

# Pyramid Lake Paiute Tribal Council

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## PYRAMID LAKE PAIUTE TRIBAL COUNCIL WATER TEAM MEETING MINUTES Tribal Chambers April 15, 2020

### Members Present

Anthony Sampson Sr., Tribal Chairman	Sherry Ely-Mendes, Vice Chairwoman
Janet Davis, Councilmember	William Miller, Councilmember
Judith Davis, Councilmember	Irwin Mix, Councilmember
Cassandra Darrough, Councilmember	Michele Smith, Councilmember
Carolyn Harry, Councilmember	Georgina Wadsworth, Councilmember

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*Note: Due to COVID-19 Tribal Council meetings are closed to the public to ensure the health and safety of attendees. Councilmembers attended in person, keeping to 6-foot distancing, and via audio conferencing.*

Chairman Sampson Sr., called the April 15, 2020 Water Team meeting of the Pyramid Lake Paiute Tribal Council to order at 6:00 p.m.

### **ROLL CALL**

Roll call was taken by Brenda A. Henry, Tribal Secretary. Vice Chairwoman Ely-Mendes and Councilmembers Harry, Darrough and Janet Davis attended via phone. All Tribal Councilmembers were present at roll call and a quorum was established for this meeting.

### **APPROVAL OF AGENDA**

No changes to agenda.

Councilmember Judith Davis made a motion to *approve the agenda*. Councilmember Miller seconded the motion. Votes were **nine (9)** for and **zero (0)** opposed with **zero (0)** abstentions. **Motion carried.**

### **CONSENT AGENDA**

Following items were approved on the consent agenda:

1. Approval Stetson Engineers Inc., February 2020 Invoice#1336-2002 & 1336-01-2002
2. Approval Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP February 2020 Invoice

Councilmember Janet Davis made a motion to *approve the consent agenda*. Councilmember Judith Davis seconded the motion. Votes were **nine (9)** for and **zero (0)** opposed with **zero (0)** abstentions. **Motion carried.**

**NATURAL RESOURCES DEPARTMENT.** *Donna Noel, Director, Natural Resources (NR) Department*

### **1. Discussion/Update Pyramid Lake Hydropower Energy Storage Project.**

Ms. Noel updated the Council on the Federal Energy Regulatory Commission (FERC) approval of the Hydropower Energy Storage Project. The US Fish & Wildlife Service (USFWS), Bureau of Reclamations (BOR), Bureau of Indian Affairs (BIA), and the Water Team, on behalf of the Tribe, sent in comments opposing the project. FERCs reason for approving it was only to get them a place in line and it prevents others from coming in and getting ahead of them on the project. It doesn't give them access or permission from the Tribe to do anything including any studies. Without a letter from the Chairman they can't do anything on the reservation. Even FERC said they had to work with the Tribe to get access to the reservation. Councilmember Janet Davis said she's seen articles come out regarding this project, she's wondering from the Tribe's standpoint if we could do our own PR on the project. Councilmember Harry said in the article it said the Tribe was in opposition but in terms of the groundwater what is our basis of defense, the Tribe's chances of winning. Ms. Noel said the first issue is any water pumped from the lake will impact the fish (both LCT and Cui-ui), there's no roads so access the area, they also want to build a solar array by the Sweet Water area (which is a bad area anyways) and environmentally it's not a good idea. Before they start anything, studies have to be done to prove it's a viable and feasible project and they can't do the studies without accessing the reservation. Councilmember Janet Davis would like to have the Tribe write a letter to the editor letting membership and public know the Tribe would not be allowing this project or any project like this. Mr. Mixson said he would help the Chairman write a letter to the editor of the article, Nevada Independent, responding to the article. Councilmember Mix stated it's not just the Cui-ui we're looking to protect, there is also a nest of Golden Eagles in Hell's Kitchen area. Chairman Sampson Sr., said THPOs been using drones to flying over caves and monitoring at burial sites.

Councilmember Harry asked Ms. Noel about the irrigation for this year. Ms. Noel said according to Mervin Wright, Environmental Manager, the project is ready, they're cleaning the ditches and they will start irrigation on the 30<sup>th</sup>.

Douglas Williams, Executive Officer, said he will be on leave beginning April 16<sup>th</sup> and returning May 18<sup>th</sup> will have access to cell phone and email.

### **WATER TEAM REPORT**

**Chris Mixson, Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP. Report submitted**

**1. Endangered special Act Sec 7. Consultation.** Nothing to report.

**2. Truckee Canal XM Environmental Impact Statement (EIS).** There is a deadline to submit comments on the draft EIS which is the following Monday. The Water Team had requested BOR to extend and give the Tribe an extension on the deadline for 90 days because of the Coronavirus shutdown. BOR was supposed to present before Council at the last meeting but because of Coronavirus they cancelled. When Ms. Noel sent them, a letter requesting an extension they refused to grant one. The Water Team is working to get comments to BOR on Monday and will let them know the Tribe's disappointment in refusing to extend the comment period and they also haven't had the government to government consultation with the Tribe. On April 9<sup>th</sup>, the City of Fernley sued BOR over the same thing. He doesn't think it's advisable for the Tribe to be joining this lawsuit with Fernley because the Tribe doesn't want to be in the same boat as Fernley they have their own concerns with the EIS. They will be tracking the lawsuit to see if the Court makes BOR extend the comment period for the City of Fernley.

**3. Swan Lake/Lemmon Valley.** Nothing to report.

**4. Washoe County/Truckee meadows Federal Lands Legislation.** Nothing to report on the Federal Lands Bill, Washoe County is going to review since they were getting so much opposition.

