

# Pyramid Lake Paiute Tribal Council

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## WATER TEAM MEETING MINUTES

Tribal Chambers

July 20, 2022

### Members Present

Janet Davis, Tribal Chairwoman  
Harriet Brady, Councilmember  
Judith Davis, Councilmember  
Nathan Dunn, Councilmember

Edward Ely III, Councilmember  
John Guerrero, Councilmember  
Della John, Councilmember  
James Phoenix, Councilmember

**Members Absent:** Steven Wadsworth, Vice Chairman    Natalia Gonzales, Councilmember

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*Meeting available via zoom for viewing only. Tribal members wishing to attend may request zoom access by contacting the Tribal Secretary.*

Chairwoman Davis called the July 20, 2022 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 Council Secretary. Vice Chairman Wadsworth and Councilmember Gonzales were absent. All other Tribal Councilmembers were present at roll call and a quorum was established for this meeting.

### **APPROVAL OF AGENDA**

Following changes were requested: Water Team requested an Executive Session, add remove #7 under New Business, and add Cottonwood Streamflow Research on Lower Truckee River. Noelle Patterson, PhD Candidate UC Davis under presentation.

Councilmember Guerrero motioned to *approve the agenda with changes*. Councilmember Davis seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

### **CONSENT AGENDA**

1. Approval Kemp Jones LLP June 2022 Invoice
2. Approval Stetson Engineers Inc. June 2022 Invoice

Councilmember Davis motioned to *approve the Consent Agenda*. Councilmember Guerrero seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.**

### **PRESENTATION**

**1. Cottonwood Streamflow Research on Lower Truckee River.** Noelle Patterson, PhD Candidate UC Davis

Ms. Patterson said she is studying the interactions and ecological responses and a big part of her study is looking at Derby Dam, the diversion dam which has historically removed half or more of the water from the Truckee River leaving the lower Truckee River dried out during many summers. The environmental flow policies that have been put in place because of the Tribes starting in the 70s and currently today make it an interesting place to study how ecosystems have responded to the streamflow changes. Being out in an arid region, the cottonwood forests along the lower Truckee River are a really ecologically important component of the watershed and the health of the river and the lake are all connected. So, understanding a health Truckee River is important for understanding the health of Pyramid Lake. The cottonwoods provide a lot of benefits such as shading the stream for the Cui-ui and Lahontan Cutthroat Trout (LCT), which lowers the water temperatures for the fish, bank stabilization, to keep the river in place during high flows, habitat for birds and wildlife around the river as well as serving as the base of the food chain. The research questions she came in with for this project started almost three years ago was how have flow policies affected stream flow on the lower Truckee River and following up with that, how has cottonwood trees responded to these streamflow policies and thirdly, what kind of environmental influences streamflow or otherwise are most important for cottonwood growth. There has been previous research done on the growth of new cottonwood seedlings on the river but she wanted to take the next step and see how have mature trees that have already been there have responded to these flow policies over the last few decades. The methodology she has been using is combining hydrologic data, primarily streamflow data with EqualLogic data from tree cores of cottonwood trees along the river and combining the two and searched for relationships. This involved field campaigns going out and taking tree cores, both on tribal land, upstream and then upstream of Derby Dam. She has five total sites and included a map for Council for review. At each of the sites she took cores from between 17 to 22 trees. She first approached the Tribe asking for permission to do the project just at the onset of the pandemic in 2020 and credits the Tribe for allowing her to conduct this research and it was during the summer of 2020 that she gathered most of the tree cores for this project. She had two sites on tribal land at Big Bend and near the Numana Fish Hatchery and three sites upstream either on or near the Nature Conservancy's land. She was able to compare the growth differences between all of these sites. The process is manual with a hand operated drill. She was escorted on tribal land with folks from the Natural Resources Department. To make the cores more visible she glued them down on wooden mounts and sanded them down which allowed the tree rings to be more visible and then counting and measuring the tree rings under a microscope. Again, her research questions were: how the flow policies have affected streamflow on the lower Truckee River, how cottonwood trees who have responded to these policies and what influences cottonwood tree growth. Summer time flows on the Truckee River for the last 100 years, there has been a dramatic change in flow right at 1973, this is in line with policy that released more water downstream of Derby Dam. This was following litigation for the protection of the Cui-ui in 1973, enacted by the Tribe, this had enormous impacts on the streamflow below Derby Dam. For most years, with exception of dry spells, flows during the summer have been much higher than the decades before that. What they saw was that growth wasn't really well matched between the upstream and downstream sites before about the 1970s. After that point, the growth of the upstream trees is higher in general but some of these patterns track better between trees upstream and downstream and is likely because flows are better match. There is less flow being taken out from Derby Dam that essentially made it like two different rivers. With downstream, looking at trees that were really old and had a long

