

# *Pyramid Lake Paiute Tribal Council*

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**RESOLUTION NO.: PL 055-21**

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

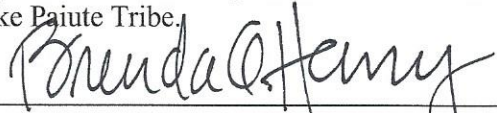
- WHEREAS,** the Pyramid Lake Paiute Tribe (“Tribe”) is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs; and
- WHEREAS,** the Tribe, pursuant to Article VI, Section 1 of the Constitution and By-laws of the Tribe, is empowered to enter into litigation to protect its interests and the interests of its members;
- WHEREAS,** on December 15, 2020, the U.S. Bureau of Reclamation issued its final Record of Decision (“ROD”) approving the Environmental Impact Statement (“EIS”) for the Truckee Canal Extraordinary Maintenance Project (“XM Project”);
- WHEREAS,** the preferred alternative for the XM Project approved by the ROD and EIS includes, among other things, the construction of impermeable lining within the Truckee Canal at specific locations along the Truckee Canal within or nearby the City of Fernley;
- WHEREAS,** on March 10, 2021, the City of Fernley initiated a federal lawsuit against the Bureau of Reclamation (District of Nevada, Case No. 3:21-cv-00119) claiming that the Bureau violated the National Environmental Policy Act by approving the XM Project because the proposed lining of the Truckee Canal will interfere with the City of Fernley’s alleged legal right to continued recharge of the local groundwater aquifer via Truckee River water that seeps from the Truckee Canal; and
- WHEREAS,** the Tribe for many years has publicly opposed the City of Fernley’s erroneous claims to a legal right to require the Bureau of Reclamation to continue to permit seepage of Truckee River water from the Truckee Canal into the local groundwater aquifer because such a right would be adverse to the Tribe’s protected legal interests in maximizing the flow of water in the Truckee River and into Pyramid Lake; and
- WHEREAS,** the Tribe wishes to intervene in the City of Fernley’s lawsuit as a defendant in order to defend the Tribe’s interest in maximizing Truckee River flows by ensuring that water is diverted from the Truckee River only to serve valid water rights and for other valid, legal purposes; and

**WHEREAS**, attached to this Resolution is a copy of the proposed Motion to Intervene in the City of Fernley's lawsuit against the Bureau of Reclamation regarding the ROD and EIS for the Truckee Canal XM Project; and

**NOW, THEREFORE BE IT RESOLVED**, that the Pyramid Lake Paiute Tribal Council hereby approves the filing of the motion to intervene in the City of Fernley's lawsuit against the Bureau of Reclamation regarding the ROD and EIS for the Truckee Canal XM Project in substantially the same form as the draft motion attached to this Resolution, and approves the law firm of Kemp Jones, LLP to file the motion on behalf of the Tribe and to defend the Tribe's interests in the litigation.

### **CERTIFICATION**

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom ten (10) constituting a quorum were present at a meeting duly held on the 19th day of May, 2021 was adopted by the affirmative vote of nine (9) FOR and zero (0) AGAINST, with zero (0) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.



Brenda A. Henry, Tribal Council Secretary  
Pyramid Lake Paiute Tribal Council