix “N”).

Access currently exists to the site from BIA Route 4 (County Route 334, South Old Reservation Road). A new access is planned on the north end of the site from Highway 95. Both roads, Highway 95 and BIA Route 4 (County Route 334, South Old Reservation Road) are paved. A new frontage road is planned for the project about 2,000 feet in length to run parallel to Highway 95. A deceleration lane already exists for Highway 95 northbound traffic for right turns onto the BIA Route 4 (County Route 334, South Old Reservation Road). A left-turn lane already exists for southbound Highway 95 traffic to make the left turn onto BIA Route 4 (County Route 334, South Old Reservation Road). Two fuel islands will have two pumps each that can be expanded at a later date to eight pumps. Fuel storage tanks will be located on the back side of the property. The Tribe proposes to construct the Travel Plaza as early as possible in 2012.

The Tribe will acquire qualified professional design firms for the Travel Plaza and Road designs and specifications such as construction practices and sequence of construction, location of set-up areas, use of crews, equipment, etc. An Architecture and Engineering (A&E) firm will prepare the design and construction specifications for this Travel Plaza building including land leveling, site groundwork, aggregate and paving, building design and specifications, fuel storage tanks and fuel island, pumps, and other equipment, to meet applicable Federal and local building standards. A highway/roads engineering firm will prepare PSE for the turnout and frontage road. Both the Roads engineering firm and the A&E firm will assure that all applicable Federal and Humboldt County construction standards are followed by the construction contractors. Humboldt County, under County Ordinance 01—05-09a, adopted the 2006 International Building Code and the 2006 International Fire Code for this type of construction. The Fort McDermitt Tribe intends to

adopt the building codes used by Humboldt County (see Appendices “O” – *Resolution No. FM-11-005-035- Adoption of Humboldt County Building Codes...* and Appendix “P” *Memorandum of Understanding between Humboldt County Building & Safety Division and the Fort McDermitt Paiute and Shoshone Tribe*) and include those codes in the A&E and construction contracts. The A&E firm will recommend Best Management Practices (BMP’s) for the project. The A&E firm will also prepare the construction documents to put the construction, tanks, paving, furniture, fixtures, and equipment, and other requirements out to bid. Bids will be accepted from qualified commercial construction contractors, licensed in the State of Nevada, and meet the insurance and bid and performance bonding requirements. The A&E firm will also provide inspections during various phases of construction to assure that the construction is in conformance with the design and specifications. In addition, the Humboldt County Building Official will review the plans prior to construction bids and to have County building inspectors review the various phases of construction. All construction activities will take place within the existing Highway 95 and BIA Route 4 road (County Road 334 – South Old Reservation Road) rights-of-way and within the designated 25-acre construction site. The perimeter of the site will be marked to avoid off-site disturbance.

## **2.2. NO ACTION ALTERNATIVE**

The no-action alternative forms the basis for describing and comparing effects of the proposed alternative. In this case, the Tribe could not meet its economic development objectives. Under the “no-action” alternative, no jobs will be created, no income or benefits will be provided to Tribal members, and no revenue will be generated for the Tribal government to provide essential services. This alternative would be for the BIA to not approve the lease between the Tribe and the Tribal Enterprise and for the High Priority Roads Construction Project to not be funded. The Tribe would not initiate the construction of the Travel Plaza facilities and no new jobs will be created and no new revenues generated. Under the No Action Alternative the project will not be built.

## **2.3 ALTERNATIVES CONSIDERED AND ELIMINATED**

### **2.3.1 Alternate Locations for the Travel Plaza**

Other sites for the Travel Plaza were considered. The west side of Highway 95 was considered at the BIA Route 4 (County Route 334 - South Old Reservation Road) and also at the North Old Reservation Road. In both of these locations there is a lower elevation from Highway 95 with much higher development costs. The southeast corner of Highway 95 and South Old Reservation Road was considered but an existing residence interferes with the available size needed for the development. The east side of Highway 95 and North Old Reservation Road was considered but existing developments interfere with the available size needed for the development. Other locations on Highway 95 are farther to the south of the town of McDermitt and not as attractive for an economic venture of the type being proposed. Alternate locations were eliminated from further consideration because: 1) the parcels were not of adequate size to meet the needs of the development, 2) alternate locations were situated with topography that would require much higher development costs, and 3) alternate sites that had the physical features needed for development, including topography, drainage, and availability to utilities, were farther distances from the town of McDermitt and the Fort McDermitt communities making

it less feasible for economic sustainability. The Travel Plaza will depend largely on the traffic on Highway 95 so it is not feasible to locate the business in other locations except adjacent to Highway 95. A location in the community would not be as visible or as accessible and therefore not as economically feasible. The viability of the business will be reduced if it is not visible and readily accessible from the highway.

The development of a Travel Plaza in locations other than the proposed location were considered as an alternative and eliminated because the proposed location is preferred from an economic and environmental perspective.

**2.3.2 Alternate Types of Retail Businesses**

Other avenues of economic development were explored but nothing has been identified that will provide a viable and sustainable business without the Tribe being exposed to more substantial investment and risk. The Travel Plaza is the only economically viable business that the Tribe has found to pursue with a reasonable expectation of financial sustainability to date.

Consideration was also given to alternative retail business structures that are different than a Travel Plaza. The Tribe considered businesses such as a restaurant and RV Park Campground to meet the goals of creating new jobs and generating revenues to the Tribal government. While these ventures may be financially feasible in the future, they do not have the projected rate of return that would be generated from a Travel Plaza. The Travel Plaza was determined to be the first anchor business that can provide the customer base to make other retail ventures more viable. The sale of convenience items, fuel, and tobacco products have the highest potential for positive cash flow. The Travel Plaza is the most economical first step toward a commercial center on the Reservation.

The development of businesses other than a Travel Plaza as an alternative to meet the Tribe’s economic development goals was considered and eliminated as none could be identified that were economically viable. The Alternatives that were considered and eliminated were eliminated because they would not meet the project’s purpose and need. (Table 1. *Summary of Proposed Alternatives and Site Requirements*).

**Table 1. Summary of Proposed Alternatives and Site Requirements**

Alternative	Location:	Facility Requirements and Facilities:
<b>Proposed Action Alternative</b> Ten acre site with 4,000 sq ft. Travel Plaza	NW ¼ Section 21, T47N, R38E, MDM. Ft McDermitt Indian Reservation, Humboldt County, Nevada	Access to site is immediately available from BIA Route 4 (County Route 334). Water, electricity and telephone are available within or immediately adjacent to the site. Sewage treatment will be by septic tank system with design to be approved by Indian Health Service and it will meet or exceed Humboldt County building codes.

<b>Proposed Action Alternative Phase II</b>  Fifteen (15) acres for Frontage Road and future development	NW ¼ Section 21, T47N, R38E, MDM. Ft McDermitt Indian Reservation, Humboldt County, Nevada	Construct a 2,000 foot Frontage Road along Highway 95 for access from Hwy 95 to the Travel Plaza utilizing BIA Federal Highway Funds; and development of fifteen (15) acres for future retail ventures or enterprises.
<b>No Action Alternative</b>	No Action	No Facility Requirements

**2.4 PROJECT LOCATION**

The proposed Travel Plaza site is located on the Fort McDermitt Indian Reservation. The land is held in trust by the United States for the beneficial use of the Tribe. Figure 2. is a *General Vicinity Map for the Travel Plaza Site*. A *Lease Area of Initial 10 Acres of Travel Plaza site* is included below as Figure 3., followed by Figure 4. *Map to Accompany the legal description: Fort McDermitt initial 10 Acre Travel Plaza Site Legal Description*. Figure 5. is *An aerial photograph of the Travel Plaza Site and surrounding area*. (Figure 6.) is a segment of a *USGS map with the Travel Plaza Site*.



**FIGURE 2. General Vicinity Map**

## LEASE AREA

All that certain real property situate within a portion of the Northwest One Quarter (NW 1/4) of Section Twenty One (21), Township Forty Seven (47) North, Range Thirty Eight (38) East, M.D.M., Humboldt County, Nevada, within the Fort McDermitt Indian Reservation, more particularly described as follows:

**COMMENCING** at the Northeast Section Corner of said Section 21, being a BLM Brass Cap 1957;

**THENCE** departing said Section Corner and along the North Section Line of said Section 21, South  $89^{\circ}06'33''$  West a distance of 2720.66 feet, to the North Quarter Section Corner of said Section 21, being a BLM Brass Cap 1957;

**THENCE** departing said Quarter Corner South  $24^{\circ}25'55''$  West a distance of 1296.64 feet to a point on the east right of way for US Highway 95 as shown on those certain Nevada Department of Transportation right of way (ROW) plans dated May 21, 1962, also **THE POINT OF BEGINNING**;

**THENCE** departing said east right of way, South  $75^{\circ}28'26''$  East a distance of 558.62 feet;

**THENCE** South  $00^{\circ}13'42''$  West a distance of 641.74 feet;

**THENCE** South  $70^{\circ}32'51''$  West a distance of 571.57 feet, to the aforementioned right of way;

**THENCE** along said right of way, North  $00^{\circ}02'36''$  East a distance of 972.19 feet to **THE POINT OF BEGINNING**.

Containing 10.00 acres of land, more or less.

*See Exhibit "B", map exhibit to accompany description, attached hereto and made a part hereof.*

**NOTE:** This legal description is provided as a convenience and is not intended for the purpose of subdividing land not in conformance with the required laws. This legal description is for the purpose of describing a lease area only.

The Basis of Bearings is Nevada State Plane Coordinate System, West Zone, North American Datum of 1983/1994, (NAD 83/94), as determined using Real Time Kinematic (RTK) GPS Observations. Dimensions shown are ground distances. Combined grid-to-ground factor = 1.000242939. NGS Control Monument Q 80 USGS Quad - McDermitt (1991).

Prepared by:  
Humboldt Land Surveying  
4630 Beatrice Lane  
Winnemucca, NV 89445  
775-750-4525



