

Pyramid Lake Paiute Tribal Council

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WATER TEAM MEETING MINUTES

Tribal Chambers
February 17, 2021

Members Present

Janet Davis, Chairwoman
Harriet Brady, Councilmember
Edward Ely III, Councilmember
Carolyn Harry, Councilmember
James Phoenix Councilmember

Steven Wadsworth, Vice Chairman
Nathan Dunn, Councilmember
Natalia Gonzales, Councilmember
Irwin Mix, Councilmember
Georgina Wadsworth, Councilmember

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.

Chairwoman Davis called the February 17, 2021 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. All Tribal Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

There were no changes to the agenda.

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

CONSENT AGENDA

Councilmember Dunn requested to pull the November 18, 2020 minutes for discussion.

Councilmember Dunn made a motion to *approve the December 7, 2020 WTM minutes and Kemp Jones LLP January 2021 Invoice*. Vice Chairman Wadsworth seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention (Brady)**. **Motion carried.**

Councilmember Dunn went over his corrections to the January 20, 2021 WTM minutes: On page 3 there were too many words in the 2nd sentence and misspelling of Dan Mosely's name.

Councilmember Harry said she had a correction on page one, the last paragraph on page change Councilmember James to Councilmember Phoenix.

Councilmember Harry made a motion to *approve the January 20, 2021 WTM minutes with changes*. Councilmember Dunn seconded the motion. Votes were eight (8) **for** and zero (0) **opposed** with one (1) **abstention** (Brady). **Motion carried.**

PRESENTATION

1. CEMEX Paiute Pit. Yasha Saber, Rob Cutter, Steven Grace and Pat Mitchell

Mr. Saber, Mining and Environmental Consultant for CEMEX. Introduced Rob Cutter, Vice-President and General Manager, CEMEX Northern California and Nevada Operations, Steve Grace, Director of Resources, Mine Planning and Geology for the same region and Pat Mitchell and Mitchell Chadwick representing, Land Use and Mining. They provided an overview of the existing operations, water management practices with the existing and proposed future operations and future needs.

Mr. Cutter explained he will be presenting their current operational overview, including their current practices on their status for mining and reclamation, water management and water quality protection, including groundwater assessment they they've recently done by Golder and lastly talk about the potential lease expansion opportunities. They came here in an agreement through a global acquisition they made in 2006, through a company called RMC. In 2015, they decided to renew the lease for a 10- year lease expansion including expanding the depth of the mining to 100 feet. In 2019, the Tribe asked them to update their mining plan of operations. They stumbled a bit and there was a bit of time that it took to get moving forward plus they went through a lot of management changes. They submitted an updated plan by March of 2020 and by June, the Tribe submitted comments back. One comment was to ask them to stop dewatering, which they complied with. That leads them to their present situation. They continued to operate in that area, where they dewatered in what they call area A, they have since moved to what they call area D. They are operating there now and it has been a very difficult move for them. The key reason, in area D, it is an area that does not have as good quality of aggregate reserves, good quartz aggregate, course rock and sand. It has a lot of shrubs, a lot of thickness of dirt and silts and high silty sand. They are spending a significant amount of money to strip the area down to uncover the reserves. With the limited depth of mining so they are not dewatering, it's really going into the high level of silts, dirt and clays and they have a very high waste factor. The end result, they think there is only about a million and a half tons left of reserves there. They will probably be out of reserves in the next two to three years, which is before the lease expires. They are interested in finding out the Tribe's view on that and are committed to having a mutually beneficial long-term relationship. They would like to talk about what the future looks like beyond the year and a half in area D.

Councilmember Brady asked Mr. Cutter regarding there only being a million and a half of reserves left which will end before the end of lease? Approximately how much do they pull out in a month?

Mr. Cutter responded he thinks he misstated because he said 1.5 million tons but he meant 1.5 years of material left is what they are pulling out in a year which would be at about a half a million tons typically in a year. On average, 40-45,000 tons a month. Part of the partnership, in that 500,000 tons is what they contribute in royalties to the Tribe, a benefit that goes back to the tribal community. On average, they have

been paying about \$350,000 a year in royalties back to the tribal community. They also work with the Tribe to employ as many people as they can, on average, they have had three or four employees, now there are three.

Councilmember Brady ask if he was talking about the ports aggregate type of material and was that what he was referring to when he was talking about mining?

Mr. Cutter responded yes and explained when they are mining the area, for example, in area D, they have to strip off very fine material to get to good aggregate reserves, which has to be a coarser material, to have the right properties for construction materials, and once they get through the stripping they start excavating and putting the material through the plant. Even with the material, there is typically a percentage of waste of very fine materials that is brought into the plant. What they are finding in area D is that it is running north of 30% for them. Everything they put into the plant, 30% becomes washed out and goes back into the washout ponds and 70% of it becomes sellable material.

Councilmember Gonzales asked what is the price per ton? The royalty?

Mr. Cutter said they are paying, on average about \$1.13 a ton in royalty. It is not a set amount. He doesn't have the contract but on average they paid, over the last five years, calculates to be \$1.13 a ton.

Mr. Saber said the existing lease was actually executed in 2015, between CEMEX and the Tribe and it continues until 2025. It was a 10-year term. That lease was executed after the mining operation underwent environmental review, pursuant to NEPA, and was overseen by the Bureau of Indian Affairs (BIA). After the review was completed, which was done under an environmental assessment with a finding of no significant impact, then the lease was executed both by the Tribe, as well as the Department of Interior through the Bureau of Indian Affairs. At that time the mining plan of operations and the existing reclamation plan were approved. The lease boundary that is subject to the current operations is about 372 acres in total. It includes lands both on the west side and the east side of Hill ranch road. It includes the plant site area, and the area to the north of the plant site. East of the road, which is primarily used as the sediment collection pond to settle out the fine materials that are washed out of the plant, those materials aren't discharged to any water bodies that leave the property. The mining depth that's permitted under this current lease is up to 100 feet below the original ground surface. CEMEX has not actually achieved that ultimate depth allowance yet, the deepest that the mining has occurred is about 75 feet in area A, that mining was progressing at the time the Tribe had asked CEMEX to shut off the dewatering pumps in June of 2020. At this point, the 75-foot excavation is just limited to area A, in area D its much shallower about 22 feet approximately in that location. Dewatering has actually been a common practice at this mine long before CEMEX actually took over the operations officially in 2006. Since 1999 and probably further back, based on their review of aerial photography, there's been dewatering in the area A location since the onset of mining and supports mining with conventional equipment such as excavators, front end loaders and whole tracks rather than developing and using much more expensive wet mining tools and methods. They have not been doing any wet mining and have not been doing any dewatering since June of 2020. Currently the mining operation is happening almost entirely in the dry in area D but the dry material is running out very quickly and CEMEX is moving across the footprint of area D. Area D rock is of a lower quality which results in

economic challenges with mining the material, as compared to the material that CEMEX was accustomed to mining over in area E. There are opportunities here, as they will talk about later in the presentation that they are somewhat excited about and hope the Tribe will also be interested in pursuing that could potentially extend the reserve position and be able to do so without further long-term dewatering of the mine.

Mr. Saber said the aerial photo showed an underlying map that was taken in June of 2019. The key difference is the green areas on the map that reflected areas that have not yet been disturbed as of 2019, pretty much all of the green area in area D, which is on the southeast side of the map, most of that has at this point been disturbed. He wanted to make that clear. It adds to the total mining disturbance in the area that requires reclamation. They have not done any additional disturbances in area E, which is located in the northwestern portion of this map on the west side of the Hill Ranch road. To reiterate the area D mining was up to 70-75 feet at the most, depending on what sources you look at, their data suggests 70 feet below ground surface. Area B as in Bravo, which is sort of the plant side area and north of that there is no mining activity occurring in those areas. There is no mining that's actually approved in those areas pursuant to the current lease. Area C is just a small sort of carve out that's nested within the main portion of area D in the southwest corner of area D and both that and area D in general have binding up to about 22 feet below the surface as of now. Area E as in Echo, there is no mining in that location yet. All of the disturbed areas ultimately will be subject to reclamation pursuant to either the existing approved plan or the new plan that they have submitted to the Tribe once the new plan is deemed acceptable by the Tribe and goes into effect. Next is an overview of the reclamation objectives for the mine and whether you look at the original reclamation plan from August of 2014 or you look at the proposed plan that their firm Compass actually prepared on behalf of CEMEX, the overall objectives have not changed. The overall end uses for the areas that are subject to reclamation also have not changed. The overall goal for reclamation when the mining resource is exhausted is to remove all of the mining related equipment, take down the plant site and restore the lands where they can be put to beneficial use once the mining is done to protect and not cause any harm to the environment. The post mining end uses are what the property will look like when they are done with it. As was adopted in the 2014 plan and approved under the lease, the overall objective for the overall mine properties is to go back into a condition of open space and that open space has several different components that go with it. One is the water bodies, that would be left behind. Those areas are intended to become lakes, and then habitat, which includes the slope areas around those lakes. Then other areas such as areas will go to a combination of agriculture and just other sort of graded and restored lands that could be put to some other purpose in the future. The slopes around the perimeter of the mine will all have angles, horizontal, vertical or flatter. These are customary sort of mining slope configurations that you see all across Nevada for many of the mining operations in the state and California. The revegetation goals are to revegetate all of the disturbed surfaces other than the water bodies themselves, with the combination of native desert scrub and riparian habitats which are native habitats in different locations around the site. All of the revegetation objectives were actually evaluated as part of the environmental review. Garcia and Associates prepared the environmental assessment for NEPA is also a biological consulting firm. They provided input into the plan requirements, water management and water quality protection, they understand is a critical topic, one of utmost importance to the Tribe. They know there has been conversation and concerns about water levels, wells and the town of Wadsworth. They have tried to be responsive to addressing those concerns and stopping the activities that could potentially contribute to