record, they compared across decades, most trees saw a large amount of growth, 157%, almost three times as much and just one tree had decreasing growth. It's a pretty clear sign that something changed and caused more growth in these trees. In the upstream sites, there is a good amount of growth increases, there is more flow policies at Stamped Reservoir that also changed flow somewhat for the upper river and may have something to do with the change seen in the upper upstream trees. Another analysis she did with the tree rings is a carbon isotope analysis, it shows how water stressed trees are, trees have a different proportion of carbon in their tissues based on if they are stressed or not. When trees are water stressed for a prolonged amount of time it can be the first step for tree mortality. At the Numana Fish Hatchery, looking at four of the oldest trees at the site, looking at both their growth and isotopes, growth was slow for most of the decades leading up to 1973 and after that point it's higher indicating the changes in the streamflow that occurred during that time which benefited the mature cottonwood trees along the lower Truckee River. When she mentioned the streamflows in Stampede Reservoir, she started to think this might have an influence on those trees because there was a big reoperation of Stampede Reservoir affecting all of the river below. At that point a couple trees she studied experienced much less water stress. Individual trees can have individual responses which can do with how much their roots access the water table. The last thing she investigated was what influences cottonwood growth looking at different aspects of streamflow, average annual flows during different seasons of the year, different metrics of climate as well as temperature, precipitation and vapor pressure deficit which is a measurement of how dry the atmosphere is, how much water it's requiring from plants. The metrics describing volumes of water during different seasons had the most effect on trees with the most important one being the dry season. This is a link proving it has an impact on cottonwood tree growth, in addition, annual precipitation actually had a fair amount of influence as well, even though the precipitation is low on the lower Truckee River, it still does have some effect on cottonwood growth. One major take-away is that management for streamflow on the lower Truckee River that was enacted starting in the 1970s and 80s has improved growing conditions for mature cottonwood trees. Second, is that flows during the dry season are important for cottonwood growth but that might only be when they are very limited and thirdly, not all trees on the floodplain respond equally to the changes in these flow patterns, and for these there could be a lot of different reasons why but she hasn't tracked them down yet, this would require more research. It's likely that site specific conditions, like tree competition and predation are probably also affecting tree growth. In addition to streamflow, precipitation is also important for tree growth. She has started discussing these project considerations with Aaron Bill and the Inter-Disciplinary (IDT) Team a couple weeks pass, she would like to share the results through publication in a way that is appropriate and asked if it was okay to show the location of the sites that she studied on a map as part of collecting tree core data sometimes includes those growth records on a public database so that other researchers can use them if needed. If approved she would like to share those highlights in the future.

Councilmember Brady said when looking over the material on the tree growth especially in the dry season made her wonder if possibly there was a genetic reaction, like let's hurry up and grow, like a feast or famine. She also wondered about the impact since there has been several floods during the 80s, 90s and 2000s. In looking at the data, it reminded her of something she said earlier to the Water Team, it just seemed because the stopping point for the upper stream was by USA Parkway and even though the Tribe is supposed to get a certain amount of water; to Ms. Patterson it demonstrated that the Tribe gets less and Councilmember Brady's graphs have proven what she stated that they are last to get anything. Its

disturbing with Reno's "uncontrolled growth", even though they say it's controlled, but in reality, it's not. She attended a meeting that day at Reno-Sparks and they were talking about housing needs and they are still getting affected by Reno's controlled growth.

Ms. Patterson said she hopes her research will show that the trees need a certain amount of water to thrive and that the amounts that are currently being delivered need to be protected to protect the groves and any chance of restoration.

Councilmember Ely said when he goes down into the field areas, there are areas on the reservation that have 1,000s of cottonwood trees that are so crowded together. It seems they only get about 20 or 30 feet to grow and he would think that if they had room to grow they would grow much higher than a regular cottonwood tree should grow. It is so thick in some areas you can't even walk through.