Nasser H. Mohamad PLS, 17098

FIGURE 3. Lease Area of Initial 10 Acres of Travel Plaza

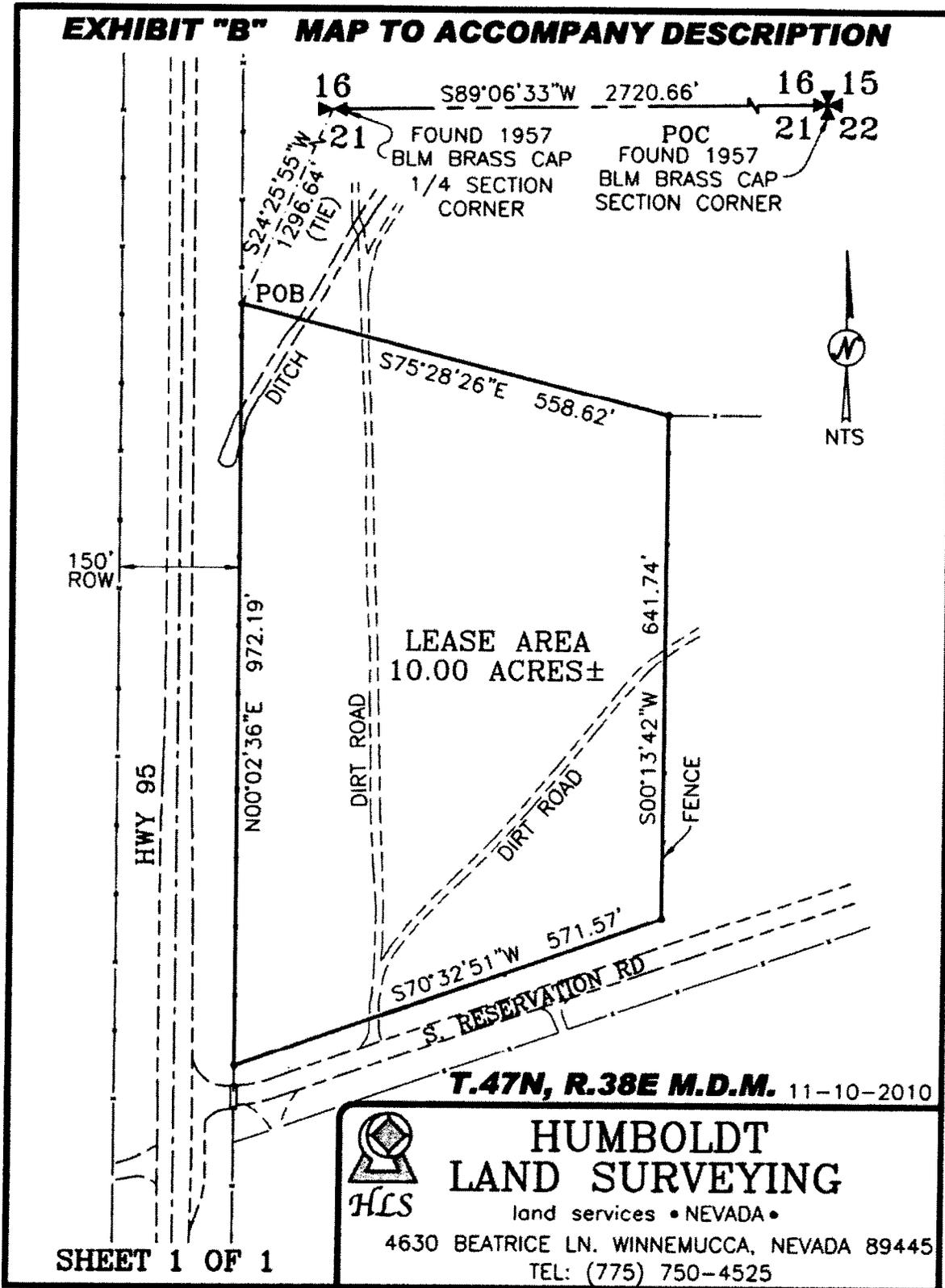


FIGURE 4. Map to Accompany 10 Acre



FIGURE 5. Aerial Photograph with proposed Travel Plaza Site

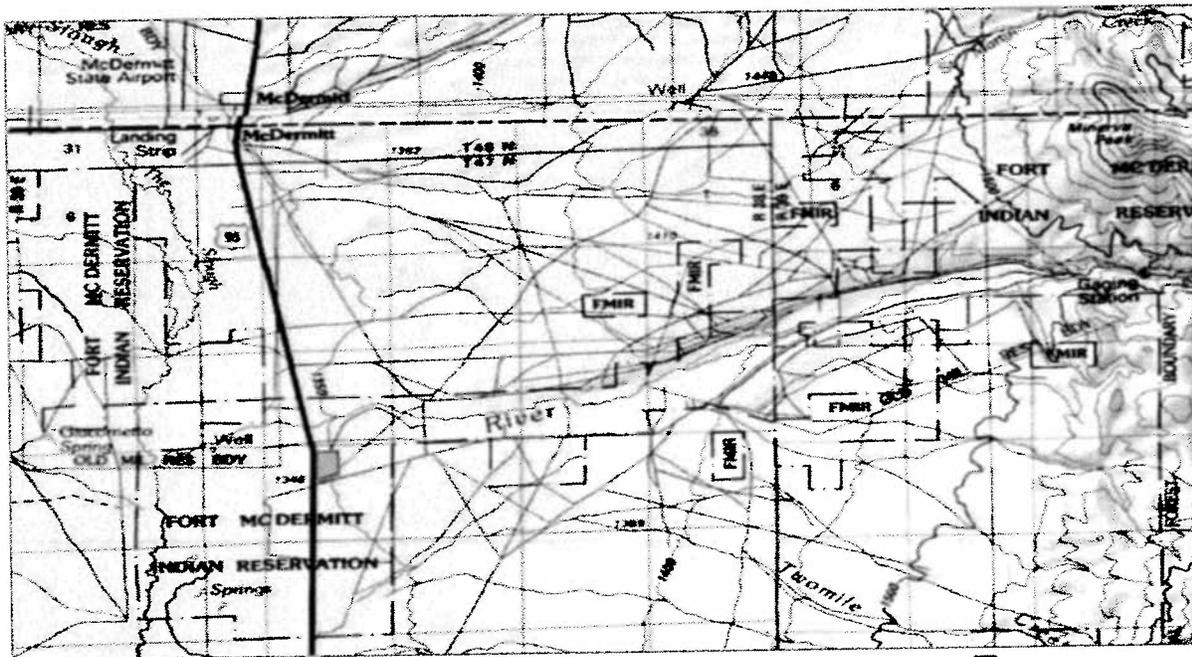


FIGURE 6. USGS Map with proposed Travel Plaza Site

### **3 – DESCRIPTION OF THE AFFECTED ENVIRONMENT**

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This chapter describes the existing condition of the environmental resources within the area where the proposed action alternative, the Travel Plaza project, will occur. The site is totally within the Fort McDermitt Indian Reservation and is rural in nature, relatively flat, and previously farmed for hay production and grazed by livestock. The site is bordered on the west boundary by Nevada Highway 95 and bordered on the south boundary by BIA Route 4 (County Route 334), known locally as the South Old Reservation Road; both roads are paved. Highway 95's annual average daily traffic counts in 2009 were 280 for South Old Reservation Road (County Route 334) and 1700 for Highway 95. A high percentage of the traffic on Highway 95 consists of large trucks and other commercial traffic.

The proposed Travel Plaza site is about 3 miles south of the town of McDermitt, Nevada, just south of the Oregon border. The land is largely open grazing lands with scattered housing and occasional buildings such as churches, offices, highway maintenance yards, etc. An electric line runs through the area and a domestic water line is located just east of the site. A fiber optics communications line lies within the Highway 95 right-of-way (ROW).

An initial review of resources within the project area was made to determine potential presence or absence of protected species and also the likelihood that the existing resources would be impacted from this project. The following resources were determined to not be applicable for further review and analysis in this EA:

- Lifestyle and Cultural Values
- Hunting, Fishing, and Gathering
- Timber Harvesting
- Mining
- Recreation
- Land Use Plans
- Wilderness

These resources are either not present within the project areas or it has been determined they would not be impacted as a result of approving actions associated with the Travel Plaza site.

#### **3.1 LAND RESOURCES**

##### **3.1.1 Topography**

The project area is located within Quinn River Valley – McDermitt Subarea (BGS) geographic unit. The primary and secondary landform is valley with 0° slope. Topography is even and flat through the entirety of the site with no hills or mountains within the project area. Topographic features are prevalent in distant hills and mountain ranges, but are far from the project site. The elevation at the project site is approximately **4424 feet**. A one-foot contour map of the project site can be found as Figure 7 following. The BLM has also indicated that they do not foresee any potential impacts to the public lands (See Appendix “Q”).



## Report — Map Unit Description

### Humboldt County, Nevada, East Part

255—Connel-McConnel complex, rarely flooded, 0 to 2 percent slopes 1 /

#### Map Unit Setting

*Elevation:* 4,300 to 5,000 feet

*Mean annual precipitation:* 8 to 10 inches

*Mean annual air temperature:* 47 to 50 degrees F

*Frost-free period:* 100 to 120 days

#### Map Unit Composition

*Connel and similar soils:* 50 percent

*Mcconnel and similar soils:* 40 percent

#### Description of Connel

##### Setting

*Landform:* Beach terraces

*Down-slope shape:* Convex

*Across-slope shape:* Convex

*Parent material:* Alluvium derived from mixed rocks, loess and volcanic ash

##### Properties and qualities

*Slope:* 0 to 2 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Well drained

*Capacity of the most limiting layer to transmit water (Ksat):*

Moderately high to high (0.57 to 1.98 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* Rare

*Frequency of ponding:* None

*Calcium carbonate, maximum content:* 10 percent

*Gypsum, maximum content:* 2 percent

*Maximum salinity:* Nonsaline (0.0 to 2.0 mmhos/cm)

*Sodium adsorption ratio, maximum:* 30.0

*Available water capacity:* Low (about 5.2 inches)

##### Interpretive groups

*Land capability classification (irrigated):* 4s

*Land capability (nonirrigated):* 7s

*Ecological site:* LOAMY 8-10 P.Z. (R024XY005NV)

**Typical profile**

*0 to 6 inches:* Very fine sandy loam

*6 to 20 inches:* Loam

*20 to 60 inches:* Stratified extremely gravelly coarse sand to very gravelly loamy sand

**Description of Mcconnel****Setting**

*Landform:* Beach terraces

*Down-slope shape:* Convex

*Across-slope shape:* Convex

*Parent material:* Alluvium derived from mixed rocks, loess and volcanic ash

**Properties and qualities**

*Slope:* 0 to 2 percent

*Depth to restrictive feature:* More than 80 inches

*Drainage class:* Somewhat excessively drained

*Capacity of the most limiting layer to transmit water (Ksat):* High (1.98 to 5.95 in/hr)

*Depth to water table:* More than 80 inches

*Frequency of flooding:* Rare

*Frequency of ponding:* None

*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 4.0 mmhos/cm)

*Sodium adsorption ratio, maximum:* 12.0

*Available water capacity:* Low (about 3.7 inches)

**Interpretive groups**

*Land capability classification (irrigated):* 4s

*Land capability (nonirrigated):* 7s

*Ecological site:* LOAMY 8-10 P.Z. (R024XY005NV)

**Typical profile**

*0 to 16 inches:* Gravelly fine sandy loam

*16 to 60 inches:* Stratified extremely gravelly coarse sand to very gravelly sandy loam

(NRCS Soil Survey-Web Soil Survey, 2008)

**FIGURE 8. National Cooperative Soil Survey Soil Map Description**

Field review and observations revealed previous soil disturbance has occurred throughout the Travel Plaza site area. The entirety of the Travel Plaza site has been cultivated for agriculture in the past (Figure 9. *Area of Interest for Soil Type and Agriculture Activity*). Figure 10. displays the current soils type location map.



### 3.1.3 Geologic Setting, Mineral & Paleontological Resources

The proposed project site is totally within the alluvial and playa deposits zone, perhaps as old as Tertiary, with no associated faults or geologic features of significance (Figure 11. *Bedrock Geologic Map*). The project site does have the potential for extractable minerals, particularly construction sand and aggregate. However, the Enterprise has not expressed any interest in mineral extraction at the proposed project site. Paleontological resources are not known to be in this area.