that. In October of 2020, the water body that's closest to the North mining pit of area A. That is the area which the current lease allows for mining and is the area that CEMEX was actively mining up until June of 2020, when the dewatering pumps were shut off. The water table had risen to essentially completely fill up the excavated basin now and has formed a lake, that lake is approximately 70 feet deep. Water use in general at the facility is used for two key purposes. One is for dust control when they are mining and moving material on haul roads especially with trucks. Water gets sprayed on those surfaces to keep down plumes of fugitive dust that can blow off of the property and affect vegetation and people that are living in an area. The amount of water that's used is about 24,000 gallons per day and gets loaded into water trucks that move around the property and spray in areas that equipment's operating over the course of the day. In addition, there's about 96,000 gallons per day of water that's used at the processing plant to wash the aggregates to meet the specifications of the certain construction materials that are produced at the plant. Concrete aggregates, for example, have to be washed to have the cleanliness values they need to be used in ready mix concrete production. They do their best to recycle the water so they are not wasting any water at the property. While there is a groundwater well at the plant site that provides what they call makeup water for the plant, all of the water that is used in the process gets recycled back into the process along with fine materials that are washed off of the aggregates that are fed to the plant. Those materials along with the water that's used in the washing process gets moved up into the settling pond which is to the north of the plant site. From that settling pond, the water goes in a c-shape around that pond and there's a pump at the down gradient end of that pond where CEMEX pulls that water back to the plant site for operation. It's sort of a closed loop system. There is a little bit of evaporation that happens and a little bit of infiltration that occurs through the slopes of the pond but most of that water is recycled for use. They have a couple of plans in place that are intended to protect water quality, both on site and off site. One of those plans is a stormwater pollution prevention plan which CEMEX has had since it took over operations at this site and updates the plan periodically to make sure it reflects the actual conditions on the property. The primary purpose of the plan is to make sure there aren't any industrial process waters leaving the property, particularly at the plant site. And to implement best management practices and erosion control measures to ensure the water quality and surface waters are protected there are inspections that CEMEX does on a routine basis. Their environmental team keeps up with it including the records. There's an additional plan called a spill prevention control and countermeasure plan referred to as just an SPCC plan. These plans come into place when you are containing materials on a property that are potentially hazardous. That could be combination of fuels, it could be oils or other lubricants that are used, either to operate the equipment or to maintain equipment at the property, with sort of visual observation requirements and maintenance requirements that go along with that plan. There is a permit process in the works right now with the US Environmental Protection Agency (EPA) to obtain a National Pollutant Discharge Elimination System permit and PDS permit, there was a pre-existing MPDS authorization for this facility. There used to be a multisector general permit that the EPA had open, and CEMEX had a proper sort of notice on file with the EPA to obtain coverage under that permit, that general permit order actually lapsed, and the EPA is sort of in the process of developing a new one. There are no avenues by which an operator at the moment can enter into a general order, in place of that, you have to apply for an individual and PDS permit, which they have done back in November 2020. Partly in response to the topics they have been working through with the Tribe's water team relating to protecting water quality, making sure the discharges were occurring via the overland ditch on the property weren't causing a problem, and being responsive to the requests of the EPA for ongoing complaints at their site. The process will take several months before it comes to fruition.

EPA told them at the time they filed the application that it would be at least six months for processing and now waiting to get some specific feedback from the EPA permitting team.

Councilmember Harry asked about possible pollution in the groundwater, what about the seepage into groundwater? How is it tested? Any type of pollution or a fix of gravel discharge? Not leading into the river, but actual seepage into groundwater?

Mr. Saber said in relation to this MPDS permit, they did water quality testing and the testing was done both for the North pit as well as the South holding pond. That data was shared both with the EPA and with the Tribes Water Team. The data revealed the North pit water is very clean as they expected it to be. The only thing that was flagged as potentially a topic for discussion in the north pit is the amount of total dissolved solids, the simplest way to think of that is the concentration of salts in the northern pit was slightly higher than the water quality standard the Tribe had set for the Truckee River. Those standards were understood to be intended to be protective of the habitats in the river, as well as not further contributing to issues at Pyramid Lake downstream. The Tribal standards is about 310 micrograms per liter and their findings were in the range of 330 micrograms per liter. Very close to being within those standards, but slightly higher. Similar for total dissolved solids in the south pond. They also tested for other constituents, including organic chemicals, pesticides, and there were a couple of agricultural related pesticides in very small trace concentrations that were identified. Those were coming from the natural inflow of water into the pit areas. The reason for this, they believe, is the concentrations are found in the upgrading locations of the holding pond and then they migrate through the groundwater basin. There is a lot of activity upgrading in the agricultural community around the site and it's possible over time, over the decades the agricultural operation, there's been some of the pesticides that leached into the water, they are the only contaminant that relates to human activity, if you will add the property itself potentially, in the south holding pond area, there is a small hit for oil and grease, and it was concentrated or limited only to that south pond. CEMEX has not operated in the South pond area since CEMEX took over this site. The EPA came back and asked a question about that and as a result they took, in the last week, eight additional water quality samples to have the oil and grease value rechecked. They took four samples from the north mining pond and south ponds, those are being processed at the laboratory in Sparks, Nevada as they speak, they will be happy to share the results with the Tribe by the end of this month. The gravels themselves act as sort of a filter, when you have a un-mined condition, and you have groundwater moving through, the groundwater moves kind of like an underground river, through the gravel layers that exist out there. Normally, there are gravel filters that are in place, the sand and gravel itself does not introduce contaminants into the groundwater basin. It's quite the contrary, sand and gravel helps protect water quality, the exposure to potential contaminants is generally through the surface. Through the sampling they have done, they have not found any reason to believe CEMEX operations has contributed to any such contamination.

Councilmember Ely asked in the stormwater protection plan do they have detention facilities, sediment basins with aggregate in them to filter because it seems that 24,000 gallons a day is a lot of water, and not all of it evaporates. Do they have the facilities built or do depend on the natural filtration system?

Mr. Saber said there is a sediment basin and it's located to the north of the plant site in area B, it is in the shape of a backwards C and it looks like it's got some brown water in it. The reason the water is brown is

because it's the intended location where sediments are washed from the processing operation or discharge. It's deliberate, they're contained within that area. All of the 96,000 gallons per day of processed water makes its way into the sediment basin and then the sediment basin works its way from the north side, then it curves around and on the southwest corner of it and as you can see that the water color starts to get better and better. It's from the southwest side where the water is pumped back into the plant for processing. The primary facility is to ensure the sediments are not leaving the property. In addition to that, the mine areas themselves are self-contained basins. The excavations are occurring only in ground and there's no outlet from those excavations to surrounding water bodies for surrounding land. Area D, for example, there are thick black lines around the perimeter of area D, those represent the slopes of the mine. All of the slopes are going towards the inside of the mine. If there were a rain event or a storm event, the water is all collected in the bottom of the mine itself and then when the rain stops, the water either percolates into the ground, or it evaporates off the surface. If there are larger amounts of water, like there is over an area A, there have been times where CEMEX's water trucks have actually loaded directly from the water, rather than going to the plant site drawing water from well, so that that's how the water is generally managed. There are other measures on the property such as the existing overland ditch that had been used for over 20 years to help protect water quality. It functions as a best management practice in its own right, but is not currently being used right now. There's no water that's being discharged into overland ditch. There are no detention basins like you would see in a residential development. The only basin, which is described in the SWIP, the stormwater pollution prevention plan is the settling pond. There are a couple other small ponds around the plant site that are used to help with recycling water and holding freshwater before it gets pumped into the plant itself for processing, and the settling pond is the only place where wash water is discharged, industrial process water is discharged to that one location.

Councilmember Brady ask when he's talking about the industrial discharged water, is that the 96,000 used to wash the aggregate?

Mr. Saber said yes, most of the 96,000, the concrete aggregates, will retain some moisture content in them, and how much moisture varies. A portion of water goes out with the saleable product but most of it does go into the pond from which water is then recycled.

Councilmember Brady asked are they paying for the water? They are using over 100,000? 24,000 to spray throughout, and then 96,000.

Mr. Saber said he doesn't know if CEMEX is paying for the water. He will get back with an answer. As of right now, there's no dewatering activity that's happening in any of the mining pits at the site. The water management and compliance activities, they're always subject to inspection, both by the federal government through the Bureau of Indian Affairs, through the EPA, as well as the Tribe who has opportunity to inspect the site as specified in the lease. When the Tribe asked them to stop the dewatering activity in area A, they immediately complied, and said that they would hire an expert to help them understand and evaluate whether the mine was having any effect on the Tribe's municipal wells in the town of Wadsworth. They hired Golder Associates out of Reno, an international engineering firm. They have an expert named Steve Corral who has a PhD in hydrogeology. He was their point person to work with collecting information to support the analysis. Golder worked through an analysis with all of the available

information and the results of that analysis were the sphere of influence or the radius of influence of the dewatering was happening at the Paiute Pit in area A, probably extended no more than about a half mile from the center of that pit. On the south and west sides of the pit because of the hydrologic influence boundaries of the Truckee River itself only extended a few 100 feet from the edge of the pit. Their ultimate conclusion was that municipal wells for being over a mile and a half away from the pit was not likely being affected by the dewatering activity at the mine. They've shared those results with the Tribes Water Team and received feedback from them, including from Stetson Engineers and suffice to say there is not an agreement on the conclusions about this analysis that was done. There are different experts that have different conclusions that they've drawn and we don't currently have agreement on those and we may have to agree to disagree. Golder did, on a couple occasions present a request for additional information from the Tribe, specifically relating to the municipal wells such as well construction records, and a longer period of water level records for those wells. If they receive the information, then Golder is able to do more thorough evaluation into the question and see how much if any contribution, the dewatering may have had to the draw down in those wells. That's where they stand today. The goal of this conversation is not to dwell on that or to argue those conclusions, but rather just to share with the Tribe the work that's been done so far.

