

Pyramid Lake Paiute Tribal Council

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PYRAMID LAKE PAIUTE TRIBAL COUNCIL WATER TEAM MEETING MINUTES Tribal Chambers February 19, 2020

Members Present

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

Chairman Sampson Sr., called the February 19, 2020 Water Team meeting of the Pyramid Lake Paiute Tribal Council to order at 6:00 p.m.

ROLL CALL

Roll call was taken by Brenda A. Henry, Tribal Secretary. All Tribal Councilmembers were present at roll call and a quorum was established for this meeting.

APPROVAL OF AGENDA

Chairman Sampson Sr. requested the following additions to the agenda.

Addition under New Business #1. Approval for Daniel Mosley, Pyramid Lake Fisheries Director, to serve on the National Tribal Water Council and addition under Natural Resources #5. Approval to Purchase a Truck for Natural Resources Department.

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

CONSENT AGENDA

Following items were approved on the consent agenda:

1. Approval of Minutes: October 16, 2019 and January 31, 2020
2. Approval Stetson Engineers Inc., October 2019 Invoice #1336-1910 & 1336-01-1910
3. Approval Stetson Engineers Inc., January 2020 Invoice #1336-2001 & 1336-01-2001
4. Approval Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP December 2019 Invoice

Councilmember Smith made a motion to *approve the consent agenda*. Vice Chairwoman Ely-Mendes seconded the motion. Votes were **nine (9)** for and **zero (0)** opposed with **zero (0)** abstentions. **Motion carried.**

PRESENTATION

1. Truckee Canal Fish Screen and Hoist Installation at Marble Bluff. Scott Schoenfeld, O & M Division Manager, Bureau of Reclamation (BOR)

Mr. Schoenfeld provided a power-point presentation to explain and update Tribal Council on the Derby Fish Screen Project and Hoist Installation at Marble Bluff. There are no moving parts in the system to break and they're made of stainless steel. USGS has done 3-4 independent studies on the screens with no damage to fish. These fish screens will keep all the fish from going through the canal. There are five (5) screens total, with a lot of redundancy in case of failure or for maintenance, no fish will get past the screens, they will be redirected back to the river. In case of a flood, there are head gates installed, if there is a 100-year flood, the flood gates will be closed. They are hoping to have this project operation by the fall of 2021 for the next spawning season. If the Council would like to have a tour, one can be setup through Donna Noel, Natural Resources Director. In September they will be having a ribbon cutting event. For the Marble Bluff Dam, they ordered a new hoist for the dam to include building a new frame. The next project is an island at the dam, they are working with the Natural Resources Department on dredging it out, hoping to do this in 2020-2022, to clear the passage. There is also one big tree that they will be removing and improving the slope/bank by Mike O'Daye's property. Councilmember Darrough confirmed that BOR is responsible for O&M and the US Fish and Wildlife Service (USFWS) is responsible for operation. Might be a good idea to get an update presentation from the USFWS.

NEW BUSINESS

1. Approval for Daniel Mosely, Pyramid Lake Fisheries Director, to serve on the National Tribal Water Council.

Mr. Mosely requested approval to be appointed a representative to the National Tribal Water Council. If approved, he will require an approval on Tribal letterhead. They will have 4 conference calls and 2 face to face meetings. He can bring a lot to the Council, his experience and background as a biologist. The meetings are with the Environmental Protection Agency (EPA) and other federal agencies that deal with regional and national water issues. He also requested approval through the Pyramid Lake Fisheries Board of Trustees and it was granted.

Councilmember Judith Davis made a motion to *approve Daniel Mosely, Pyramid Lake Fisheries Director, to serve on the National Tribal Water Council*. Councilmember Janet Davis seconded the motion. Votes were **nine (9)** for and **zero (0)** opposed with **zero (0)** abstentions. **Motion carried.**

Mr. Mosely provided an update on the Dunn Hatchery which hasn't been in operation for about 3 years. The hatchery costs about \$120,000 a year to operate and because of the fisheries budget

they have a lot less funds. At one time they used to have a staff of over 30 employees, because of cost of living and lower interest rates, they are down to 10 full time staff, currently they only work 36 hour weeks. USFWS was giving them funds about \$75,000 a year, but it was cut 3 years ago and stopped running the hatchery. During the Lahontan Cutthroat Trout (LCT) meetings he's been putting it out there we have this hatchery that he doesn't want to just sit there and looking to get funding for operations. The Cui-ui is their priority. Councilmember Mix stated the permits fees should be going to Fisheries because they are supporting the fish for the lake. Mr. Mosley said he read in their charter the fees go to the Tribe. Vice Chairwoman Ely-Mendes suggested to Council this is a lake recreation item for the Economic Development (ED) fund. There is a piece that says lake recreation and building the lake recreation income would include fisheries and all the things they do for the fish would fall under the category. For \$120,000, they can make back in interest which would eventually be paid back to the Tribe. Mr. Mosely said everything is in place to operate the hatchery they wouldn't hire a manager and can get by on \$75,000. Councilmember Wadsworth suggest a budget be created and submitted to the ED board for recommendation to Council.