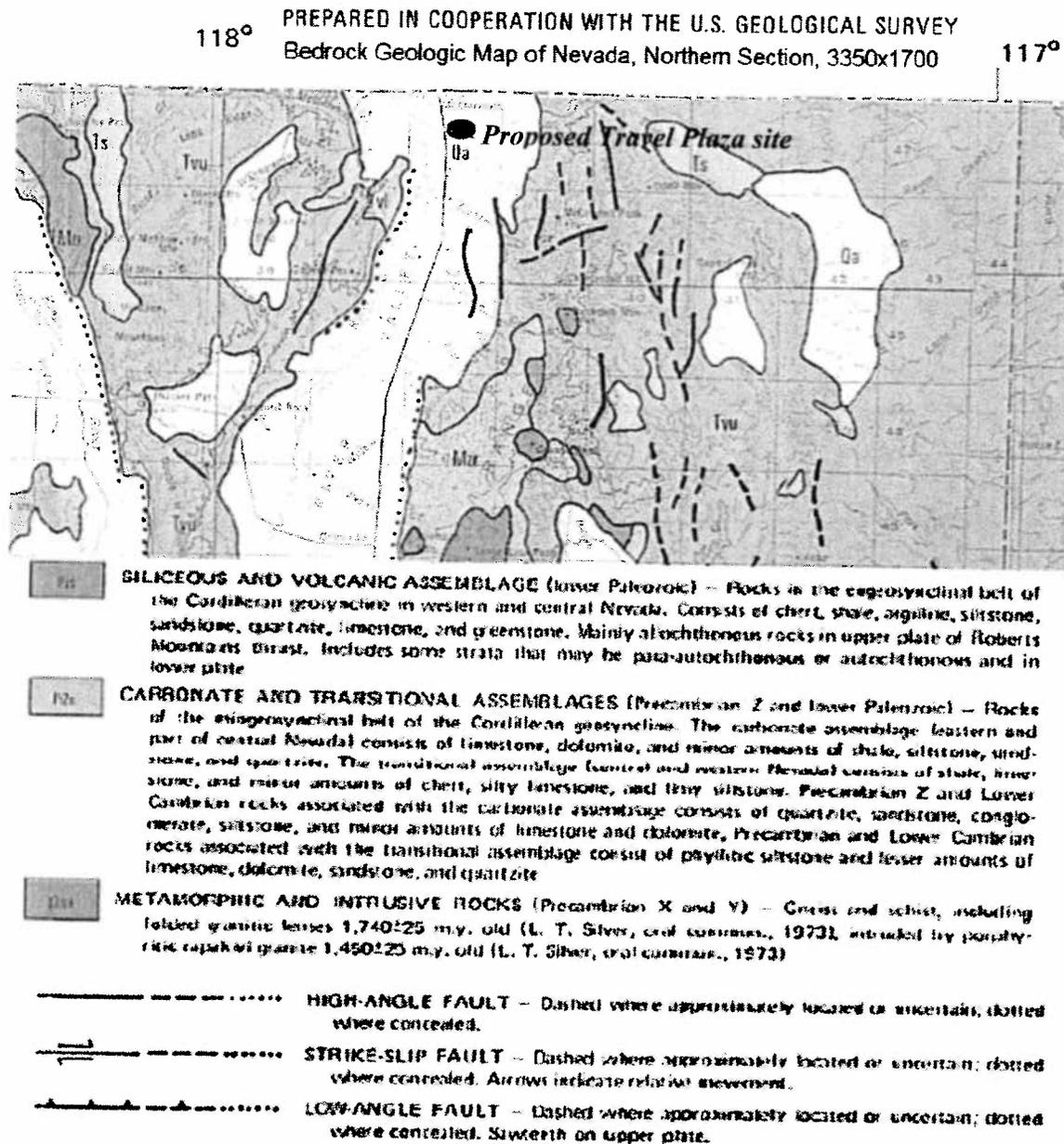


FIGURE 11. Bedrock Geologic Map

Based on extensive past research by the U.S. Geological Survey, volcanic activity at McDermitt spanned the period 27-16 million years ago and culminated in a structural collapse over a 450 square mile surface area, presently known as the McDermitt Caldera (Figure 12. *McDermitt Caldera Structure*). The collapse was the result of the large volume of erupted magma which left a large subsurface void that subsided within itself.



**FIGURE 12. McDermitt Caldera Structure**

The youngest period of volcanic activity at McDermitt, from 19 to 16 million years ago, generally consisted of explosive eruptions of rhyolite which was anomalously high in lithium compared to average rhyolites. Volcanic activity concluded by resurgence of the central part of the caldera, intrusion of rhyolite into the ring fracture zones around the caldera, and formation of a "moat" between the topographic wall of the caldera and the resurgent domes in the center of the caldera. Airborne ash components from these rhyolite eruptions locally accumulated in these shallow lakes or swamps within the "moat" which was also concurrently receiving fine sediments derived from adjacent eroding outcrops. Hydrothermal alteration of the volcanoclastic sedimentary rocks, or perhaps hot spring activity percolating through the adjacent rhyolitic rocks, introduced lithium into the "moat" sediments. This formed lithium rich clays known as hectorite. Hectorite is a trioctahedral smectite clay containing variable amounts of lithium. The general formula is  $\text{Na}_{0.3}(\text{Mg}, \text{Li})_3\text{Si}_4\text{O}_{10}(\text{F}, \text{OH})_2$  where Lithium substitutes for Magnesium in the lattice. The hectorite ranges from light to dark green, brown or light to dark grey in color depending on the oxidation state of the iron in the clay.

Ongoing studies include core relogging to understand the details of the occurrence of the volcanic action and the resulting caldera and its geologic setting, an in-fill drill program to further characterize the hectorite, metallurgical testing of the various ore-types and initial prefeasibility studies to further determine soil composition for project economics and activities.

McDermitt is located within the Great Basin, which is comprised of a series of depressions once covered by Lake Lahontan, and encompasses parts of Nevada, California, Oregon, Idaho, Utah, and Wyoming. The Quinn River, which winds through the arid landscape of the reservation, empties into a low point of the basin which forms the valley where McDermitt is located.

### 3.2 Water Resources

Domestic water on the Reservation is provided via tribal wells. The Tribe provides maintenance and monitoring of the wells. Two tribal wells provide water to the proposed project site via a 6-inch diameter pvc pipeline (Figure 13).

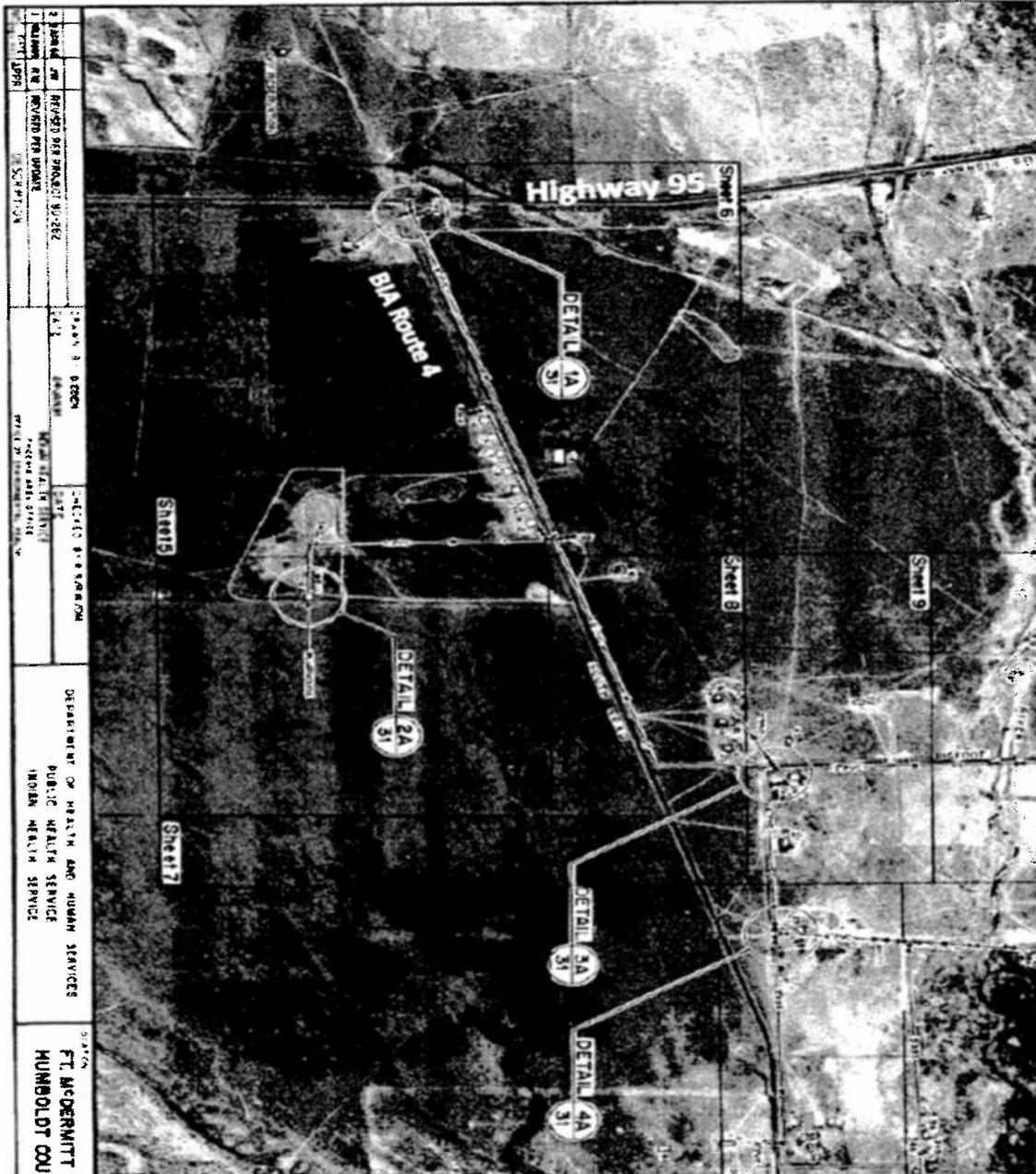


FIGURE 13. Waterlines, fire hydrants, irrigation lines, etc.

A fire hydrant connected to this line is located on the southeast corner of the Travel Plaza (Figure 14).