Mr. Saber said he would like to discuss how CEMEX can work with the Tribe to be successful at this location so there is a longer-term reserved position, a longer-term royalty stream to the Tribe, and find a mutually beneficial way for everyone to have a positive outcome from CEMEX's mining activity. The opportunity may prevent setbacks from having to do long-term dewatering of mining excavations at the mine. To the north of area A and area E, which is just a small block that's sort of contiguous to area A, there is what appears to be some vacant land that's adjacent to the river and that very likely has high quality sand and gravel. The reason they believe that is because it follows the same geologic line as the river that's meandered over thousands of years through this area, a more recent alluvial fan deposit there. They think it should have a continuation of the resources that were found in area A, which are of generally better quality and the resources on the east side of Hill Ranch road, which are influenced more by older deposits and have some more alien or windblown deposits that are the interface and create some complications with finding materials. In order to evaluate whether there is actually rock that is marketable and economical to go after in the area, there are a series of steps that CEMEX would need to work through with tribal support. They hope they can get support from the Tribe to carry out these steps and work together to do that side by side. The first step is to complete a second phase cultural resources assessment, a handful of isolated cultural artifacts that were found in the location of area E, which is actually part of the existing lease boundary. Those sites are shown on the graphic provided, this is what they consider a confidential graphic. Those are locations of surface resources that were identified when a surface pedestrian survey of that area was conducted by Ecore Consulting. Their recommendation was to make sure those resources aren't an indicator of something more significant in that spot, they need to do some limited shovel test pits in that area to see if that's the case or not. With the Tribal Historic Preservation Officers (THPO) review they received through the first phase of the analysis, Ecore Consulting is working on a research design plan and an excavation plan that they should be submitting to the Tribe, and the BIA in the next month. Once the plan is accepted, then Ecore can complete the subsurface investigation that needs to happen, they are hoping to be able to do that by April of this year. The plan is important, because until they get through the process, given the federal requirements under Section 106, of the Historic Preservation Act, they have to

get that clearance in order to get the permission to be able to drill in those areas around those potential resources. The BIA will want evidence they have complied with those federal requirements. The second step is to get approval after the cultural work is done of a drilling plan, then CEMEX can proceed with that reserve assessment. They would like to be able to starting in the early summer of this year. The drilling itself would not take very long, roughly a week or two of drilling activity, which will inform them what is the depth of rock there, what is the quality of the rock there, and how much of it is there so that they can begin to review internally, what kind of investment can be made in this operation, and what kind of mining tools could potentially be purchased to mine materials in a different way so that dewatering doesn't need to happen. They hope to be able to do some of those preliminary economic analyses by the beginning of the summer this year and start to talk to the Tribe about hopefully negotiating some deal terms around an extended lease for this mine. If they are able to come to some basic terms that are agreeable to everybody, then they would immediately start working on an updated mining and reclamation plan that addresses these operations in this area. The plan would detail all of the water management practices, the environmental compliance practices, and the actual physical excavation plan and reclamation plan for that location. The process to get permission to execute a lease with the Tribe still has more work to do, there has to be environmental review of the plan by the BIA pursuant to NEPA and optimistically it takes about 12 months to work through the environmental review. There is the possibility that if the Tribe and CEMEX are agreeable to terms before that, it's possible investments could start to be made to mobilize buying equipment sooner. By the end of this timeline, the seven steps, corresponds when CEMEX would really be out of rock in area D and unless CEMEX is able to go back into area A somehow and dewater the area to mine they really need to move through these steps and hopefully stick to these timelines so that they don't run out of rock before even the existing lease expires.

Councilmember Brady asked what are the repercussions when rock is removed in a seismic area? if there is an earthquake, what's going happen? She's assuming based on Mr. Saber's description on reclamation of the land, they are basically going to fill the holes with the sand.

Mr. Saber said not quite, most of the holes will stay. Showing a map, the areas that are shaded in blue, those will actually be lakes, that was the intent of the reclamation plan, since it was first developed in August 2014, and that's what it was reviewed for environmental purposes, including looking at geologic factors such as stability, when that EPA document was done. In the sand and gravel mining industry, the conventional practice is when you have a two to one or flatter slope angle, that slope in a sand and gravel environment is generally going to be stable, both in a static condition, and in a pseudo static or if you will, earthquake or seismic condition, and that's a rule of thumb. The slope angle is commonly found. There have been engineers to better understand the slope situation like in the west wall, and in response to questions the Tribes Water Team has posed to them to ensure there will be sort of stability and the reclaimed condition. But generally speaking, two to one or flatter slopes have adequate factors of safety for long term stability.

They would like to move forward with a phase two cultural analysis. They have already given the green light to proceed, working in tandem with Betty Aleck and Donna Noel, to get it coordinated. In March, they will be submitting the excavation plan and research design for Miss Aleck's review. They will hopefully proceed and get the work done in April and would like to continue coordinating with the Tribe, relating to

reclamation of area A. One part of that, in association with the EPA is now the pit has filled with water, how do they accomplish the intended reclamation objectives for the area, including the perimeter slopes, because some of those parameters' slopes are currently not at the finished configuration that they were intended to be at when mining would have been finished. They have to continue to collaborate on those solutions. They are hoping to do that over the next couple of months. That includes looking at the stability of the western slope closest to the river. That analysis should also be done in the next couple of months. In association with that they are starting to talk about solutions to improve the condition on that western slope so they make sure they don't have an unanticipated breach of the river into the mine. They are looking at those issues. They will be talking to the Tribe in more detail about that shortly. They are going to continue to process the EPA application for the NPS permit and are hoping to be able to get a temporary discharge authorization from the EPA so they can at least complete reclamation activities by May of this year. They are hoping to be able to move forward with the drilling program in the northern area, if Tribal Council indicates some interest in extending the lease by the summer of this year. They will be continuing to coordinate with the Tribe to update their mining and reclamation plan of operations. Based on the work that has been done recently, they should be able to further improve the document, respond to those comments and get another draft back and hopefully in review again by early summer. They would recommend an opportunity to set up a regular check in with this group so they can share updates with the Tribe.

Councilmember Wadsworth asked where is the proposed expansion? the north side of what? She wasn't sure she understood.

Mr. Saber showed the current lease boundary. On the west side of Hill Ranch road, that's area A and area E. The northern most portion of the west side of Hill Ranch road, is area E. The lands they are talking about are to the north of that, north of that orange dashed line. Everything to the north of those, that's the new area that's not currently part of the lease boundary.

Chairwoman Davis asked if they knew for sure the areas they want to be in are not land assignments or already existing land that they were approved to be on?

Mr. Saber said they did not know the answer to that.

Councilmember Gonzales said she thought the land is Gilbert Ross's old land assignment.

Councilmember Mix said Josh took over the land assignment and there hasn't been any improvements since he took it over.

Councilmember Harry asked what is the acreage of the proposed extension.

Mr. Saber didn't have the information and would get back with the answer.

Mr. Cutter wanted to clarify a couple things, on the royalty information and the production tons. He was using some round numbers. But the \$1.13 he was using was an average over the last five years, which they

averaged 320,000 tons. That's about \$360,000 revenue on average to the tribe. However, in the most recent year, the royalty rate increased to about \$1.21 and they had a really strong year, about 450,000 tons produced. The Tribe should have received about \$550,000 revenue from them in the last calendar year from July 2019 to June 2020. When he was using the 500,000 tons, he was thinking the market is going to continue to grow. And if that's the case, the tribe can continue to expect five to \$600,000 a year range. The other thing is the water usage. Typically, they are either on city water where they do pay for water or on well water, he will have to validate but they are on well water here. As a good partner they want to continue to work with the Tribe to ensure they are moving the process forward. From CEMEX's perspective, they mentioned they are a year and a half of reserves left. From an aggregate perspective and an aggregate company, when you have less than 10 years of reserves, you really become worried as far as your future plan, because you have to continue investing in the site. As a public company, it's very difficult to get support to continue to invest in the site or put more money into a facility when you're only a year and a half left, there's a lot of pressure to begin to think about how do they need to start taking down the site and look at exiting. That is the nervousness that's within their company right now. If some of the open items work for both sides, they we can get back to having a long-term position, and thinking about investing more and having a facility that is beneficial for both of them.

Mr. Saber answered the question regarding the acreage to the north, it's about 120 acres, potential expansion area subject to resources.

Alan Richards, Stetson Engineers asked for them to describe what is the reserve potential for area B, which was the large area north of area D.

Mr. Saber said they asked that question themselves, in the last week, trying to understand is there a resource underneath the plant site. At the moment, they don't know the answer. What they understand as for the northern areas, those areas were probably once long ago already mined, or at least there were exploratory operations up there that would have led to some basis for not mining them. The areas further north of lease boundary, they do know were mined, they are already claimed, and there may be some deposition of fines and other overburden materials through the north side of area B, the central portion of area B is the sediments that have been deposited from the more modern processing operations. That's fairly constrained. They do not currently have an estimation of how much rock might be under the plant site.