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

1. Approval Project Healing Waters Fly Fishing: Photography Application for Photos of Veterans Fly Fishing. Silver Hilton Photography, Phillip Fischer

Ms. Noel stated this was approved with stipulations by the Inter-Disciplinary Team (IDT) and recommended to Tribal Council for final review. This is a national program that supports Veterans. The Project Healing Waters Fly Fishing will be coming out the week of April 20th to fly fish and have photos taken which will be posted on their website. The event was previously approved by Tribal Council for them to visit and fly fish at the lake. The photography permit was forwarded to the IDT for approval and recommendation to Council. Stipulations for approval are: no drone use, filming can only take place in approved public areas provided in this letter, stay out of closed areas, please remind the group that it is unlawful to remove anything from the reservation (rocks, plants, artifacts, etc.), stay on established roads, follow all fishing regulations, pay the filming fee to the Tribal Secretary, and before the film is distributed, published, or aired on TV submit the final product to the Tribal council for final approval.

Councilmember Harry made a motion to *approve the photography application for Phillip Fischer, Silver Hilton Photography, for the Project Healing Waters Fly Fishing with stipulations recommended by IDT.* Councilmember Judith Davis seconded the motion. Votes were **nine (9)** for and **zero (0)** opposed with **zero (0)** abstentions. **Motion carried.**

Vice Chairwoman Ely-Mendes stated since there is an authorized Tribal Fishing Guide accompanying and providing services for this group, it is free advertising for them and she's glad they didn't ask to waive the fees.

2. Approval Proposed Visit to the Needles, Truckee Meadows Community College Class Field Trip. Dave R. Boden

Ms. Noel explained this request comes from Truckee Meadows Community College. This field trip to the Needles, has been requested for the last couple years and received approval from Tribal Council. The class does some chemistry experiments, water testing on the geyser, TDS, temperature readings, examining of the fault structures, the geology and they get field practice. The Natural Resources Department will have an employee from their department escort them on their trip. They were recommended for approved by the IDT with the following stipulations: stay on approved roads, no filming is permitted at geothermal site, contact Pyramid Lake High School to see if they are interested in participating, Natural Resource Department will provide an escort, and remind group it is unlawful to remove anything from the reservation (rocks, plants, artifacts, etc.). Councilmember Wadsworth commented she's all for education but the area is closed and is closed for a reason. Vice Chairperson Ely-Mendes stated culturally she brings up a good point, but morally they a dilemma on allowing access to the area. Would be a good idea to ask the cultural class if they would like to go besides the science class. These are areas they need to protect but how do we share in a respectful way to ensure it's not defiled. Councilmember Darrough said it would be a good idea to recruit more from the high school to interest our youth.

Councilmember Judith Davis made a motion to *approve the Proposed Visit to the Needles for the TMCC Class Field Trip*. Councilmember Darrough seconded the motion. Votes were **six (6)** for and **three (3)** opposed (Wadsworth, Janet Davis, Harry) with **zero (0)** abstentions. **Motion carried.**

3. Approval with Resolution to Submit BIA Attorney Fee Grant.

Ms. Noel said they submitted this grant last year but they didn't get any funds because none was appropriated but if they stay in the queue when funds become available then we receive it. Typically, we receive about \$200,000 in funds but she always asks for more just in case there's more funds available. It pays 75% of the attorney fees hourly wage, the rest comes from BOR's grant she currently has, once that is used up they use the appropriation for attorney fees they receive from the Tribe.

Councilmember Janet Davis made a motion to *approve the submission for BIA Attorney Fee Grant with Resolution*. Councilmember Smith seconded the motion. Votes were **nine (9)** for and **zero (0)** opposed with **zero (0)** abstentions. **Motion carried.**

4. Approval Burning Man's Impact to Pyramid Lake Paiute Tribe Radio. Lucy Kang, Reporter, KPFA

Ms. Noel said this request was approved by Tribal Council in October 2019 for Lucy Kang to get a comment from the Chairman and Kameron Morgan regarding the impacts Burning Man had on the Tribe. One of the stipulations to bring back to Council for approval to air the final product. The transcript was provided to Council for your review. Ms. Kang also took some scenery photos that she is asking permission to use on her website and another of Billie Jean Guerrero, which she received permission from Ms. Guerrero to use.

Councilmember Harry made a motion to *approve the transcript to air on KPFA radio regarding Burning Man's Impact to the Pyramid Lake Paiute Tribe, additionally, permission is granted to post the one photo featuring Billie Jean Guerrero, whom permission was granted from the photographer, all other photos will follow the policy for photography requests.* Councilmember Janet Davis seconded the motion. Votes were **nine (9)** for and **zero (0)** opposed with **zero (0)** abstentions. **Motion carried.**

Ms. Kang stated the program will air as early as March 10th and again close to the Burning Man event.