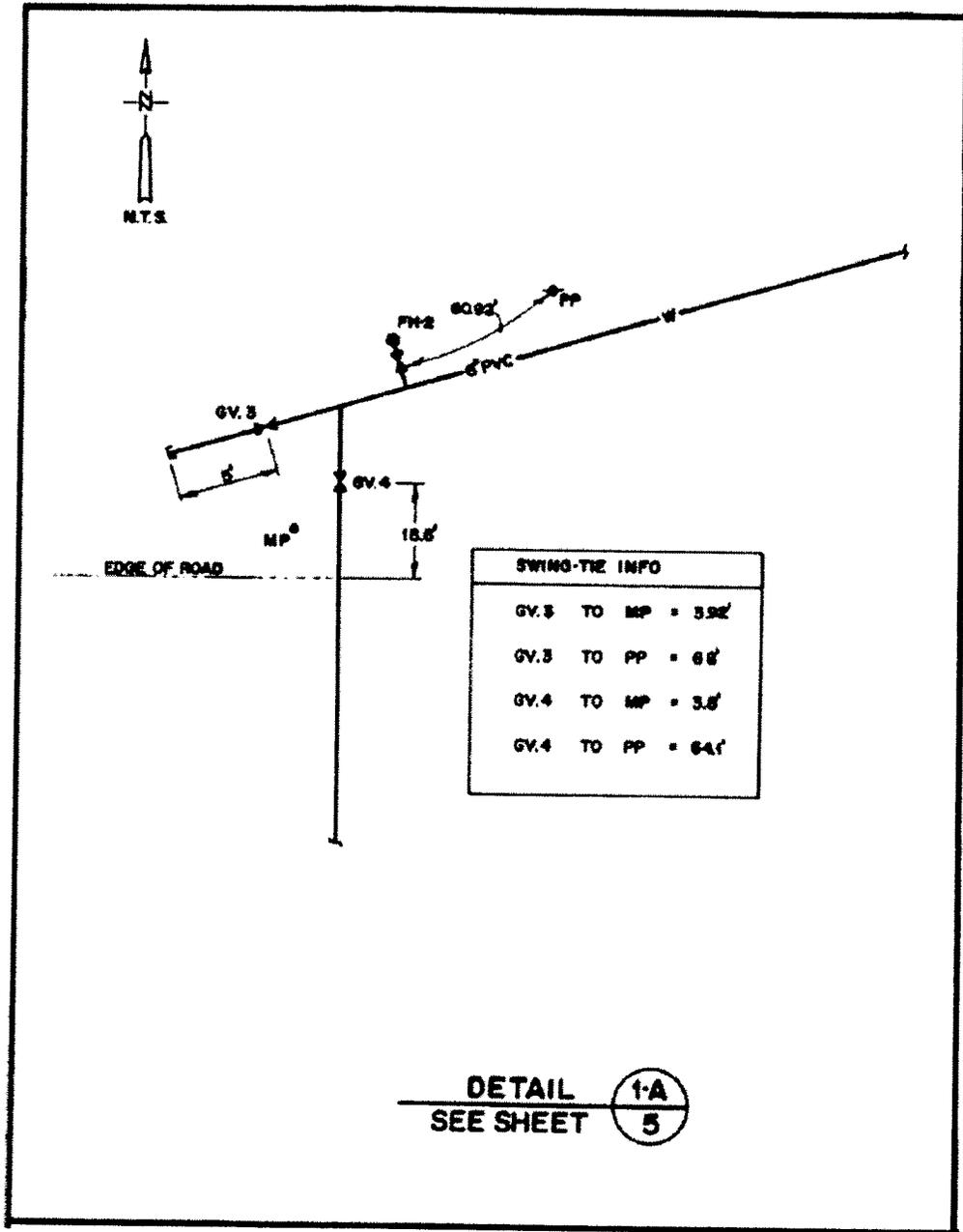
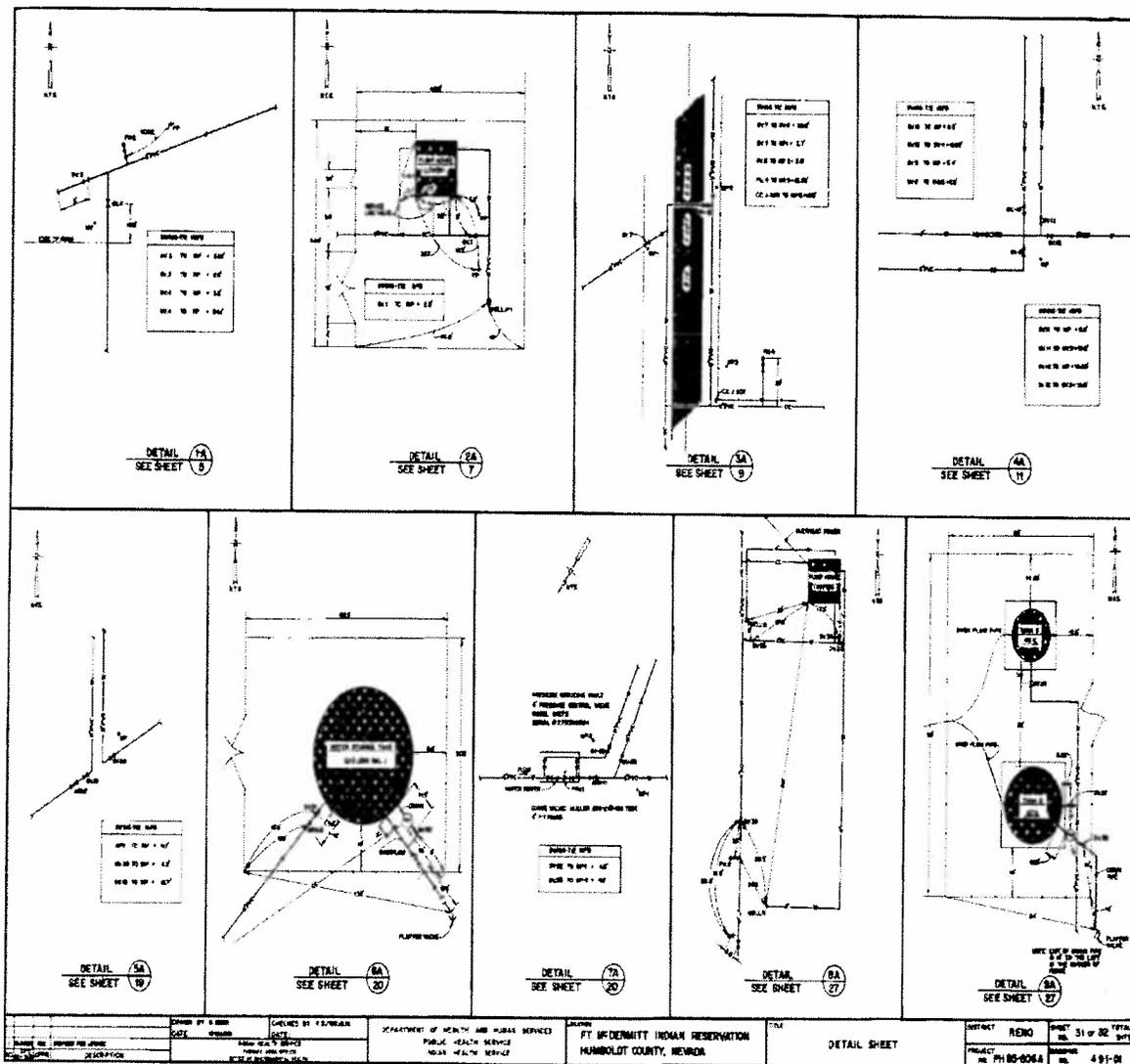


FIGURE 14. Fire Hydrant Location



**FIGURE 15. Waterline Details for Travel Plaza Site**

Source: Indian Health Service

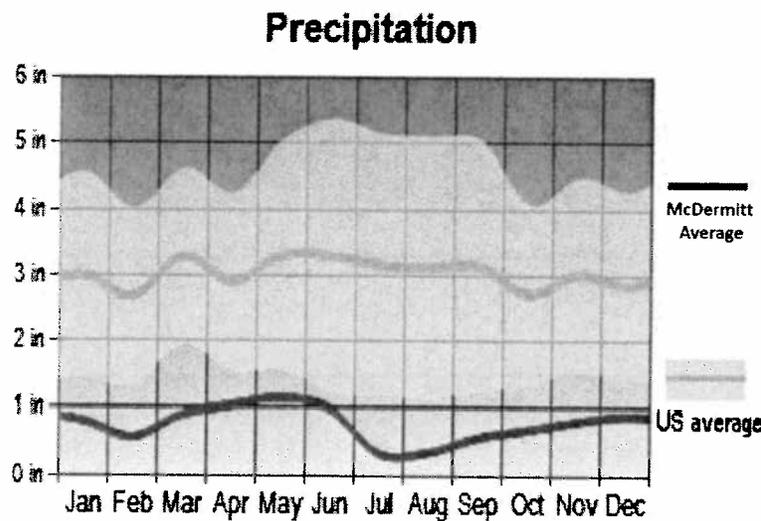
Domestic water quality is regularly monitored to assure compliance with federal and state domestic water quality standards. It is estimated that the convenience market will utilize between 20,000 and 50,000 gallons per month, primarily for the functioning of restrooms, wash basins and general cleaning of the premises. See Figure 15 (above) for waterline details for the Travel Plaza Site.

There are no surface water impoundments or streams present on the Travel Plaza site. Washes or other natural waterways do not cross the project site. There are no riparian or wild and scenic rivers within, or near the project area. There is one irrigation ditch that crosses a portion of the Travel Plaza Site.

(One irrigation ditch crosses the site. The Tribe owns the ditch and is responsible for maintenance. The Division of Water Resources for the State of Nevada allocates the water due to a 1919 Taber Decree when the property (which is referred to today as, "upper Hearn") was privately owned. Private ownership and Indian allotments intertwined in this particular area of

the Reservation from 1889 – 1945. There are no records (from Bureau of Land Management [BLM] plats) that show transfer of ownership if this "private" property was at one time Indian allotments and sold to become private. The ditch is approximately 3.5 miles and irrigates 1,560.30 acres under the Taber Decree and as of December 1989 indicates that use is being made on approximately 1,000 acres. There are a total of 15 named leaseholders (some hold multiple leases on this ranch). The subscribers only pay for their lease not the water. The budget off sets the revenues from the leases and is utilized in the General Fund) Billy Bell, [personal communication to Bob McNichols and Suzanne Eskenazi, October 2010]).

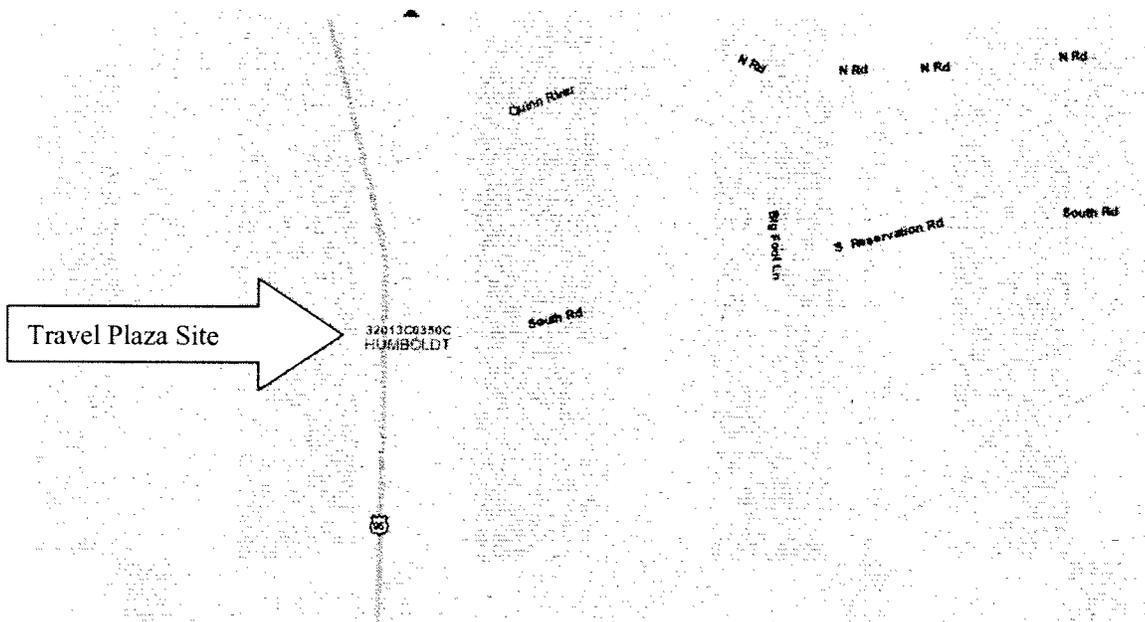
Fort McDermitt Reservation has a dry high desert climate with warm dry summers and cold winters. Annual precipitation in McDermitt averages 9.29 inches (Figure 16).



**FIGURE 16. Average Annual Precipitation - McDermitt: Nevada, United States**

*Source: U.S. Weather Bureau*

Floodplain data was researched for the project area through Federal Emergency Management Agency (FEMA - 2008) map panels. Floodplains data is not available for this portion of the Reservation. Field observations in this area did not indicate the presence of potential floodplain areas within the proposed Travel Plaza site or within the vicinity.



**FIGURE 17. FEMA Floodplain Map 32013c0350C for Travel Plaza Site**

(FEMA -2008 Map Service Center)

### 3.3 AIR QUALITY / ACHIEVEMENT, VISIBILITY

Air quality on the Fort McDermitt Indian Reservation meets the National Ambient Air Quality Standards (NAAQS). There are not any areas of non-attainment and maintenance in Humboldt County. The Environmental Protection Agency (EPA) Office of Air Quality Planning and Standards has set NAAQS for six principle air pollutants, which are called “criteria pollutants.” These are carbon monoxide, lead, nitrogen dioxide, particulate matter, ozone, and sulfur oxides. The project area is located within EPA’s Region 9 (See Appendix “R” - EPA Tribal Lands Region 9), which considers air quality issues within Arizona, California, and Nevada. EPA provides oversight of air quality resources for all Native American lands.