Mr. Richards asked is that that area is allowed for mining under the current lease agreement?

Mr. Saber said he didn't think so. Actually, I think the areas that are allowed for mining are the areas where you see mining contours on a graphic provided. Each area has a phase designation. Area A North pit was phase one, area E was described as phase two, area D phase three and then area C is sort of the final intended area. Those are the areas that were approved as part of the 2015 lease for mining. Area B does not support mining at this time.

Councilmember Gonzales stated she lives on Hill Ranch road. She was one of those that had an issue with her water well and had to have it fixed. That's a concern. She knows there are two other members that live

on the road that are also having issues with their water wells. It's a concern for them if they are talking about expanding closer. She knows there was no real conclusion on whether it affected the water wells. But there are three of them that had issues. Her concern is that if something happens, their wells go out again, she doesn't know where they will get help from,

The question was asked if she lived north or south of the site. Councilmember Gonzales confirmed she lives north of the plant.

Mr. Saber said to the extent they develop any mining plan up here, that plan would have to be reviewed for environmental review purposes to include a look at any hydrogeology or in simpler terms, groundwater effects of mining in the location. Right now, he doesn't know what those effects would be. He doesn't want to speculate or make up information that he doesn't know to be true. When there's mining without de watering, the effects on groundwater are pretty minimal. There are exceptions to that, of course, if somebody has a well, that's immediately adjacent you can get some interaction effects, but that would need to be looked at further if they were to develop a mining plan for that area.

Councilmember Gonzales said she wanted to be sure because she was told Indian Health Service said they would not help again if anything else happened with their water wells.

Mr. Saber said they understand, they heard the concerns relayed to them through the Water Team. They want to work together with the Tribe to make sure those concerns are put to rest on how they go forward. There are different options that can be found to make sure they give assurance, but they are willing to do that.

Councilmember Harry said they are an international company, she was going into some of their financials and the highlights. What other companies do they have here in Nevada?

Mr. Saber said they are a large global company and mainly in Nevada they operate in two markets mainly in Reno. They have the facility with the Tribe as well as another facility called Seer Stone Quarry, a hard rock quarry closer to Reno. They also have a sizable operation in Las Vegas. In Reno they have a ready mixed concrete operation as well. In Vegas, they have ready mix concrete operations and a standard gravel operation in a block plant.

NEW BUSINESS

1. Approval to continue LCT Surveying and Monitoring in Pyramid lake and the Lower Truckee River by the US Fish and Wildlife Service (USFWS). Tim Loux, US Fish and Wildlife Service

Mr. Loux said they have an ongoing monitoring program on the Truckee River that they've been doing since about 2010 in different phases in different forms. Currently, they are focusing on Lahontan Cutthroat Trout (LCT) monitoring in all different phases of their life history. They track adults going upstream and then monitor the juveniles as they're heading back down to the lake. Over the years they've had some good research that they have been doing with the USGS and Utah State University. A lot of publications have come out of it. He is the senior fishery biologist for the US Fish and Wildlife Service. Some of the work they

do is rotary screw trapping, read surveys, non-native removal program where they remove non-native fish and give them to the Tribe to disperse amongst their members. That prevents hybridization with LCT, which is a major threat.

Councilmember Wadsworth said she sits on the fisheries board. She asked if there is a written agreement between the USFWS and the Tribe for this specific duty or monitoring. Dan Mosley wasn't sure if there was or if it's just a letter that goes out to you. The reason I'm asking is because when the board first saw the letter of request, there were no reports submitted from the USFWS, for at least two years. That was one of the reasons it was tabled at that time. In the meantime, they did receive some reports. She is wondering if there is an agreement, just a handshake or a letter the Tribe signs.

Mr. Loux said when he was the tribal liaison, about 10 years ago he delegated some of the work to his employees and they haven't been as good as reporting to the Tribe as they should be. They always provided the Tribe, the fish run numbers through Marble Bluff, that's something that goes out in weekly updates. Before it was done weekly and he would give them a yearly summary of fish numbers that go through Marble Bluff, including Cui-ui. He's always told the Tribe the information is theirs to own, and its public information. A lot of times, as a scientist, they like to have it peer reviewed and make sure it's accurate information that they are giving to the Tribe, because they realize the Tribe may be making decisions, based on the information. They know how important the partnership is with the Tribe and sharing that information. He's instructed his employees to report more regularly, and provide the information as requested, either in a format, a memo, report or publication. And as far as an agreement with the Tribe, it's not a handshake. This is government to government relations. This is a formal consultation and he logs it in his form of consultations so there is a record. The approval letter provided is the way the Tribe and the USFWS have agreed to essentially give his employees what he calls a trespass agreement. They don't go out every day to conduct field work on the reservation, it's something his employees can have in their hand to present to a Ranger if they're pulled over or if a tribal member asks them what they are doing. That's the only formal written agreement.

Mr. Mosley said about 10 years ago, they used to have a memorandum of understanding (MOU) and when the board asked him the question he wasn't sure if they had a current MOU since, Albert John took over.

Mr. Loux said early on when Mr. John took over and when Elwood Lowery was the Chairman, they moved away from the formal MOU and went to the trespass permission letter. That was because MOUs are soft and anybody can pull out whenever they want. The letter replaces the MOU but can go back to a MOU style, he is not opposed to it. They do have a lot of MOUs with the Tribe. There is a MOU in the Nevada Department of Wildlife for stocking LCT in the Truckee River. There is an ancient MOU for operations at Marble Bluff, rather than burden the Tribal Council with all these requests for them it was more of a blanket request. If it's approved through the fisheries board and the Inter-Disciplinary Team (IDT) then it may not have to go to Council or the chairperson. It's really up to Council on how they want it done, they are agreeable because the work is important to them and the Tribe.

Councilmember Harry ask Mr. Mosley if the results of the sampling and the data being collected from January to October is something he reports on to Council or is that something the USFWS does and what are they learning from the data, what is the end objective.

Mr. Mosley said when he receives information he forwards to the fisheries board and to Tribal Council representatives on the board. If it's something important it is forwarded to Tribal Council also. He can send the information to Tribal Council if they want.

Councilmember Harry said a summary report is fine.

Councilmember Dunn said he would like to continue with the consistency with the Tribe's use of MOUs with the USFWS.

Mr. Loux said they have been operating Marble Bluff for about two weeks now. There is a lot more than just water flow, there's water temperature and the waters pretty cold. Right now, its around six degrees Celsius. They usually see LCT running anywhere between 6 and 14 degrees Celsius. They are not in a critically dry year, but they are in a dry year. Dan Mosley, Donna Noel and him on the TROA MOA calls where they make the decisions about storage of waters in reservoirs, especially waters that are controlled by the Tribe. They are currently sitting between 70 and 80% of normal and in what is called regime six. Extremely low water year, they only have about 110,000-acre feet of fish water, which is not a lot. Three years ago, they had over 250,000-acre feet of fish water. The weather pattern for this year, he doesn't see it changing, and he received the long range forecast this morning, it's probably going to be dry into early March. Which is never a good sign. They are expecting a lower than average run this year of both Cui-ui and LCT. It depends on how cold it stays because if it warms up quickly, then the run will come sooner. Even if it's dry and it stays cold and the runoff is delayed, then it'll be later. The other part of that equation is they didn't have a lot of rain, soil moisture is really low and whatever snow and runoff there is, it's going to be absorbed pretty quickly into the soil.

Councilmember Harry said an MOU can be something for next year. In the second and the third paragraphs of the letter it really spells out what the project is, what they're studying, when they're studying it, why they're studying it, what it looks like, kind of the samplings, who's doing it, even lists the service in place that will be conducted activities.

Councilmember Mix asked if they work with the Nature Conservancy (TNC)? How much information do they give them?

Mr. Loux said they don't give any information. They've had an illustrious past in the Truckee River with the restorations they've done, some differences in design ideas. They funded some of the McCarren Ranch Project, they funded some of the Mustang Ranch and 102 projects, he's not saying they funded the whole project, he's saying they funded some of the things or provided material. They have requested information from them based on their electrofishing surveys, but that goes through Nevada Department of Wildlife (NDOW). At NDOW, that's who they get their permit for, it's very similar to this situation where he's asking permission to trespass on the Tribe's lands, being a federal government employee. It's very similar. If they

have a publication, they release to TNC, but it's also released to all of their partners. If they publish anything, they have gotten information within the tribal boundary, he's required to get permission from the Tribal Council before he can publish the data which he's been consistent with over the years. TNC is a great partner, they do a lot of really cool work. But no, he doesn't release anything unless it's been approved by Tribal Council.

Councilmember Mix said he has a problem with the Nature Conservancy slowing water down at the McCarran Ranch area.

Mr. Loux said that was his issues also with some of their designs. It was right when McCarren Ranch was getting started, working on it, moving dirt, he had a lot of concerns, there's a lot of backwater habitat that's been created that is good for non-native species. It wasn't that natural, his favorite part of the river is at Dead Ox, which is the most natural part of the river he's ever seen. It's a fully functioning ecosystem. This is what restoration should look like. And that's not what they built, so he understands and knows the frustration.

Councilmember Mix said he also sits on the fisheries board and asked Dan Mosley when the water is warm, what effect does it have on the fish when they're spawning, when the fry come out. Do we have a big mortality rate? he knows fish come out with two heads sometimes. What effect does it have on the fish, the trout?