5. Approval to Purchase a Truck for Natural Resources Department.

Ms. Noel said with the new AIS program and Range program, these programs do not have vehicles, she can use leftover funds from a previous insurance payout and speaking with her grant contact, she can buy a vehicle under her grant and rent it back to the Range program. The Range grant will pay \$10,000 and Water Resources will provide \$18,856.

Councilmember Judith Davis made a motion to *approve the purchase of a truck for the Natural Resources Department.* Councilmember Harry seconded the motion. Votes were **nine (9)** for and **zero (0)** oppose with **zero (0)** abstentions. **Motion carried.**

Ms. Noel stated Chris Mixson couldn't make this meeting due to a death in the family. He submitted a request for his company's attorney contract. A copy of the contract was not submitted to the Tribal Secretary's office for review. Current contract ended in January of this year.

Councilmember Wadsworth made a motion to *TABLE the WRSSR Attorney Contract.* Councilmember Judith Davis seconded the motion. Votes were **nine (9)** for and **zero (0)** opposed with **zero (0)** abstentions. **Motion carried.**

WATER TEAM REPORT

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

Allan Richards, Stetson Engineers Inc. Report submitted.

Mr. Richards summarized Stetson Engineers they conducted in January 2020. Most significant was a press release by the Bureau of Land Management (BLM) in early January regarding a second geothermal project proposed by Ormat, they have an existing 3.6-megawatt power plant in the San Emidio Desert Basin. They are proposing 2 20 megawatt plants, includes 25 production and injection wells. Stetson estimated the water requirement for the new power plants would be about 8,000 acre-feet annually. Water Team and USFWS compiled comments on the proposed project and submitted to BLM on February 10, 2020. He provided a map to Council on Ormat's proposed San Emidio II Geothermal project which highlighted the perennial yield and committed groundwater rights for the San Emidio Desert Basin No. 22. It's close to the Reservation boundary. They commented on potential impacts on the groundwater use and geothermal use. There are

faults north of Pyramid Lake that may be impacted. They also commented on the perennial water for the basin which doesn't match the required 8,000 acre-feet needed for this project, the water is not there to support it. BLM has the environmental assessment for review. Ms. Noel stated this can potentially remove the Tribe's geothermal water right out from the under the Reservation, this can also affect the springs that all the cattle and animals depend on. They are working with BLM on putting a halt to this and require them to do various types of studies. Mr. Richards suggested the Tribe may think about one-on-one meetings before an EA is proposed to be published in March.

TROA Meetings and Scheduling. Mr. Richards said Stetson hosed and prepared discussion materials for the monthly TROA MOA conference call on January 14, 2020. The group coordinated operations and received updates on the flows, storage and lake levels, weather outlook, and fish facilities' operations. Stetson worked with the Tribe on reviewing Truckee River flows and reservoir operations, and prepared the monthly TROA scheduling materials with the Federal Water master and other TROA parties. Bad news January was dry, hopefully March is better or we may have a dry year, good news is Stampede Reservoir is full and have 34,000 acre-feet of fish credit water in Tahoe. This is the first time we've had fish credit water in Tahoe.

Coordination with Reclamation on Newlands Project Credit Water. Mr. Richards said BOR was trying to establish Newlands Project Credit Water on behalf of TCID while they were constructing this fish screen on the canal, when it was out of service. The Water Team objected to it and emphasized the Newlands Project Credit Water establishment was not for the benefit of the Newlands Project, it's for the benefit of the lower Truckee River and Pyramid Lake. Newlands Project Credit water is intended to maximize the use of the Carson River for the Newlands Project and to minimize diversions from the Truckee River. They did submit a letter to the Chairman on January 31st, concurring with the Water Teams position for the Tribe.

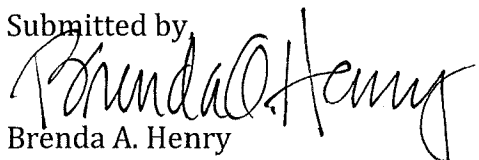
Mr. Richards provided graphs to Council: the river flow at the Nixon gauge was 320 cfs, the lake elevation was at 3807.4 feet for the last couple of months which has remained level, and the flows for the Nixon gauge was at 21,669 acre feet, decreasing from the last couple months. If we don't get precipitation within the next month we will probably have a dry year and will be accessing the water from the reservoirs. Mr. Mosely said they are predicting a two and half drop in the lake level is this continues.

ADJOURNMENT

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

The meeting adjourned at 7:45 p.m.

Submitted by



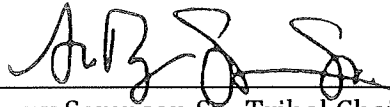
Brenda A. Henry

Tribal Secretary

CERTIFICATION

The foregoing minutes were adopted by the Pyramid Lake Tribal Council, governing body of the Pyramid Lake Paiute Tribe, at a meeting duly held on the 18th day of March, 2020, having eight (8) members present, constituting a quorum, by the vote of seven (7) FOR and zero (0) OPPOSED with zero (0) ABSTENTION.

Minutes attested and concurred by: _____



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

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