EPA designates air quality according to two primary classifications, based on primary and secondary standards (NAAQS) they have established for the six criteria pollutants. These are “attainment” and “nonattainment.” Generally, attainment refers to an area that meets the national primary or secondary air quality standards for the pollutant. Nonattainment, in general, refers to an area that does not meet (or that contributes to air quality in a nearby area that does not meet) the national primary or secondary ambient air quality standard for the pollutant (See Appendix “S” - Federal Class I Areas in Nevada) (EPA 2008a).

Air quality status was reviewed for attainment and nonattainment characteristics for the Fort McDermitt Travel Plaza site. The project area falls within attainment areas (EPA - 2008b). Current air pollution sources in the project areas primarily include particulate matter from vehicle travel in unpaved areas and vehicle emissions.

### 3.4 LIVING RESOURCES

On August 30, 2010, Bob McNichols conducted a complete pedestrian survey of the Travel Plaza site (See Appendix “T” - *Biological Assessment*). Observed vegetation and wildlife habitat was documented. Potentially suitable habitat for threatened and endangered species was determined by the presence of diagnostic habitat elements.

There are no tribally sensitive species living in the area of the proposed Travel Plaza. The Tribe has not identified any plant or animal species as “sensitive.”

#### 3.4.1 Wildlife

##### **Federally Listed Threatened and Endangered Wildlife Species**

Federally-listed threatened or endangered wildlife species protected under the Endangered Species Act (ESA) that might potentially occur within Humboldt County, Nevada, were identified using information from Federal and State resource agencies.

A total of two federally-listed threatened or endangered wildlife species, both fishes, with the potential to occur within the proposed project area were identified. There is no aquatic habitat, riparian or wetlands on or near the Travel Plaza site so there is no potential for these species to occur at the project site.

Additionally, two candidate species have the potential to occur within the project area. Federally-listed wildlife species information is included in Table 2 and are analyzed to assess the probability of the species occurring in the project area, and to determine if further study is necessary. Based on this review, no federally-listed or candidate species or designated critical habitat were identified as potentially occurring within the project area.

**Table 2. Wildlife, Threatened, Endangered and Proposed Candidate Species, Humboldt County (Updated March 5, 2010)**

E = Endangered; T = Threatened; C=Candidate

Source: U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office

	Status	Species	Scientific Name	Notes
<b>Birds</b>	C	Greater sage-grouse	<i>Centrocercus urophasianus</i>	No habitat near proposed project site
<b>Fishes</b>	T	Desert dace	<i>Eremichthys acros</i>	No aquatic habitat near proposed project site
<b>Fishes</b>	T	Lahontan cutthroat trout	<i>Oncorhynchus clarkii henshawi</i>	No aquatic habitat near proposed project site
<b>Invertebrates</b>	C	Elongate mud meadows springsnail	<i>Pyrgulopsis notidicola</i>	No wetland habitat near proposed project site

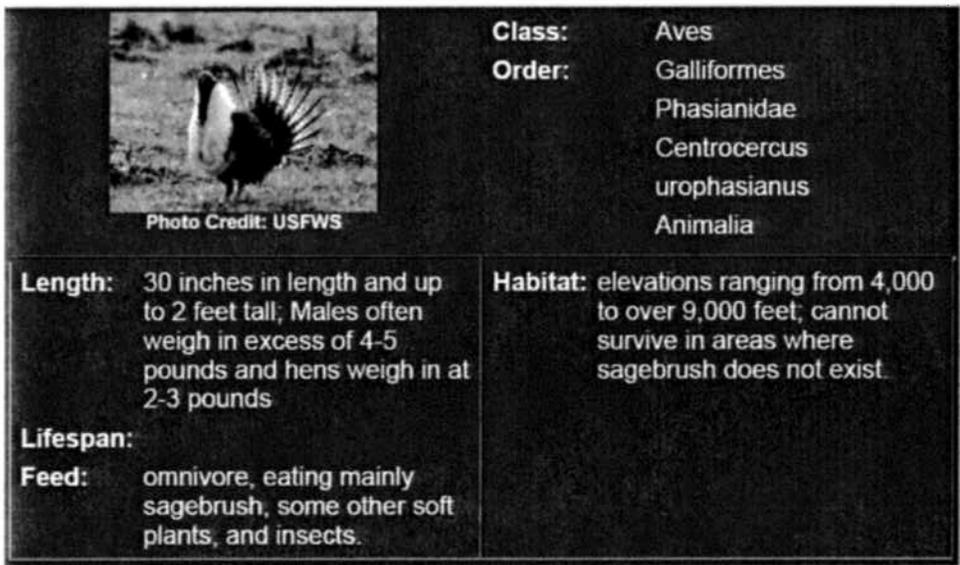
Fish species Desert dace, *Eremichthys acros*, and Lahontan cutthroat trout, *Oncorhynchus clarkii henshawi*, have no aquatic habitat near the proposed site, so there is no potential for these species

to occur at or near the site. The elongate mud meadows springsnail, *Pyrgulopsis notidicola*, is associated with wetland habitat and there is no wetland habitat near the proposed project site, so there is not potential for this species to occur at the site.

The Greater sage-grouse, *Centrocercus urophasianus*, is a candidate species and of particular concern to the (USFWS). See Figure 18. Greater Sage Grouse.

After review of the North Central Local Area Conservation Plan and Population Management Unit Plans Completed to Date, and in consultation with the North Central Nevada Local Area Planning Group (NCLAPG) and the State of Nevada’s Natural Heritage Program, it is determined that the Fort McDermitt Travel Plaza site is outside the summer, winter, and nesting habitats of the greater sage grouse and the species has never been observed or known to occur in this location. The project site does not have any designated critical habitat for the greater sage grouse as potentially occurring within the project area (See Appendix “U” *Data Response from Nevada Natural Heritage Program*).

### Greater Sage Grouse



**FIGURE 18. Greater Sage Grouse (*Centrocercus urophasianus*)** ( Source: USFWS)

### Migratory Birds

Birds protected under the Migratory Bird Treaty Act of 1918, as amended (16 USC 703-712) (MBTA) are listed in the Interior Department regulations found at 50 CFR 10.13. The Migratory Bird Treaty Act states it is unlawful to take, kill, or possess migratory birds that are listed under its protection without a permit. Birds and signs thereof (nests and burrows) were recorded during the field review. No nests, burrows or signs of migratory birds were observed.

The USFWS expressed concerns (Letter dated October 18, 2010, File No. 2011-SL-0010) (See Appendix “V” *Species List from the Pacific Southwest Region Fish and Wildlife Service*) about potential impacts the proposed project may have on migratory birds in the area. Given these concerns, the USFWS recommended that any land clearing or other surface disturbance associated with the proposed actions within the project be timed to avoid potential destruction of bird nests or young, or birds that breed in the area. Such destruction may be in violation of

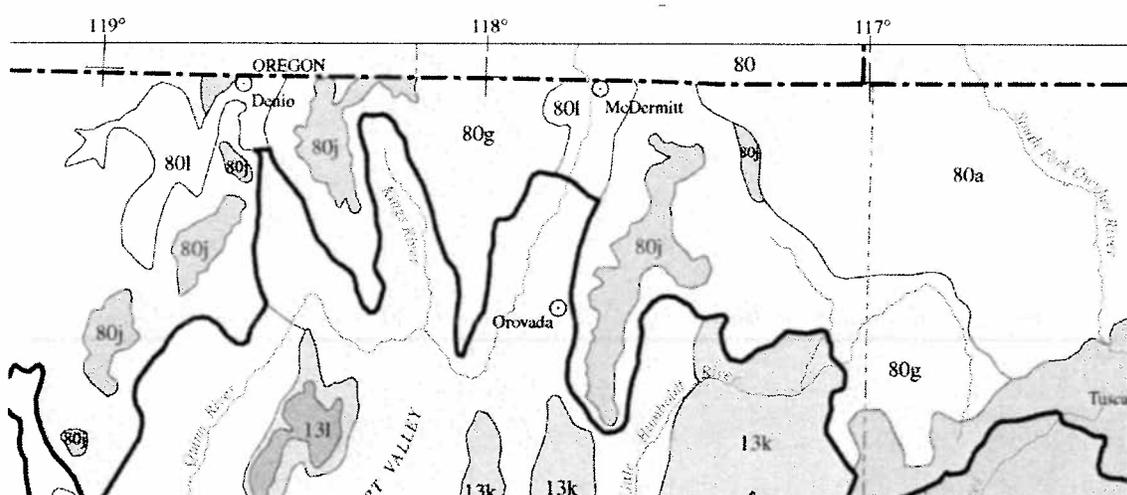
MBTA. Under MBTA, nests with eggs or young of migratory birds may not be harmed, nor may migratory birds be killed. Therefore, USFWS recommends land clearing is conducted outside the avian breeding season. If this is not feasible, the USFWS recommends a qualified biologist survey the area prior to land clearing. If nests are located, or if other evidence of nesting (i.e. mated pairs, territorial defense, carrying nesting material, transporting food) is observed, a protective buffer (the size depending on the habitat requirements of the species) should be delineated and the entire area avoided to prevent destruction or disturbance to nests until they are no longer active (See Appendix “W”- *Nesting Raptor Buffer Information*).

### **3.4.2 Vegetation, Ecosystems, and Biological Communities**

The proposed Travel Plaza site is located in the Northeastern Region of Nevada. This region is bordered by the glacier-carved Ruby Mountains. At higher elevations, abundant water and milder temperatures produce some of the sweetest and most sought after alfalfa on century-old ranches. Interstate 80 and the Elko Railport connect the region’s mining and agricultural outputs with international markets. The region is comprised of Battle Mountain, Carlin, Denio, Elko, Jackpot, Jarbidge, Lamoille, Lovelock, McDermitt, Wells, West Wendover, and Winnemucca. This region is cooler than the Central Basin and Range region and at lower elevations is dominated by sagebrush steppe vegetation.

The USFWS designates Ecoregions in the State of Nevada with the Travel Plaza site being located in the Northern Basin and Range Ecoregion.

The Northern Basin and Range Ecoregion contains arid tablelands, intermontane basins, dissected lava plains, and scattered mountains. Non-mountain areas have sagebrush steppe vegetation; cool season grasses and mollisols. Ranges are generally covered in mountain sagebrush, mountain brush, and Idaho fescue at lower and mid-elevations; Douglas-fir, and aspen are common at higher elevations. Overall, the ecoregion is drier and not suitable for agriculture. However, rangeland is common and dryland and irrigated agriculture occur in eastern basins. The Travel Plaza Site is in an ecohabitat defined as 801, which is Salt Shrub Valley (Figure 19).



**FIGURE 19. Nevada Ecohabitat 801, Salt Shrub Valley Source: U.S. Fish and Wildlife Service**

## Federally Listed Threatened and Endangered Plant Species

Federally-listed threatened or endangered plant species protected under the ESA potentially occurring within Humboldt County, Nevada, were identified using information from the federal and state resource agencies. One candidate species, the Soldier Meadow cinquefoil (*Potentilla basaltica*), was found with potential to occur in the project area. The species is discussed below.

### Soldier Meadow Cinquefoil

The soldier meadow cinquefoil is listed as a candidate species. The Soldier Meadow's population of cinquefoil occupies alkali meadows, seeps, and marsh habitats bordering springs, outflow streams, and depressions. There is no potential for this species to occur at the Travel Plaza site as there is no riparian or wetland habitat at the site that could support the species.

**Table 3. Plants - Endangered, Threatened and Proposed Candidate Species.**

	Status	Species	Scientific Name	Notes
Plants	C	Soldier Meadow cinquefoil	<i>Potentilla basaltica</i>	No riparian or wetland habitat near proposed project site

No noxious weeds were observed during the Biological Assessment (See Appendix "T" *Biological Assessment*), and this project is not expected to have any impact on noxious weeds.