Mr. Loux said it does, that's where the rotary screw trap information comes in handy, where they can see when the fry and juveniles are out migrating. They can make a more educated decision on when to release more flows to cool the river down to provide a little bit of a buffer. As far as the two headed fish, that's actually a pretty common phenomenon. It's just a genetic mutation. It's kind of like science, they actually call them Siamese twins. They are the same thing that happens with humans. It's just a rare genetic mutation. It can be influenced by the environment, including temperature, but in the last six years they haven't had a high mortality rate due to temperature because of their proactive management of water. Yes, temperature is a factor that goes into how they make decisions on the water management for the fish.

Councilmember Harry made a motion to *allow the USFWS to continue the Lower Truckee River Management Activities for the Lahontan Cutthroat Trout Recovery Plan*. Councilmember Ely seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

NATURAL RESOURCES. Donna Noel, Natural Resources Director

1. Approval Film Permit Farmers Conservation Alliance in Partnership with the Bureau of Reclamations (BOR) to film Pyramid Lake, LCT and Derby Dam Fish Screen. Dan Mosley, Pyramid Lake Fisheries Director

Mr. Mosley received a film request from David Hanson, Farmers Conservation Alliance, this group assisted in funding the Fish Screen Project at Derby Dam. They did a lot of filming for the project and now are asking for permission to conduct filming at the lake, including spawning activities which they'll conduct every Tuesday in April. It will be him and his brother doing the filming which be done at a distance. They

also have a drone which they will be using. They want to do a background story on the Lahontan Cutthroat Trout (LCT) and how it's important to the Pyramid Lake Paiute people and how it's related to the to the fish passage at Derby Dam by allowing the fish to go upstream and protecting them when they come back downstream. The video will be posted on their website. The request went through the Inter-Disciplinary Team (IDT) and they placed stipulations on the request

Ms. Noel said the IDT recommended approval with the stipulation they work with the PL Fisheries, they follow all COVID protocols, not picking up artifacts, stay on paved roads and other normal stipulations. Betty Aleck, THPO stressed using caution about the flyways for birds.

Councilmember Harry said if you go to their website, the Farmers Conservation Alliance, they have a really good explanation of the screen project they are doing at Derby dam. Its self-educating and they did really good coverage on it, from the start, what the design looks like and how it's going to benefit the fish.

Ms. Noel said in the long run, the Tribe will get one of the screens but a smaller one for the Nixon ditch.

Councilmember Wadsworth asked if they were asking for a waiver of the fee. Ms. Noel said no they didn't ask for a waiver.

Councilmember Harry made a motion to *approve the film request for filming the Lahontan Cutthroat Trout during spawning at the Pyramid Lake Fisheries as requested by David Hansen from the Farmers Conservative Alliance.* Councilmember Dunn seconded the motion.

Councilmember Dunn stated they approve a lot of film requests and he doesn't remember getting anything back. Mr. Mosley said as soon as he gets something back from them he will send it to Tribal Council for review.

Councilmember Brady asked if they will they be making any money off the film. Mr. Mosley said no, it's for the Farmers Conservative Alliance they won't be selling it. Councilmember Brady said 3 copies should be held at the Tribe for archival purposes. Vice Chairman Wadsworth said he was in attendance at the meeting and they did say it would not be sold.

Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions.** **Motion carried.**

2. Approval Stetson Engineers LLP Contract.

Ms. Noel said they received \$1.6 million Fish Passage Grant for Numana Dam. The contract for design and all the modeling went to Stetson Engineering LLP. She usually completes most of the environmental permitting, but with San Emedio and grant work, she doesn't have time to write a permit. She spoke with Tim Loux and was told it was fine to move the funds from her grant to Stetsons contract and have them do the permitting. Once the permitting and design is done they can get the project moving and start construction. And so the fish passage is going to be a ramp that raises the river bed to the bottom of the downstream side of Numana Dam. Numana Dam and all that irrigation in-let wall will remain the same, they will make a ramp so the fish can go up and over the dam. The request is to extend their contract and to include additional funds to do the 401 permitting and EA.

Councilmember Mix made a motion to *approve Stetson Engineers LLP Contract for the Numana Dam Project*. Councilmember Harry seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

3. Approval to become a Cost-share Partner in the Truckee Basin Water Management Options Pilot Study.

Ms. Noel said the Bureau of Reclamations (BOR) is doing a pilot study to get technical data modeling and the technical background work to have the Army Corps of Engineers change their flood control manual. The flood control manual is a rule the Army Corps has for the upper reservoirs for when they can allow water to fill the reservoirs. With global warming and with the onset of early rain, and when we get our moisture in March, that water has to flow through because the reservoirs have to stay low, in case there's a big rain or snow event. They are trying to show that with forecasting they have now, and how they can project out a month, knowing it was going to be a dry month, they can fill up the reservoir for a dry year. For the Army Corps to change that, they have to have all the models done, all the forecast models, the TROA model, and flood models. They are trying to package it all together, and hand it to the Corps to change. The cost share is all in-kind from the water resources grant, it was written into the 638 grants, and it was accounted for in Stetsons contract, it won't increase their contract, it's already in her grant. Stetson will do the head grass model for them all to review. It's important for the Tribe to be involved because initially they weren't going to involve the Tribe, it was only going to be TMWAA, California and BOR, but the water in Prosser is the reservoir they're concentrating on now, and all that water goes to the Tribe. It was a matter of them deciding how to model the water that the tribe would be getting. Ali Shahroody said they couldn't do that without the Tribe. There will be a memorandum of understanding to be signed.

Councilmember Wadsworth asked they mentioned a parapet wall, what is that? Ms. Noel said she would find out the information and report back.

Allan Richards, Stetson Engineers, said the parapet wall is like a low wall that's added to the top of a structure which would allow for increased storage, sometimes on roofs. There's a parapet wall, around the top of the roof and so you can't actually see the roof because of that low wall. But he's just speculating on that, this is really where Ali Shahroody has been mainly involved. But as Donna mentioned, the goal is to have the Army Corps recognize the curves for Prosser Reservoir so they can be adjusted. The Tribe ends up losing potential capacity to store water in the reservoir, because of the rule cursor design. Prosser Reservoir is designed for flood control. The Army Corps requires Prosser Reservoir be drawn down to certain levels to allow for potential flood failing, but based on those rule curves, the draw down typically is more excessive than it needs to be. The ultimate goal is to, would be to change the rule curves, so that we can take better advantage of storage capacity and processor for fish waters.

Councilmember Mix said if we draw it down and nothing happens, we lose our water, right? Because we're supposed to keep it full?

Mr. Richards said yes, except for the condition that it's currently used for flood control. So there's rules in place that we have to recognize that require the reservoir to be drawn down to a certain level by a certain date and that's the that's what we're seeking to have modified.

Councilmember Ely said he also sits on the fishery board, and asked is that fish credit water?

Mr. Richards said it holds fish water and can hold fish credit water also.

Councilmember Mix asked what are those dates on that?

Mr. Richards said he would get back with the dates.

Chris Mixson said in 2017, it was a big water year, big snowstorms in the winter, late snowstorm, really increased the snowpack, every other reservoir in the upper Truckee basin filled except for Prosser. And Prosser couldn't fill in 2017, because of these flood control curves, which are basically outdated, they were probably developed in the 60s. The concept that a year like 2017 would result in some reservoir not being able to be filled tells us there's a major problem in the management of that reservoir. So that's what this project is really focused on fixing.

Mr. Richards said it's also relevant because Prosser Reservoirs less than 30,000-acre feet in capacity compared to Stampede which is 226,000 acre feet. When they can even get little Prosser Creek Reservoir filling because of these rule curves that exemplifies the issues.

Councilmember Phoenix made a motion to *approve the request to become a Cost Share (in-kind only) Partner in the Truckee Basin Water Management Options Pilot Study*. Councilmember Dunn seconded the motion. Votes were nine (9) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

WATER TEAM

1. Kemp Jones LLP Monthly Report. Chris Mixson, Kemp Jones LLP

Endangered Species Act Section 7 Consultation. Mr. Mixson is an ongoing consultation between the Fish and Wildlife Service (USFWS) and the Bureau of Reclamation (BOR), under Section 7 of the Endangered Species Act, to take a fresh look at the impacts on the fish in the Lower Truckee River and Pyramid Lake. Because of the diversions of water into the Truckee Canal as managed under the OCAP. This has been going on for about a year and a half now. Its consultation between the two federal agencies, BOR and USFWS, the Tribe was formally invited to participate in the consultation. The end result of a Section 7 consultation is a biological opinion, and a biological opinion is issued by the USFWS. It discusses the impacts of the federal action. In this case, the diversion of Truckee River water into the canal, managed by the OCAP. It puts terms and conditions on the ongoing federal action. The main reason the tribe was invited, the water team was invited to participate in the consultation between the two federal agencies was so the Tribes water team could provide its expertise to help the USFWS, develop the terms and conditions in the biological opinion. Ali Shahroody developed some terms and conditions early 2020 and provided those to the USFWS and BOR. The response from the BOR was they couldn't accept these terms and conditions in the biological opinion, because essentially, it would be requiring them to tell TCID how to manage the Newlands project. They can't have terms and conditions in a biological opinion that they, BOR, didn't have the discretion to enforce against TCID. He asked them to explain to him what governs the issue of your discretion to tell

TCID how to manage the Newlands Project, what sorts of things can they do? What sorts of things can they not do? What will show me the regulations or the legal authorities for all that, and it's been nine months of going back and forth, and they still haven't done that. It's a frustrating process, it's a very muddy bureaucratic process where you have two federal agencies and one of them is taking a really formalistic position about what they can and can't tell TCID to do. Basically, we're in a holding pattern, while he continues to try to get the federal solicitors for the BOR, to put it in writing and explain it to him so he can try and figure out what they are saying but so far have refused to put anything in writing. That's the status of the Section 7 Consultation, and originally hoped to get the biological opinion completed by April of 2021, but looks like they won't meet that deadline.