**5. Ormat – San Emidio II Geothermal Project Proposal.** Last month he reported the Tribe's comments to BLM. With the USFWS's comments which said the Geothermal Expansion project would impact the Tribe's water resources. They also learned the BIA submitted comments which were strong and told BLM they needed to consult with the Tribe because of the potential impacts on the Tribe's water resources. He thinks it's going to be hard for BLM to approve Ormat project without an Environmental Assessment (EA) with all the comments piled on. The will monitor it.

**6. Federal Reserved Groundwater.** Nothing to report.

Councilmember Janet Davis said she was glad the Tribe is not filing a lawsuit with the City of Fernley because we want to be our own voice.

**Allan Richards, Stetson Engineers Inc. Report submitted.**

Mr. Richards said his report covers the month of March 2020.

**US Fish and Wildlife Service Application No. 89372.** USFWS filed back in December 2019 requesting to change or transfer over 2400-acre feet of irrigation water from the Fallon Naval Air Station to the Stillwater National Wildlife Refuge wetlands. They filed a protest with the Nevada Division of Resources in early March on several grounds. Primarily on that if water were permanently transferred it would work to the detriment of the endangered Cui-ui and Lahontan Cutthroat Trout (LCT) in Pyramid Lake and Public Law 101-618 requires the unused Navy water be managed primarily for the benefit of the fish and wildlife in the lower river. Permanently transferring water to Stillwater would be contrary to Public Law 101-618. He hasn't yet received a response from Stillwater, USFWS or the State Engineer.

**2. BOR's Draft Environmental Impact Statement for the Truckee Canal Extraordinary Maintenance (XM) Project (Truckee Canal XM-EIS).** They are preparing comments that are due the following Monday, in the comments letter they will make known the Tribe's disappointment with BOR and the process of the fact they denied the request for an extension of time during the Coronavirus. The EIS after public workshops and various analysis it comes down to 5 outlining alternative options. Since 2016 they've attended various public comments and put together comments to BOR and they've never been addressed. The comments they're submitting on Monday, they're going to attach all the comments they previously done and ask they be properly addressed.

**3. TROA Meetings and Scheduling.** Stetson hosed and prepared discussion materials for the monthly TROA-MOA conference call on March 19, 2020. The group coordinated operations and received updates on the flows, storage and lake levels, weather outlook, and fish facilities' operations. The Tribe's monthly TROA Scheduling request form required by the Federal Water Master was prepared and submitted in March.

**4. Lower Truckee River and Pyramid Lake.** Figure 1 shows the updated Truckee River flows at Nixon for the last 14 months. Flows in the Truckee River averaged about 340 cubic feet per second (cfs) during the month of March 2020. Figure 2 shows Pyramid Lake water elevation at the end of February was about 3807.5 feet. Table 1 shows Truckee River flows into Pyramid Lake in Water Years 2016-2020. At the end of February there was 21,239-acre feet of water that flowed into Pyramid Lake at the Nixon Gauge.

The first phase of the Truckee Canal Fish Screen Project at Derby Dam was completed in early March and the Truckee Canal Irrigation District (TCID) began filling the Derby pool and diverting water into the Truckee Canal during the week of March 9, 2020. Initially they ramped up the diversion to nearly 450 cubic feet per second at the head of the Canal and a new seep was discovered in the Derby Reach of the Canal that TCID is currently investigating.

**5. Other Work (Numana Dam Fish Passage Project).** Under a separation project (contract) Stetson is working with the Tribe's Natural Resources Director and the Lahontan National Fish Hatchery Complex (Tim Loux) on the Numana Dam Fish Passage Project. A kick-off meeting was held in Nixon on February 27, 2020 followed by a conference call on March 9, 2020 to discuss two fish passage design concepts; a roughened ramp and a by-pass channel. As a result of the March 9 meeting, Stetson was requested to commence with plans for a roughened ramp fish passage design.

## **EXECUTIVE SESSION**

Councilmember Janet Davis made a motion to *move into Executive Session*. Councilmember Harry seconded the motion. Votes were **nine (9)** for and **zero (0)** opposed with **zero (0)** abstentions. **Motion carried.** *Tribal Council moved into Executive Session at 6:38 p.m.*

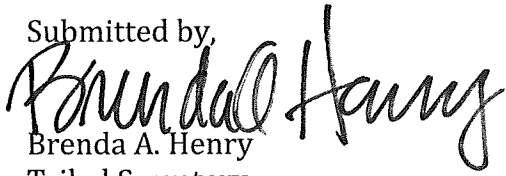
Councilmember Judith Davis made a motion to *move out of Executive Session*. Councilmember Smith seconded the motion. Votes were **nine (9)** for and **zero (0)** opposed with **zero (0)** abstentions. **Motion carried.** *Tribal Council moved out of Executive Session at 7:30 p.m.*

**ADJOURNMENT**

With no further business before the Tribal Council, Councilmember Smith made a motion to adjourn the meeting. The motion was seconded by Councilmember Judith Davis. Votes taken were all in favor, **motion carried.**

The meeting adjourned at 7:31 p.m.


Submitted by,

  
Brenda A. Henry  
Tribal Secretary

**CERTIFICATION**

The foregoing minutes were adopted by the Pyramid Lake Tribal Council, governing body of the Pyramid Lake Paiute Tribe, at a meeting duly held on the **17<sup>th</sup>** day of **June 2020**, having **seven (7)** members present, constituting a quorum, by the vote of **six (6)** FOR and **zero (0)** OPPOSED with **zero (0)** ABSTENTIONS.

Minutes attested and concurred by:

  
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Anthony Sampson Sr., Tribal Chairman  
Pyramid Lake Paiute Tribal Council

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