## 3.5 CULTURAL RESOURCES

On September 28, 2010, HRA archaeologist Suzanne Eskenazi and Fort McDermitt Environmental Director Duane Masters Sr. conducted an intensive Class III archaeological survey of the proposed project site (See Appendix "X" - *An Archeological Survey for the Fort McDermitt Paiute-Shoshone Tribe of Nevada and Oregon, Humboldt County, Nevada*). The purpose of the survey was to identify and document the archaeological resources within the project area and to evaluate those resources with regard to their eligibility for the National Register of Historic Places (NRHP) in compliance with the National Historic Preservation Act (NHPA). The survey was conducted to determine if significant cultural resources, which could be affected by the proposed undertaking, are present within the project areas. Important cultural resources may include historic or prehistoric archaeological sites or objects, historically or architecturally significant structures, buildings, or landscapes, and traditional cultural properties (TCPs) which are eligible for inclusion in NRHP.

The project area is located on tribal lands east of Nevada Highway 95 and north of the South Reservation Road. The project area is located in Township 47 N, Range 38 E, Section 21 on the McDermitt, Nevada 7.5' USGS quadrangle.

HRA's archaeological survey resulted in the identification of one archaeological site, 26Hu5409, a historic ditch. The ditch is in good condition, as it is still in use, although it cannot be associated with a significant person or event in history. HRA recommends that it is not eligible for nomination to the NRHP under Criterion A, B, or C. The ditch appears to have been part of the extension work of two existing canals mentioned in a 1911 Department of the Interior Report. The ditch is unlikely to provide additional information important to history beyond what has already been recorded. As a result, HRA further recommends that this portion of the ditch system is not eligible for nomination to the NRHP under Criterion D. HRA recommends that the portion of the ditch located within the project area would be a non-contributing element to the unevaluated overall Fort McDermitt Reservation irrigation system, and that the proposed project will have no effect to archaeological resources historic properties in the project area. The State Historic Preservation Office (SHPO) concurrence is pending review by an historic architect (See Appendix "Y" - *Letter from the Dept. of Cultural Affairs, State Historical Preservation Office under signature of Jessica Axsome*).

### **3.6 SOCIOECONOMIC CONDITIONS**

#### **3.6.1 Employment and Income Characteristics**

**Population:** The population of the Fort McDermitt Indian Reservation per the 2000 U.S. Census is 309. The actual Tribal enrollment for the Fort McDermitt Tribe is 1,025 with the Reservation Service Population being around 440 and residents living on the Reservation today being around 432.

**Long Term Poverty:** The Fort McDermitt Tribe has experienced long-term poverty as is evidenced by the 1990 and 2000 U.S. Census. The 2000 Census reported the Per Capita Income (PCI) for the Fort McDermitt Indian Reservation is \$6,322 which is only 28.8 % of the PCI of the State of Nevada, \$21,989, and only 29.3% of the PCI of the United States, \$21,587 (Table 4).

34.5% of the families on the Fort McDermitt Indian Reservation are living below poverty compared to the State of Nevada with 7.5% below poverty and the entire country with 9.2% below poverty. The poverty level on the Reservation is nearly 4.6 times that of the State of Nevada.

**The Median Household Income** (MHI) on the Fort McDermitt Indian Reservation, based on the 2000 U.S. Census, is \$16,667, compared to that of the State of Nevada of \$44,581. The MHI on the Reservation is only 37.4%, just more than one-third of that of the State of Nevada.

**Unemployment** on the Fort McDermitt Indian Reservation, per the 2000 U.S. Census is 19.8% of the civilian labor force compared to the State of Nevada which is 4.0%. The Tribe's unemployment rate exceeds that of the State by nearly five times per the 2000 U.S. (Census U.S. Census 2000).

**Table 4. Fort McDermitt Demographics Summary - Compared to the State of Nevada and to the United States Using 2000 U.S. Census Data**

2000 US Census Data DP1 & DP3					
	Ft McDermitt	Nevada	United States		
Total Population	309	1,998,257	281,421,906		
Per Capita Income (PCI)	\$ 6,322	\$ 21,989	\$ 21,587		
Median Household Income (MHI)	\$ 16,667	\$ 44,581	\$ 41,994		
Median Family Income (MFI)	\$ 18,750	\$ 50,849	\$ 50,046		
Household Income Less than \$10,000	26.7%	7.20%	9.50%		
Families Income Less than \$10,000	13.6%	4.5%	5.8%		
Families Below Poverty	34.50%	7.50%	9.20%		
% Unemployed	46.8%	4.0%	3.7%		
# Unemployed In Civilian Labor Force	44	61,920	7,947,286		
Unemployed % of Civilian Labor Force	19.8%	4.0%	5.8%		
				<b>TEST</b>	
	<b>Ft McDermitt</b>	<b>Nevada</b>	<b>United States</b>	<b>Nevada</b>	<b>United States</b>
Ft McDermitt % PCI of	100.0%	28.8%	29.3%		
Ft McDermitt % MHI of	100.0%	37.4%	39.7%		
Ft McDermitt % of MFI of	100.0%	36.9%	37.5%		
Unemployment rate at Ft McD. exceeds by		1070.0%	1164.9%	46.8%	46.8% # OF Times
Unemployment rate at Ft. McD. is Xtimes of		11.70	12.65	46.8%	46.8% 46.8% AND 46.8/3.7
% Unemployed of Civilian Labor Force exceeds by		395.0%	241.4%	19.8%	19.8%
% Unemployed of Civilian Labor Force is Xtimes of		4.95	3.41	19.8%	19.8%
% of Families Living Under Poverty Exceed By		360.0%	275.0%	34.5%	34.5%
% of families Living Under Poverty is Xtimes of		4.60	3.75	34.5%	34.5%

### 3.6.2 Community Infrastructure

The Reservation is located in Humboldt County, Nevada and Malheur County, Oregon. The tribal headquarters is four miles southeast of the small unincorporated town of McDermitt, Nevada. The Travel Plaza site is located on the east side of Highway 95 three miles south of McDermitt and north of the South Old Reservation Road (BIA Route 4- County Route 334).

#### **Establishment of Fort McDermitt Reservation:**

The Reservation was established on January 17, 1936 by act of Congress (49 Stat. 1094) with 20,414.46 acres set aside by Authority of the Indian Reorganization Act (48 Stat. 984). Additions and changes were made to the initial Reservation as follows:

- 16 November, 1936 - 1,554.35 acres added
- 09 November, 1940 - 3,542.40 acres added
- 18 July, 1941 - 1,240 acres added
- 24 February, 1943 - 3,919.37 acres added
- 16 June, 1944 - 449.92 acres added
- 03 February, 1956 - 160 acres Tribal fee purchase
- 20 April, 1949 - relinquished allotments approved
- 09 May, 1957 - relinquished allotments approved
- 16 May, 1957 - 3,900.10 acres of relinquished allotments added to Tribal land
- 04 April, 1960 - added 160 acres
- 16 November, 1973 - 2.63 acres were added

#### **Total Acreage for the Fort McDermitt Tribe:**

- 16,354.52 acres of Tribal Land - Nevada
- 145 acres of allotted land - Nevada

160 acres of Tribal fee land - Nevada  
18,828.79 acres of Tribal land - Oregon

**Government:**

The Fort McDermitt Tribe is organized under the Indian Reorganization Act of 18 June 1934 (48 Stat. 984) as amended. Constitution and By-Laws of the Fort McDermitt Paiute & Shoshone Tribe approved 02 July, 1936.

**Tribal History:**

“Fort McDermitt Military Reservation was established August 14, 1865 at the former site of Quinn River Camp No. 33 and a stagecoach stop, Quinn River Station. The Reservation was named for Colonel Charles McDermit who was ambushed and killed August 7, 1865. Cavalry and infantry were stationed at Fort McDermitt to protect settlers and travelers on the Nevada-Idaho Road. The Army built and used three buildings for officers, a large barrack, a three-room hospital, storehouses and stables. On July 24, 1889, the ground and buildings were turned over to the Department of the Interior for use as an Indian Reservation. The property is currently an Indian Reservation and no information suggesting that the military conducted any activities at the site after 1889 has been found...” (see Appendix “Z” - Site Summary Sheet, for DERF-FUDS Site No. J09NV1111). A substantial amount of historical research was conducted in the preparation of this Environmental Assessment regarding the Fort McDermitt Tribe and more specifically for the Travel Plaza.

**3.6.3 Environmental Justice**

EO 12898 and its accompanying memorandum have the primary purpose of ensuring that “each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

The Tribe constitutes a minority population. While the Native American population on the Reservation is a high percentage of the total population, the Native American population within the region (Humboldt County and statewide) is low in relation to other ethnographic groups. Table 4 and Section 3.6.1 demonstrates that the median family income level within the Reservation is low compared to larger regional areas (county and statewide).

**3.6.4 Indian Trust Assets**

Indian Trust Assets are legal interests in property held in trust by the United States for federally-recognized Indian tribes or individual Indians or special property for which the United States is charged by law to protect. Indian Trust Assets may include hunting rights, fishing rights, water rights, land, minerals and other resources.

**3.7 RESOURCE USE PATTERNS**

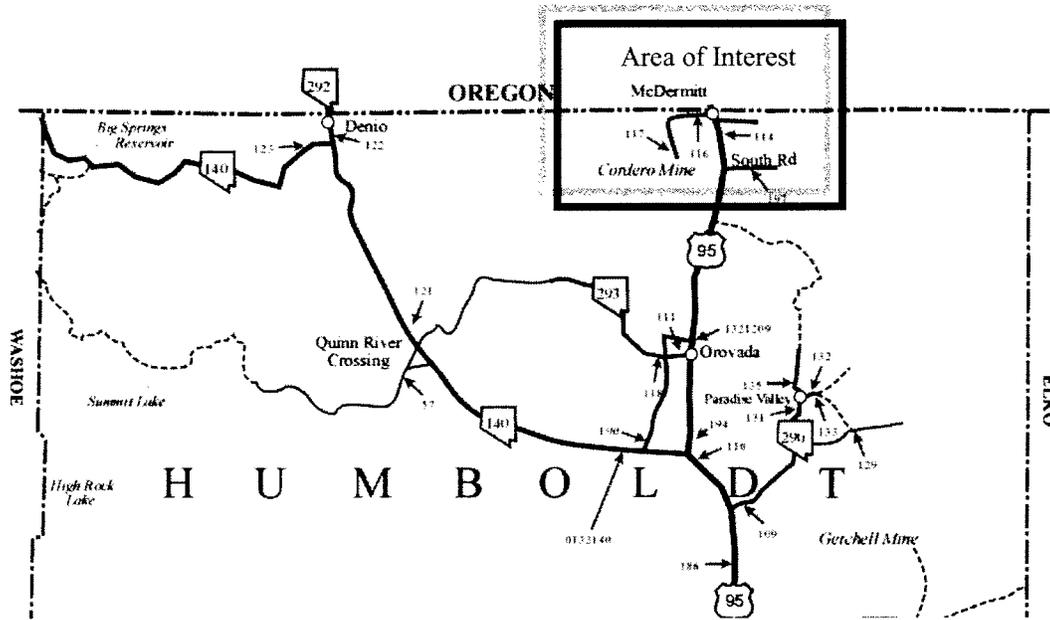
**3.7.1 Transportation Networks**

The proposed project site is bordered on the west boundary by Nevada Highway 95 and bordered on the south boundary by BIA Route 4 (County Route 334), known locally as the South Old Reservation Road. A high percentage of the traffic on Highway 95 consists of large trucks and

other commercial traffic. The BIA Route 4 (County Route 334) is maintained by Humboldt County (County Route 334) and Highway 95 is maintained by Nevada Department of Transportation.

Traffic counts by Nevada Department of Transportation are indicated in Figure 20.