Recoupment. Mr. Mixson said in the early 2000s, the Tribe along with the United States Department of Justice, won a lawsuit against TCID because they stole water that went to the Ninth Circuit a couple times and the result was TCID has to repay the tribe 344,000-acre feet of water and some change. We are now in the phase where TCID has to repay that water to the Tribe. That phase has been consumed by a dispute with TCID over how they're going to repay the water. They are basically taking the position that every time they don't divert any water from the Truckee River for any reason that should count as having repaid Pyramid Lake. For example, icing conditions in the winter, ice can build up in the Truckee Canal and they have to stop diverting water to go clear the ice because it creates blockages in the canal and can cause flooding. TCID thinks when an emergency happens and they close the canal to diversions of Truckee River water they should get repayment credit. They have gone back to the judge, the judge has essentially agreed with the Tribe and the United States on these different methods of how to say it can repay the water, but we're still basically fighting along the margins with TCID over similar issues about post 2008 breach, diversion reductions that were mandated by the BOR. BOR after the breach forced TCID to stop and then maintain low diversions for safety reasons until they can fix the canal. TCID is saying they should get the water the Tribe didn't divert, because of these safety mandates from the BOR should count toward repayment. The Tribe's position is saying they have to have the "intent" to make a repayment they don't get to just claim that you've repaid the Tribe every time some drop of water passes through the dam. More updates to come.

Councilmember Mix asked if the Tribe can do a MOU with TCID every time they test the water or run the water there.

Mr. Mixson said his position has been that in order for water to count as having been repaid to the Tribe under the recoupment judgment, TCID needs to give the Tribe advance notice, because the Truckee River is as all of you know, a very tightly regulated river system. If TCID is going to make a repayment of water, they should tell us in advance so that we can, which he thinks Councilman Mix is getting at, to watch in real time, watch the gauges and watch what they divert. Then they can concur whether or not they made a repayment. The process so far has been, a backwards looking process, where TC ID says between 2008 and 2016 we were paid X amount of water, and we all have to go back in time and try to recreate the conditions on the river to see if that's true, which has been a very cumbersome process. He's happy to try and get a MOU from TCID but using history a a guide, he doesn't think they'll be an eager partner. They are trying to claim they're repaid this judgment in a way they won't have to actually give up any real water. They are trying to use the process to come to some sort of agreement.

CEMEX Update. Mr. Mixson said the big take away from CEMEX's presentation is they are asking to mine in the new area to the north of area A, but do it with what they have been calling wet mining. Up until June 2020 when the Tribe sent them a cease and desist letter, they were dewatering, the area A gravel pit to the tune of 9000 gallons per minute, just like an enormous amount of water. The former Council and the former chairman, wrote a letter, a cease and desist letter, but the letter said, we are not telling you to stop mining, we are telling you to stop dewatering, and they did they stopped the dewatering. They moved their mining operation into area D as they told you tonight. What they're proposing now, from what he understands is to do wet mining. They're not proposing a massive dewatering operation in order to mine in area D. But they need to explore area D to see if there's enough material to mine, to make it worth the money to invest in the wet mining equipment. To him this is the takeaway. They were telling Council if they are going to continue mining, without dewatering, then they are going to have to invest in some pretty expensive equipment and in order to make it worth their investment they would like to move into the new area D. As the water team, as the water attorney, he's making sure they don't adversely impact your water resources. If they can mine without dewatering, then I think they can probably mine without impacting your water resources. Specifically, Councilwoman Gonzalez, she asked them what would be the effects on her domestic well if they were to mine in that new area and it needs to be studied. He thinks they are not going to dewater a new pit, they are going to mine wet, so they shouldn't have to affect the water too much but anytime they are digging around, they are going to need to determine the effects, study the effects, and they will make them do that.

Councilmember Ely said he has an idea when they say dewatering but what do they mean by mining wet?

Mr. Mixson said he's not mining engineer but his understanding is they will literally leave the groundwater in place and dig out the materials and they'll have to somehow, strain the water out as they pull the gravel out of the ground.

Ms. Noel said it's dredging they'll have to use a dredge.

Councilmember Brady asked is it going to end up looking like the Tracy power plant where they dug and then the water filled in?

Mr. Mixson said he would expect it would be an open pit full of water when they're done, or even while they're mining. They will have to prepare a reclamation plan that will include what they will do when mining is done and what's it going to look like afterwards but he doesn't think they will fill it in.

Councilmember Harry said that's what she was talking about when they talked about the seepage and possible groundwater pollution. If you just look at gravel, its practices and studies, nationwide, and he hit on it, the total dissolved solids and the salinity. There's a biochemical reaction with the different chemicals, and did state there could be a risk with it. If that's a solid pool of water, and now we know it's a byproduct of their processes, is there a chance of seepage that is polluting the groundwater?

Ms. Noel said the biggest problem with the pit lake is what its going to be. For the gold mining industry, you'll find a lot of heavy metals and that will concentrate in the pit lake. But this is sand and gravel, there isn't much mineralization in the rock. You will get a lot more TDS, you might get some arsenic from water coming from Fernley. The biggest issue is it is going to be warm, there's no flow through. You will have bacteria growing in there, algae. It won't be like the pit lakes in Nevada that have acid water from dissolving the rock, but it will be high TDS because it will be warm.

Councilmember Mix asked isn't all of Hill Ranch road arsenic water?

Ms. Noel said yes it all comes from the Fernley bench so the Tribe's sink could very well be a sink in there.

Councilmember Mix said all the wells along that whole area, sooner or later all the wells are going to dry up, they will always have to adjust and work on them no matter how deep you go. So everything always comes to an end, sooner or later will have to drill deeper.

Councilmember Harry said it might just be something within the river, Councilmember Gonzales talked about her well. Not sure what project she's on but down in Little Nixon where she lives, she is on her second well. Her wells have been averaging about 10 to 11 years with the buildup and calcium. Councilmember Gonzales said the water is pretty bad. Indian Health Services (IHS) came out and they did a study and tested the water tables. As soon as the pumping stopped, the water tables rose a lot. IHS said it should be looked into if it's impacting their water wells. For it to go out that quick, something's going on, especially for multiple people. That's what worries her, where are they going to get help because they have been going through this for two years. If there's no conclusion on if the pumping was affecting their wells or not.

Ms. Noel said there is a Stetson report in Council's packet regarding CEMEX. In the report is the actual graphs of the municipal wells, including the two monitoring wells that are down by Hill Ranch road. You can see the day that the pumps were turned off, there was an immediate uptick in the groundwater.

Councilmember Gonzales said they HIS came and tested it a couple of times and then right after and they could see right away. Councilmember Harry said this is what the other report, their report, referred to as inconclusive data.

Mr. Mixson said of CEMEX's presentation, they going to have to agree to disagree is putting it lightly. His conclusion as a water attorney, who has seen a lot of hydrographs, and has been doing this for a while to see the immediate effect when they stopped the watering geographer. There literally can be no question in anyone's mind, that the reason the groundwater aquifer and the tragic municipal wells and the tribal members, domestic wells, were in such trouble was because of CEMEX's dewater. And they can put together as many fancy groundwork, conceptual groundwater models as they want. But they're never going to get away from the fact that the graph shows when they turned off their dewatering pumps, the water level started rising again. So it was on my advice to them, that they not dwell on that tonight, because no good could come from it. And they wisely, I think didn't dwell on it.

Mr. Richards said this isn't a matter of evaluating models or charts. The facts are clear. You can ask Eric Ingraham, the muni well 4 has come up 13 feet since June, middle of June 2020, when they turned their pumps off. There is no there is no analysis required, the facts lie in the actual water levels that have recovered in the wells, muni well 4 has risen to levels that we haven't seen since 2017. And muni well 3 has come up some 13 feet. And two of Kameron's monitoring wells have both come up eight feet and 10 feet respectively. These immediate and dramatic recoveries correspond to June, the middle of June, when they turned off their pumps. There is no other explanation. There are no outside external forces that also occurred right in the middle of June of 2020, that would explain why the well water levels have now recovered back to where they were three years ago.

Vice Chairman Wadsworth said when they were tiptoeing around the fact that there was no way that muni well 4 which is 1.7 miles away, could be impacted, and just taking an overall view of everything, that's a big problem that we have with the Santa medio project, and that's only a mile and a half, and we see the hard data, but it seems everybody else wants to ignore it.

Councilmember Mix said that's one thing he wants to stress to the Tribe and rest of Council is when NUMU Inc. puts those warehouses on the flats, they're going to be drilling wells and taking water also. Now, is that going to be dropping those wells for Wadsworth also? because if that's going to be happening, those wells are going to be dropping because of the warehouses being on the flats. Now, that's something they have to take into consideration also.

Councilmember Harry asked Mr. Richards if he could send to the new members all of the groundwater reserves and the map that showed all of the basins. That would be helpful for the new Councilmembers to see.

Mr. Richards said that was the map that showed the hydrographic basin boundaries as defined by the state engineer.

Mr. Mixson said he thinks CEMEX got the message since June of 2020, that there are days of dewatering the aquifer in order to mine gravel are probably over. He thinks they're trying to find a way to move forward to mine, the gravel provide royalties to the Tribe without dewatering. Now it's up to the Tribe, the Council, to decide but it's not a decision that has to be made that night.

Councilmember Gonzales mentioned they want to expand, and there's a ditch that's used for irrigation that goes down to the farms. She doesn't know if that would be taken away, or how they would work around that.