### NDOT Average Annual Daily Traffic Counts



Source: Nevada Department of Transportation

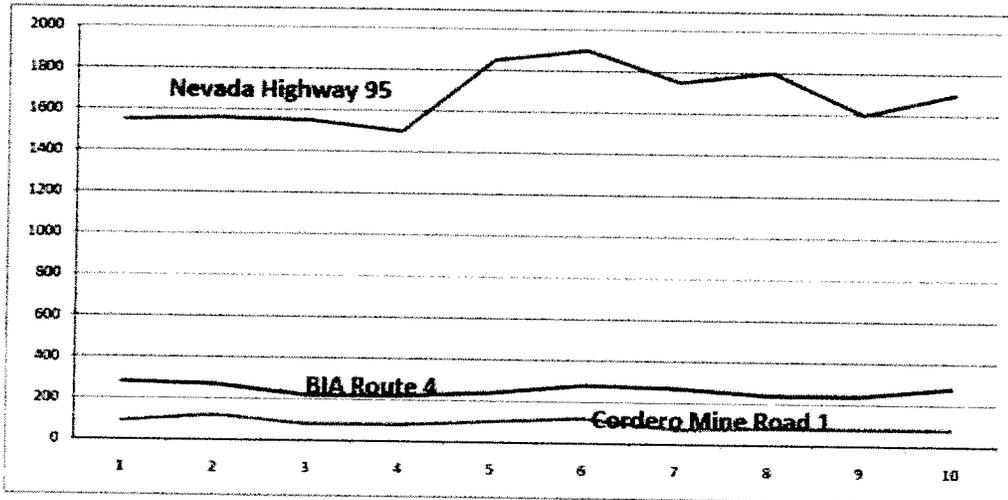
**FIGURE 20. NDOT Average Annual Daily Traffic Counts**

The numbers (above) in red are the reference numbers for the Average Annual Daily Traffic Count (AADTC) in the chart below. The Travel Plaza site is at the intersection of 95 and South Reservation Road. The Red 197 shows the average daily traffic on South Reservation Road by year (280 per day in 1990). The Red 114 shows the average daily traffic count for Highway 95 between the town of McDermitt and South Reservation Road (1700 per day in 2009).

A breakdown of the average annual daily traffic counts on Highway 95, BIA Route 4 and Codera Mine Road are listed in Table 5 for years 2000 through 2009.

**Table 5. Fort McDermitt Average Annual Daily Traffic Counts - 2000 through 2009**

		AVERAGE ANNUAL DAILY TRAFFIC COUNTS ON HWY 95 at MACDERMITT, Nevada									
Year		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
114	Hwy 95	1550	1560	1550	1500	1850	1900	1750	1800	1600	1700
197	BIA Rt 4	280	270	220	220	240	280	270	240	240	280
116	Cordero Mine Road 1	90	120	80	80	100	120	70	80	80	80



**3.8 OTHER VALUES**

**3.8.1 Noise and Light**

Noise levels are measured in decibels (dB). These measurements are adjusted or weighted to correspond to the frequencies the human ear can hear. The higher the decibel level, the louder the noise. Sounds louder than 80 dB are considered potentially hazardous. Both the amount of noise and the length of time you are exposed to the noise determine its ability to damage your hearing (ASHA - 2003).

As observed during field reviews, noise currently occurring in the project area varies. Table 6 identifies noise sources and potential sensitive noise receptors associated with the project site.

**Table 6. Noise & Light Sources and Receptors**

Current Noise Sources	Potential Sensitive Noise Receptors
Nearby residences, talking, motor vehicles, outdoor activities	One residence within ¼ mile of the project site
Truck and car traffic on Highway 95 and BIA Route 4	One residence within ¼ mile of the project site
Occasional small aircraft overhead	One residence within ¼ mile of the project site

### **3.8.2 Visual Resources**

The visual quality of the Fort McDermitt location is rural in nature with scattered housing and rural infrastructure. This primarily consists of homes and associated features (i.e. trees and fences), transportation and utility infrastructure (i.e. roads and trails, overhead and buried utility lines), and buildings. Views of the landscape are expansive in all directions from the project site.

The area can be characterized as being within the high desert, providing vast and panoramic views of the landscape.

### **3.8.3 Public Health and Safety**

The Fort-McDermitt Reservation has an IHS clinic and ambulance services provided through the IHS's EMS program located approximately 3 miles north of the proposed project in the town of McDermitt. The Town of McDermitt and the BLM provide fire protection services. Law enforcement is provided by the BIA.

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## **4 – ENVIRONMENTAL CONSEQUENCES**

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This Chapter describes the changes or impacts to the human environment that can be expected from implementing the proposed action or the no-action alternative. Detailed descriptions of impacts anticipated from the proposed action are described in the sections below. Negative impacts anticipated to the human environment that could result from the no-action alternative would be related primarily to socioeconomic conditions and public health and safety. Possible adverse impacts could occur if funding is not made available and the Tribe continues without new jobs for Tribal members, income to Tribal families, and revenues to the Tribal Government. The no-action alternative could cause additional burden to unemployed and low-income families in need of jobs and Tribal services. Impacts to other resources such as land resources, biological resources, cultural resources, and resource use patterns from the no-action alternative are minimal to non-existent and does not warrant further analysis.

### **4.1 LAND USES**

#### **4.1.1 Topography**

There would be no impacts to topography or land forms as a result of implementing the proposed project. The Travel Plaza would be built upon existing even and predominantly level land surfaces. There would be minimal changes in grade or fill within the project areas.

#### **4.1.2 Soils**

Soils at the proposed Travel Plaza would be disturbed as a result of clearing of the landscape for aesthetics, drainage, and associated construction activities. Some soil could be moved during construction, although excess material(s) is not expected. Impacts to soils are not anticipated to be adverse because soil loss is expected to be minimal. Aggregate materials and paving will be laid over some of the site for building construction, roadways, and parking. Best Management Practices (BMPs), as identified by the BIA and any contractors performing work activities, would be utilized to help prevent excessive soil loss and erosion.

### **4.2 WATER RESOURCES**

The project is not anticipated to adversely impact groundwater. Water from existing supply would be used. Because water use associated with the Travel Plaza is expected to only incrementally increase water use, it is not anticipated that the additional use of water would be adverse or detrimental for future use.

Surface water is not anticipated to be impacted. The site does not have washes or large drainages that would be considered potential jurisdictional waters (waters of the US) administered by the US Army Corps of Engineers. No dredge or fill material would be located in potential jurisdictional waters.

Impacts to water quality are not anticipated from the project. Because facility development and road construction would occur at the surface, and wastewater disposal would conform to regulatory standards, no impacts to groundwater would be expected. Small changes in grade will occur with the use of fill and aggregate materials to raise the construction area within the project areas to provide effective drainage and create “Green Infrastructure”. Implementation of the proposed project would not be expected to impact any flood conditions in the project area. It is anticipated based on construction methods and “Best Management Practices”, that there would

be no impacts to floodplains or any adjacent areas as a result of implementing the Fort McDermitt Travel Plaza site.

Another factor to consider is Nonpoint Source Pollution (NPS) which is why “Green Infrastructure” (as mentioned above) is so important. NPS can come from a number of natural sources and is caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants, having the potential to deposit them into lakes, rivers, wetlands, coastal water and most important of all, ground water. However the proposed action area (project site) is primarily mesic (dry, arid) and precipitation is so minimal there will not be much if any runoff. Motor oil, antifreeze, gasoline and brake fluids could all be accidentally spilled (or leaked) at the gas pumps at some point in time; not to mention grease and toxic chemicals from highway runoff which are all considered NPS.

Travel Plaza Site planners have taken all this into account and have taken the Low Impact Development (LID) approach into consideration in designing the Travel Plaza Site. The preferred alternative will be utilizing “Green Infrastructure”. The landscape will be designed to “mimic natural processes to infiltrate, evapotranspire (the return of water to the atmosphere either through evaporation or by plants), or reuse stormwater or runoff on the site where it is generated” (EPA, 2011).

### **4.3 AIR QUALITY**

Minor impacts to air quality are anticipated from the project. Impacts would primarily be related to short-term construction activities when particulate matter is generated from soil disturbance, clearing, and earthwork. Construction vehicles and equipment would also generate localized emissions (carbon monoxide) in the project site and local area. Long-term impacts to air quality would be minor, and would primarily result from vehicular travel to and from the Travel Plaza. This would result in particulate matter generation from soil disturbance in unpaved areas and also from vehicle emissions. Because traffic levels associated with the Travel Plaza are minimal, impacts are not anticipated exceed EPA designated thresholds for criteria pollutants, and therefore not considered to be adverse.

Activities such as watering the construction sites or limiting construction activities during high winds would serve as mitigation to limit short-term impacts to air quality. Resource protection measures addressing air quality is included in Chapter 5.

### **4.4 LIVING RESOURCES**

#### **4.4.1 Wildlife**

Construction activities would have minor, short-term impacts on wildlife and their habitat. Approximately 3 acres of the site will be eliminated as wildlife habitat. Direct impacts would typically occur when species come into contact with equipment and construction workers. Construction noise and actions could result in temporary displacement of wildlife from the project area and decreased foraging opportunities. Natural habitat would be removed as the Travel Plaza, parking area and roadways are constructed.

#### **Federally Listed Threatened and Endangered Wildlife Species**

A total of two federally-listed threatened or endangered wildlife species, both fishes, with the potential to occur within the proposed project area were identified. There is no aquatic habitat,

riparian or wetlands on or near the Travel Plaza site so there is no potential for these species to occur at the project site.

Additionally, two candidate species might have the potential to occur within the project area according to the USFWS Species List. Federally-listed wildlife species information is included in (see Table 2 above) and are analyzed to assess the probability of the species occurring in the project area, and to determine if further study is necessary. Based on this review, no federally-listed or candidate species or designated critical habitat were identified as potentially occurring within the project area.

Impacts to federally-listed threatened or endangered wildlife species and their critical habitat would not result from implementation of the proposed action because there is no suitable habitat for any federally-listed species in the project area (See See Appendix “Q” - Biological Assessment).

### **Migratory Birds**

No migratory birds, nests, or evidence of migratory birds were observed in or near the site during the Biological Assessment site reconnaissance. If construction is to occur during the avian breeding season (March through August), the site should be monitored for migratory bird presence or activity prior to and during construction. If migratory birds are observed then spatial buffers identified in Appendix “W” will be required until birds have left the nest to minimize impacts to the birds.

### **4.4.2 Vegetation, Ecosystems, and Biological Communities**

The proposed action would result in the removal of vegetation within portions of the project area. However no impacts to any ESA listed species are likely, as discussed below.

### **Federally Listed Threatened and Endangered Plant Species**

Impacts to the soldier meadow cinquefoil are not expected from the implementation of the proposed action, as there is no suitable habitat within the proposed project area.

### **Non-native Invasive Species**

Based on the application of the resource protection measures incorporated into the proposed project construction and maintenance activities (Chapter 5), no change in composition or increase in non-native or invasive species (noxious weeds) is anticipated as a result of implementation of the proposed action. In fact, there could be less noxious weeds with the implementation of the proposed project as the ground surface will be lightly graded to meet the requirements of the A&E and to maintain proper run-off to ensure that the project’s “green infrastructure” and to meet the design for the Low Impact Development (LID) approach.