Mr. Mixson said any agreement or permission for them to expand their area will be subject to any conditions that the tribe wants to put on the operation.

Councilmember Brady asked if they get charged for using the water.

Mr. Mixson said the water they were dewatering from the pit at 9000 gallons per minute 24/7. They have a difference of opinion with CEMEX about whether there were even allowed to do that but they do have under the lease the right to use an existing well, that I think is near their office. Under the lease, the Tribe gave them the right to use that well. You could look at it as the royalties they paid the Tribe from the gravel maybe included the right to use the water, but there was no separate payment for that well water. It wasn't a big well, it the real problem, of course was the dewatering.

Ms. Noel said they were also asked to put a meter on that production well, for the processing. I don't think they have yet. But they were asked to do that.

Councilmember Gonzales said what it sounds like is they never had in their contract where they would pay for it in any water to the tribe.

Councilmember Ely said he understood in a previous meeting they were asked to put meters on their watering process and then when the Tribe asked for numbers it got lost in cyberspace and they couldn't give any numbers. Did we ever correct that, or did they ever try to rectify the issue?

Councilmember Mix said he works a little way from there and there were meters put on those pipes, three of them.

Mr. Mixson said there were 3 pumps in the pit, that were pumping water into three pipes and discharging it into the pit to the south to a holding point or holding pond. And when the water team was first made aware of this, the first thing the Tribe did was told CEMEX, put some meters on those pumps, so that we can have an idea of how much water is being pumped. They eventually did put meters on the pumps and when the Tribe asked for the data they said they were having technical trouble, they can't extract the data from the meters. This was late 2019 and going into 2020. At some point they got meter readings from one of the three, but they didn't ever get all the data that was demanded. That is why the former Council and the former chairman sent the letter in June 2020, telling them to cease all the dewatering activity. There hasn't been any pumping of water since June of 2020. There would be no data in the meters, even if they still had them there, which I don't even know if they do.

Councilmember Brady asked if the Tribe enters into an agreement, could there be something added to the effect of, if we're asking them to do something? Could we penalize them for not responding quickly? Mr. Mixson said yes.

Councilmember Gonzales asked is there anything in the contract for people that are having issues with their wells, where they would come and fix them?

Mr. Mixson said that would be negotiating a brand-new agreement, so we can put in any conditions that the Tribe wants. And if CEMEX says no, then they don't get their deal, right. One of the conditions could be monitor, monitoring of the groundwater levels monitoring of municipal wells, and monitoring of domestic wells. If the Tribe sees an impact from their activities, then they have to either stop or somehow address it to the satisfaction of the Tribe.

Councilmember Ely asked if they have been good relationship with the Tribe.

Mr. Mixson said he assumes they're paying their royalties every year, or else they would have been shut down long ago, but the water issues really didn't come on the water team's radar until 2019. The Tribe is certainly not satisfied with their responsiveness when we started telling them to put meters on and getting the metered data. With the exception of the ongoing disagreement about whether they're dewatering causing adverse impacts to the wells. I think that they, to some extent, have seen the light, and they know, that if they want to have a successful operation out there they need to be a much better partner with the Tribe.

Chairwoman Davis said they have gone on so long without anyone bothering them, they were a little taken aback that we went to that spot.

John Guerrero said it started in 2018, when the first complaint with the water issues with dewatering and it's been going on since. Nothing has really happened until recently and he was one of them with the well issues. He spent probably over \$18,000 on his well. At the time after they stopped dewatering, he got a lot of pressure after that. Richard James is one of the wells that has issues also.

Councilmember Gonzales asked if they have seen those letters when they wrote them. They were having a hard time finding help for their wells, they would call Housing and PUD and get referred back to the other. Then they said to just call John Guerrero, he's having issues with his also. That was the issue, who do they go for help with their wells. She final contact IHS herself.

Councilmember Harry said when she was the recipient of a scattered site, that was one understanding is that they were responsible for their own wells because they chose not to live in a subdivision.

Ormat San Emidio Geothermal Expansion. Mr. Mixson said Ormat wants to expand its existing geothermal project, which is just a couple of three miles off the reservation boundary in the San Emidio basin, which is to the northeast of the reservation boundary. There are basically two, sort of two things going on. There's the local governmental, permitting, and there's the BLM permitting. The local governments have land use plans, and Ormat has to get land use permits, special use permits from Washoe County, from the Truckee Meadows Regional Planning Agency. The next thing coming up next week on either Wednesday or Thursday, is a hearing before the Truckee Meadows Regional Planning Agency, the Regional Planning Commission, which is a commission and an agency that's made up of people from Reno, Sparks and Washoe County. They have a regional land use plan and in order to get their permit Ormat has to show their project is in conformance with the Truckee Meadows Regional Plan. Two or three weeks ago, they were on the agenda for the Regional Planning Commission, the Tribe submitted a strongly worded letter that said the Tribe had serious concerns with this project. The Tribe wasn't consulted by the Regional Planning Commission, even though their 2019 regional plan has all sorts of flowery language about how they are going to consult with stakeholders and regional partners etc. The result of that letter was at the meeting they basically tabled consideration of Ormat's special use permit. They're going to hold another hearing next week, and Alan Richards and Donna Noel were invited by the Regional Planning Commission

to give a presentation to describe the Tribes concerns and the potential impacts on the Tribes resources from Ormat's Geothermal Project. The other thing going on is the Bureau of Land Management (BLM) is doing NEPA process because part of Ormat's expansion is on federal land. They have extensively commented to the BLM, along the same lines expressing concerns about the Tribe's resources and the potential impacts. BLM was set to issue its final environmental assessment. They originally targeted November of last year, and they were able to keep pushing that back. Then they were going to try to do it in mid-January but didn't make the cut. Then President Biden was sworn in on January 20th, and on that same day, he issued through the Acting Secretary of the Interior an order to all federal agencies to not sign any final NEPA documents for 60 days. So when they learned about that secretarial order, Donna inquired with the BLM, whether they were going to pause the final EA and they said they were still trying to get guidance from the solicitors about whether the secretarial order applies to this project. But they haven't issued the final yet so the Tribe is was working with BLM and the BIA division of energy and minerals management on a monitoring and hopefully mitigation program. I Ormat's going to expand their geothermal pumping, let's get some monitoring wells in place, so we can watch and figure out if they're impacting the Tribe's resources. We haven't received a response to our proposal on that yet from the BLM.

Ms. Noel said Ormat reached out to her and wanted to talk about this project and what the Tribes concerns are. She directed them to the Tribe's comments they did to the EA. He asked what the tribe wants and she said it would be best if they make an appointment or make a request to present to Council and give them an update from Ormat.

Mr. Mixson said it's sort of a similar dynamic same as with CEMEX and their own their reports where it's just a complete disagreement. We don't have the benefit of any monitoring wells and a baseline scenario to know, but the Tribes experts, Alan Richards and Bill who's a hydrogeologist, have determined there's a strong likelihood of Ormat's pumping impact on the Tribes resources, your geothermal resources, your groundwater resources, potentially impairment to the lake itself, because there is some active geothermal stuff going on underwater in the lake. It's almost certainly connected to the same faults that Ormat's targeting. The monitoring that we're proposing is, for one year, develop a baseline, don't do any new pumping. Let's see what's going on. Once they start their new expansion project, we'll have something to compare it to. That's essentially what we have proposed.

Blockchains LLC – San Emidio/Hualapai Flat Water Rights. Mr. Mixson said Blockchains, they bought some water rights that are in the San Emidio basin and in a basin called wallet pie flats, these are all groundwater rights. There was an effort in 2006-2007 by a developer to try to basically pump and pipe that water from the basins which are north of Pyramid Lake down into Fernley to support development. The Tribe protested it. Then we hit the 2008 recession, the developer basically walked away, and the State Engineer denied the permits applications. Now Blockchains bought the water for \$31 and a half million dollars. Presumably, they want to move it to their own development, which is at TRIC and so if they're going to pump it out of the ground and pipe it down to TRIC, they're going to have issues with the Tribe. He's been approached by the attorney, the water attorney for Blockchains and they are going to go sit down next week to have an informal conversation and he's going to tell him, you better come to the Council sooner rather than later.

Chairwoman Davis said this is what Will Adler, the Tribe's lobbyists were talking about. It was in her report to Council. It was about the housing development of the 50,000 houses, this developer is actually going to pass a bill to allow him to start his own County, to be able to have that housing in TRIC and there's a lot of opposition to it. So not only are we going to oppose the water, but most people don't want all that housing up in that area as well. It's the innovation zones, and it's actually in the legislature and our lobbyists actually have notified the Tribe and was all excited over it and wanted to ask to meet with them. But we are not, we are going to seeing where it's going. Chris Mixson will be meeting with them.

Councilmember Wadsworth asked if NUMU Inc. could be headed towards this concept of an Innovation Zone with their special district they want to create out there.