### **4.4.3 Agriculture (livestock, crops, prime and unique farmland)**

Data is not available on rangeland inventories, carrying capacity or stocking rates specific to this location. Crop Production Ratings are not available for this location either. The Range Production capability for a normal year is 600 pounds of forage per acre for this soil type, 255 Connel-McConnel complex, rarely flooded, 0 to 2 percent slopes, per the National Cooperative Soil Survey (NCSS). Total range production is the amount of vegetation that can be expected to grow annually in a well managed area that is supporting the potential plant community. It includes all vegetation, whether or not it is palatable to grazing animals. It includes the current

year's growth of leaves, twigs, and fruits of woody plants. It does not include the increase in stem diameter of trees and shrubs. It is expressed in pounds per acre of air-dry vegetation. In a normal year, growing conditions are about average. Yields are adjusted to a common percent of air-dry content.

NCSS does provide the Farmland Classification for the soils at this site as "Not Prime Farmland." Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage and oilseed crops. NRCS policies and procedures on prime and unique farmlands are published in the Federal Register, Vol. 43, No. 21, January 31, 1978.

#### **4.5 CULTURAL RESOURCES**

As a result of the cultural resources survey, the BIA made a determination of "no historic properties affected." Consultation with the Nevada SHPO is ongoing at this time. Results from this effort will be included in the Final EA that is prepared for this project.

If previously undetected or unreported cultural or archaeological features or deposits are encountered during future project-related activities, these activities must be discontinued in the immediate area of the remains and the BIA Regional Archaeologist and Tribal Cultural Preservation Officer consulted to evaluate their nature and significance.

#### **4.6 SOCIOECONOMICS CONDITIONS**

Adverse or disproportionate socioeconomic impacts are not anticipated as a result of this project. The socioeconomic conditions of those receiving jobs, income, or government services from the business established through this project are anticipated to be improved and be a positive benefit. The Reservation socioeconomic conditions and community infrastructure should benefit from project implementation.

##### **4.6.1 Employment and Income Characteristics**

It is anticipated that employment and income would be favorably impacted as a result of approval of the federal funding and lease approval for the Travel Plaza development.

Opportunities for construction of the Travel Plaza, amenities, and associated infrastructure may result, causing short-term and minor increases in employment opportunities and incomes. Long term jobs and income is expected through the new jobs created and income generated from this commercial enterprise.

##### **4.6.2 Demographic Trends**

Population demographics within the Reservation are not likely to change as a result of this project. Reductions in unemployment and increases in family and household incomes should increase and poverty rates reduced as a result of this project.

##### **4.6.3 Community Infrastructure**

The community infrastructure of the Reservation would increase as a result of the project. Additional revenues from the proposed project to the Tribal government, through the Tribal Enterprise, should provide improved governmental services to Tribal families. The infrastructure to serve the Travel Plaza is from the Humboldt Telephone Company fiber optics line located in the Highway 95 ROW adjacent to the site, the Electric Company aerial line

transecting the site, and the 6-inch water line that is located on the southern border of the site. Wastewater will be treated by a septic tank and drain field on-site, including non-point sources.

Services to be provided to the Travel Plaza would cause a nominal increase on existing demand, but is not expected to overwhelm existing supply. The new business and amenities are not anticipated to cause adverse impacts to community infrastructure.

#### **4.6.4 Environmental Justice**

The project would not cause disproportionately high or adverse human health or environmental effects on minority populations and/or low-income populations. Project impacts that are described in this EA would be primarily temporary in nature, and related to construction activities. The project is directly related to providing assistance to a population that is considered minority and low-income, and would provide positive benefits to those receiving support.

#### **4.6.5 Indian Trust Assets**

The proposed project would impact the Reservation lands where the proposed project is constructed. Long-term impacts to the area would be typical of other small retail business ventures. As described in previous sections, there is likely to be minor impacts to soils from construction and from vehicle and pedestrian activities, impacts to vegetation where clearing is required for the roadway and facilities, and impacts to wildlife species that may inhabit the area. Indian Trust Assets, such as fishing rights, water rights, and minerals would not be impacted by project implementation.

### **4.7 RESOURCE USE PATTERNS**

#### **4.7.1 Transportation Networks**

Impacts to existing roadway infrastructure would result during and after construction activities. Approximately 2,000 linear feet of frontage road would be added. During construction, minor use of roadways would occur to bring construction materials and transport needed workers to the project site. Use of the adjacent roads near the project site is anticipated to increase travel into and from the project site on Highway 95 and BIA Route 4 (County Route 334). New accesses and turnout lanes will be included in the development of the project to enable safe transition into the project area. During construction activities, some inconveniences such as slower construction vehicle speeds, or minor detours around potential construction areas could result. These impacts would be minor and temporary in nature.

Minor long-term impacts to the roadway infrastructure would result when the project is opened for business. Vehicle ingress and egress would cause increases in the number of travelers on the nearby main and auxiliary roads, but these impacts would be limited to the project site and the access to it and not be adverse. Long-term use of these roads is not anticipated to overstress the existing transportation network, or result in additional maintenance activities that are beyond what currently occurs. No long-term adverse impacts to transportation networks are anticipated as a result of project implementation.

## **4.8 OTHER VALUES**

### **4.8.1 Noise and Light**

Noise impacts from project activities would be both temporary and long-term in nature. Minor increases in noise levels at the project site during construction activities would occur due to an increase in mechanized equipment and vehicles and also from workers communicating their efforts. Noise levels along the nearby roads and the new frontage road would increase due to slight increase in traffic during construction activities. Construction activities would take place during daylight hours, minimizing potential sensitivities to noise increases to the one nearby residence or neighbors. Noise levels may range from very loud (60 dB), similar to the noise from a dishwasher, to extremely loud (90dB), similar to a lawnmower and truck traffic. Long-term noise impacts would result from the vehicle activity to and from the Travel Plaza. Those living near the Travel Plaza would likely experience increases to noise levels from communication activities and use of vehicles that may be considered “noisy”.

Construction at the project site would generate light sources, from construction vehicles accessing the site before and after daylight hours even though, as previously stated, the actual construction work will be conducted during daylight hours. In the long-term, upon completion of construction, vehicles will enter or exit the site day and night, all the days of the week 24/7. Vehicles will emit light from headlights and windows during nighttime hours. Outdoor lighting will be continuous during the night. Only one home is located within ¼ mile of the project site which will receive some adverse impacts. It is recommended that an evergreen tree barrier (such as cedar or western white pine) be maintained on the border between the Travel Plaza site and the residence. No adverse impacts from light sources are anticipated for homes more distant from the project.

### **4.8.2 Visual Resources**

Visual quality of the landscape would be modified from the proposed Travel Plaza site. Visual impacts would be noticed most by those typically traveling and living in the nearby areas where homes might be constructed in the future. The project site is on the corner of an intersection which already receives high traffic impacts which will continue to occur with or without the project development.

Visual impacts would result temporarily during construction activities, and in the long term after construction activities are complete. During construction, work activities would intrude in minor ways upon the landscape. In addition, passersby would notice additional equipment and construction vehicles and personnel. Dust resulting from construction activities may also be visually apparent.

In the long-term, Travel Plaza construction would change the existing visual landscape. Vehicle use and pedestrian activity will increase in the area. Associated structures and landscaping will increase (i.e. trees, fences, picnic tables, parking areas). Structures are likely to be larger and taller than residences, thereby intruding on the visual landscape. It is anticipated that the new improvements would not detract substantially from the existing visual quality of the rural scenery.

### **4.8.3 Public Health and Safety**

Public health and safety incidents would be responded to by fire, medical, and police services, as necessary. Need for emergency and non-emergency services during construction activities are

not anticipated, except in cases of unforeseen accident. Need for these services upon completion of construction is not anticipated to result in demand that overwhelms existing service networks and is not anticipated to cause adverse impacts to the health and safety services that are currently provided.

#### **4.9 CUMULATIVE IMPACTS**

Cumulative impacts consider past, present, and reasonably foreseeable future actions, in conjunction with the current proposed action, on the resources of the environment. Past and present actions in both areas are similar and include rural community development. It is reasonably foreseeable that this activity would continue at a similar pace into the future. These activities, combined with the proposed action, are not expected to result in significant cumulative impacts to the environment.

## **5 – RESOURCE PROTECTION MEASURES**

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### **5.1 AIR QUALITY**

Dust control measures will be implemented where potential for dust control problems exist by watering the construction site or limiting construction activities during high wind and dry conditions. Paving will be provided for all roadways and parking areas associated with the site and ingress and egress into the site. (See Appendices “O” Nevada Tribal Land Map and “P” EPA Federal Class I Areas within Nevada). EPA Air Quality Maps

### **5.2 LIVING RESOURCES**

To avoid the spread of noxious weeds, equipment will be washed prior to entering the work site. As determined necessary by the BIA, construction equipment may also be washed prior to leaving the work site.

If construction is to occur during the avian breeding season (March through August), the site will be surveyed for presence or activity of migratory birds prior to initiating construction. If such are observed and nesting exists then construction will not occur within the spatial buffer identified in the Nesting Raptor Spatial Buffer Table in See Appendix “T” until young have left the nest.

In accordance with the Migratory Bird Treaty Act, if an active nest is observed within the project area, construction work or any surface disturbance activity will stop and agency BIA biologist will be contacted for guidelines before proceeding.

### **5.3 CULTURAL RESOURCES**

If any previously undetected or unreported cultural or archaeological features or deposits are encountered during project-related activities, these activities must be discontinued in the immediate area of the remains and a professional archaeologist consulted to evaluate their nature and significance. The BIA Regional Archaeologist will be notified immediately and will make the final determination of when construction may resume.

If any human remains or burial objects are discovered during construction, all activities will be stopped and the discoveries will be reported to the BIA Regional Archaeologist immediately.

### **5.4 NOISE AND LIGHT**

The project will provide a barrier between the Travel Plaza site eastern border and the residence located adjacent to the eastern boundary of the site. The barrier will be an evergreen tree plantation which will provide a year-round separation from the Travel Plaza and the residence.

### **5.5 PUBLIC HEALTH AND SAFETY**

During construction, operators will be aware of and follow all smoking restrictions within the area. Operators will avoid parking equipment in areas of tall, dry grass and other highly combustible vegetation.

Fire protection measures will be implemented if potential fire danger is high. Fire extinguishers and shovels will be available on site in the event that a fire is started.

The project proponent will remove and properly dispose of all construction debris from the sites. All waste will be disposed off the Reservation at approved locations.

## **5.6 LOW IMPACT DEVELOPMENT (LID) AND GREEN INFRASTRUCTURE**

Low impact development (LID) is a unique method to strategically integrate stormwater runoff, or in this case, runoff at the Travel Plaza. Runoff could occur while employees are utilizing water in the maintenance of the property grounds. The project will be designed such that excess water will be strategically directed to flow downhill in the direction of bio-retention areas (the landscaping features adapted to treat “stormwater” runoff on the development site). They are commonly located next to parking areas or “landscaped islands”. The surface runoff is directed into shallow, landscaped depressions. While it is recognized that rainfall, and thereby runoff, at the Travel Plaza is relatively low, this provides even more incentive to develop the project strategically, to be as “green” as possible and conserve water wherever and whenever possible.

The Low Impact Development (LID) approach combines a hydrologically functional site design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. An example is a parking area next to a nicely landscaped, garden/flowerbed area (bioretention area). LID techniques not only can be functional but also pleasing to the sight.

The primary goal of LID methods is to mimic the pre-development site hydrology by using site design techniques that store, infiltrate, evaporate, and detain runoff. Use of these techniques helps to reduce off-site run-off and ensure adequate groundwater recharge. Since every aspect of site development affects the hydrologic response of the site, LID control techniques focus mainly on site hydrology (Low Impact Design - 1999).

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US Department of the Interior, Bureau of Indian Affairs, Western Nevada Agency  
US Department of the Interior, Bureau of Indian Affairs, Western Regional Office  
US Department of Agriculture, Rural Development, Nevada State Office  
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Federal Emergency Management Agency, Region IX, Planning and Historic Preservation  
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Fort McDermitt Paiute-Shoshone Tribe

## 8 – REFERENCES

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