PCC and NUMU Inc. Mr. Mixson said in October of last year, they had a meeting with them and they said they needed somewhere between in a range of 1200 acre feet of water per year up to 22,500 acre feet of water per year. But it never was put in writing by them, it's only been spoken to them verbally. At the October meeting, the general feeling was the amount of water is something the Tribe could provide to PCC should you want to, there is a combination of groundwater in the Dodge flat area, and surface water that could be used for this purpose. You have the most senior water rights on the Truckee River which makes them the most secure. Those are called claims 1 and 2 of the Orr Ditch Decree, claim 2 was originally intended for irrigation of bench lands, so sort of the hills, the higher up lands, and those were those irrigation projects never got developed. The claims 1 and 2 water rights that the Tribe owns, to the Truckee River, which are the most senior were intended for economic development at the time of the Orr Ditch Decree. The only way that anyone did economic development with water was by alfalfa growing. But that doesn't mean it has to always be alfalfa growing. Because of your status as an Indian Tribe, you can't lose your water if you don't use it. Everyone else is subject to state law, use it or lose it, but not Indian tribes. For years the claim 2 water, you just didn't use it. It was available in the river, but other people took it because you were not using it. In the 90s, before his time, it was decided if the Tribe is not going to use it for irrigation, why don't we use it for habitat and the river, and that to have extra water going to the lake instead of letting other people take. Every year, for 15 or 20 years, the Tribe has filed a temporary application to change its claim 2 and a portion of its claim 1 water to instream flows for the Lower Truckee River and Pyramid Lake. But we do that on a temporary basis. Because the idea was, the Tribe may want to use that water for some other purpose. Don't want to permanently change its use from irrigation, which is what its formal uses now, to instream flow. So, every year the Tribe files a temporary application to change it from irrigation to instream flow, but you could use that water for almost anything you want, including to serve PCC with water. There would need to be more infrastructure built to serve them with surface water, but let them pay for that, if that's the route the Tribe wants to go. Then of course, you can serve them with groundwater. The number of acre feet that they were talking about in October, wasn't within the realm of possibility, should the Council want to proceed. The bigger concern that Alan Richard's raised at that time, which is still on the table is what, they didn't have a firm idea. That was one of the issues that the water team had. They need to hear from PCC not about just the Tribe providing water to them, but what are they going to do with the wastewater? There's the treatment and the disposal. They can design wastewater treatment plant to make water they can drink, but it costs a lot of money. Don't think they're talking about building that kind of treatment. That's one of the issues with the PCC project is the wastewater. They want to know if the Tribe can give them water but before the Tribe answers the question the Tribe needs to

know how much water do they need. They don't know how much water they need until they get a tenant, and they can't get a tenant until they know they can provide water. It's this been this constant circular discussion with PCC. From his perspective, as your water attorney, you can provide them water, like the numbers they're talking about, the water demand is within the realm of possibility for you to provide them. There's the issue of wastewater treatment, it's a solvable issue, but they haven't done the work yet. They have the land assignment, thing NUMU is bringing that to the Council on Friday night. He wants to talk to Pilar Thomas about the water provision in there because he doesn't like the way it's currently phrased, where the Tribe is obligated to provide the water.

Councilmember Harry said NUMU Inc said they met with Chris Mixson and they had the approval of the water attorneys or water team, the stamp. What does the sewage treatment look like in check out by USA Parkway and in terms of water quality coming down to Pyramid Lake?

Mr. Mixson said he doesn't believe they are discharging any water to the Truckee River. His understanding is they treat their wastewater somehow. He thinks they put it in a holding pond and let it evaporate. He's also heard rumors they're trying to figure out ways to reuse that water on site. But they are not allowed, as far as I know, to discharge any water to the Truckee River. From their holding pond, could it seep into the groundwater and find its way to the river, maybe potentially.

Chairwoman Davis asked if they talked about the 897 acres or did they talk about the 3000 acres?

Mr. Mixson said they told them the amount of water is the same for the original 800 and something acres. As for the new expanded land assignment? They did not get into the reason for the expansion or what they intend to do with the larger area. But they said the water demand is the same.

Chairwoman Davis asked how that could be, obviously if they had more land, they are going to put up more.

Mr. Mixson said that is part of his concern with the language in section 6.2 of the land assignment that says if the Tribe is unable to serve the water demand for the PCC project, with its own water than it he thinks it says, NUMU Inc and the Tribe shall secure additional water for PCC. He wouldn't advise accepting the land assignment with that language, because you don't want to be on the hook for providing them water, if you don't have it to give them. He is going to talk to Pilar Thomas about it.

Councilmember Harry confirmed that's exactly what it says, if the Tribe itself is unable to meet NUMU's water requirements, the Tribe and NUMU shall identify and secure another source of water for use in an upon the assigned area.

Mr. Mixson said he PCC and NUMU are open to fixing that language. He doesn't know why it was that way in the first place. It's possible that he overlooked it in the past but feels like it's something he would have caught. The real problem is that it says the Tribe shall provide the water that NUMU needs, but it doesn't say how much, he doesn't understand why it was drafted that way. It is an open-ended obligation of the Tribe to provide water. If you don't have it, how can you provide it.

Councilmember Gonzales asked if the water can be reused and if it's treated, could that be used? They have cattlemen that are around that area. Could that be used for the cattle or maybe used for them to plant and use that water.

Mr. Mixson said it's a possibility.

Councilmember Mix said there is all kinds of chemicals being used. Just can't treat and expect it to dissolve. Currently now the waste plant on VISTA is having a hard time with birth control. They can't dissolve it and it's going into our water system that's going into the Truckee River. Chemicals that can't dissolve, no matter if you put it in the ground, it's still going to reach the river.

Councilmember Harry said there was a huge study on birth control and in the Great Lakes area, the mutations in the pollution that was happening to the wildlife in the US. But the effluent that's being processed in Sparks is not potable water. It was supposed to be for the parks, the landscape and any grassy areas.

Mr. Mixson said it's what they call purple pipe water. They put it in a purple pipe, and it's used to irrigate, ball fields and parks. It's not potable, but it's clean enough to be spread around on the ground. Like Councilman Mix says, it all depends on what's in the water and how you treat it. But if those issues can be resolved, then land application for growing alfalfa or other things is certainly a possibility.

3. STETSON ENGINEERS LLP. Allan Richards.

Reclamation/TCID Newlands Project Operation & Maintenance (O&M) Contract Negotiations. Mr. Richards said they had a meeting with reclamations on January 13th. That was an invitation from reclamation to share with the Tribe some of some exhibits that are being included in the new O&M contract that reclamations and TCID have been negotiating for the past few years. The current contract for O&M of the Newlands project between reclamation and TCID is due to expire on January of 2022. So they've been negotiating a new contract for several years, Donna Noel has participated or attended some of the public meetings. When those negotiations were occurring, it's really just FYI, just for our own information, because it's their negotiations. In general, the new O&M contract will be a much-improved contract compared to the existing contract that is due to expire. Reclamations has incorporated certain performance obligations associated with this new contract. There is performance plan requirements and reporting with the interest of increasing Newland's project efficiencies. There are some consequences written into the contract as well for performance measures that may not be met. This contracts and improvement over the previous one and hopefully it'll give reclamation a little bit more teeth in terms of enforcing things with TCID. They also had a presentation given to them on January 5th by the Farmers Conservation Alliance, same group that's working on the fish screens at Derby Dam. They are working on a project that is looking at opportunities for modernization within the Newlands project and including opportunities for improve water measurement. They are looking forward to subsequent meetings from the Farmers Conservation Alliance. The water team participated in one final workshop shop that reclamation hosted on January 25th, regarding possible updates to the 1997 Final Adjusted OCAP. There have been numerous workshops attended by upwards of 30 different parties, all interested in potentially updating the 1997 Final Adjusted

OCAP. These workshops were simply scoping efforts to get information and ideas and comments from the various parties. With this final workshop, there was no real specified next steps or a schedule, he gets the sense there probably won't be any further progress on this for a while. They will report when those next steps to come up.

TROA Meetings and Scheduling. Mr. Richards said they had their monthly TROA MOA conference call in June and January and our TROA scheduling meeting in January. The outlook for the Truckee River Basin is not good. The forecast is still below normal. To illustrate the current conditions. Table one shows the Truckee River inflows to Pyramid Lake for the last five water years and the first four months of the current water year 2021. You can see October through June, October of last year through January of this year. Only 31,000-acre feet of water has flowed into the lake at the Nixon gauge as measured by the Nixon gauge. That is way below average. For comparison look at the first four months of water year 2016 in that table, which was a very dry year and for 2016 the first four months October thru January that total flow to the lake at the Nixon gage was little over 24,000-acre feet so we're better than 2016 but that's not saying very much, it's not a good outlook. Also attach, the two charts showing water levels for the Muni wells 3 and 4. If you have those in front of you, you can see figure m-3 is the is the chart of static and draw down water levels in the muni well 3 and you can see it around mid-June when CEMEX turned its pumps off, specifically on June 19, you can see the water levels just immediately rebounded and they continue to rise. They're slowing down, the rate of rise is slowing down a little bit. But muni well 3 has risen 14 feet since the pumps were turned off. That was the water level back in January of 2014. And there were some higher water levels in earth early 2017. But that was probably as a result of the good water year we had there. In general, there's a correlation couldn't be clearer in his mind, between their pumps turning off and the water levels rising. The same is true with figure m-4. That's the chart that shows the water levels in the muni well 4 and again, it's just an immediate and dramatic rebound in the well water levels, corresponding with the same time that the pumps were turned off. Muni well 4 has now risen a good 13 feet, and it's back to levels we haven't seen since early 2018 and continuing to rise, but at a slower rate. The debate over whether it was their pit, dewatering that caused the well water levels to fall or not, in his mind, it's a moot point at this at this time, because the concerns they had about the muni wells going dry, has been resolved since June, when they turn their pumps off.

ADJOURNMENT

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

The meeting adjourned at 9:28 p.m.

Submitted by,



Brenda A. Henry

Tribal Council 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 19th day of May, 2021, having nine (9) members present, constituting a quorum, by the vote of eight (8) FOR and zero (0) OPPOSED, with zero (0) ABSTENTIONS.

Minutes attested and concurred by: _____



Janet Davis, Tribal Chairwoman
Pyramid Lake Paiute Tribal Council

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