Ms. Patterson said if he was talking about agricultural areas where they get settle of agricultural water, the trees probably take and run with it. When they are along the river, there is intense growth that happens when cottonwoods get established, they are sort of feast or famine, as mentioned earlier, they take hold, like 1000s of little seedlings. In the areas that she has studied, she has noticed the older trees tend to self-thin especially by Numana. The trees are well spaced when they are older and eventually just competition or out-shading does over time, sort of allows that to happen, cottonwoods are really dependent on sunlight and they will out-shade the other. She hasn't seen studies or management for thinning of cottonwoods to speed that along but it be a possible management strategy.

When asked if she was asking for permission for something. Ms. Patterson said she is doing her due diligence with being a research project, she plans on publishing the results of the research. She has been working with Mr. Bill to ensure it happens appropriately but not at this point.

**NATURAL RESOURCES.** Donna Noel, Natural Resources Director

**1. Request for Approval National Fish and Wildlife Foundation (NFWF) Grant Aquatic Invasive Species (AIS) with Resolution.** Adrienne Juby, Environmental Specialist

Ms. Juby said this grant is for a four-year period. The total they are requesting is \$1,787,835. and there is a cash match of \$13,409 from the Native Americans in Philanthropy and in-kind from the Pyramid Lake Fisheries and the Bureau of Indian Affairs (BIA) for contract work. With this grant they will be able to hire more technicians to spend more hours at the watercraft inspection station and will allow for continued early detection monitoring for any new infestations, specifically focusing on the lake and the river but knowing the mussels specifically can survive in the river, definitely focusing there also. They will also work to remove the invasive plant species from the lower Truckee River in the spawning habitat to increase the habitat quality for the Cui-ui and Lahontan Cutthroat Trout (LCT) that spawn in the lower river.

Councilmember John asked what invasive plants were they looking at. Ms. Patterson said the main one is the Eurasian Watermilfoil that is throughout the river. They don't see it established in the river mouth, just maybe fragments floating by, none established in the river mouth area or any out in the lake. There is also curly leaf pondweed, but the milfoil is the established one, it would be a really large feat to try and remove

it completely because the tiniest little fragment can create a whole new population. There are so many sources upstream but through this project they want to focus on spawning habitat for removal and try to make the habitat better for the fish. It would be in conjunction with the US Fish and Wildlife Service (USFWS). They do their red surveys which look at spawning habitat and where the fish are spawning. They want to work in coordination with them so they are not duplicating efforts.

Councilmember Brady mentioned a possible correction where she probably meant philanthropy but it said polly. Ms. Juby said yes, it was an autocorrection, she saw it and corrected it.

Councilmember Guerrero motioned to *approve National Fish and Wildlife Foundation (NFWF) Grant AIS with Resolution*. Councilmember Brady seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried. RESOLUTION NO.: PL 085-22 2022 NATIONAL FISH AND WILDLIFE FOUNDATION GRANT AIS**

**2. Request for Approval NFWF Native Wildlife Recovery and Corridor Grant with Resolution.** Emily Hagler

Ms. Hagler said there are multiple NFWF grants coming to Council this evening which offer opportunities under the foundation who giving out \$86 million. They are having a big emphasis on giving the funds out to tribes with multiple year grants. Native Americans in Philanthropy has dedicated themselves to allocating the cash match for all tribes, then the 2.25% that is required for match in-kind were being met through other programming within the Natural Resources Department. Specifically, for this grant is the wildlife program going forward with a solid foundation of four-years of funding which would help with the development of the program and not having to go after small grants every year. They would be able to hire full-time employees for the program and for long-term collaring of the bighorn sheep, not only on the lake range but in the Virginia Mountains. A lot of community members and staff in the Natural Resources Department see them in the Sutcliffe area in the winter time and they want to know how much time they are spending on the reservation. They would include those into their models and numbers. Looking at movement models they are using the GPS data they are collecting to see what parts of the reservation they are using at different times. Then developing a population growth model within the project period, they are hopeful to be able to get the 100 individuals which is their target for sustainable numbers. In the State of Nevada, there is only 10,200 bighorn sheep in the entire State. When they are talking about a sustainable population within the lake range, they are looking at a very small number 100+30 or 40 that move within different mountain ranges like the fox and lake range and throughout the area. Another component is outreach with local wool growers to improve the management of domestic sheep. They had an incident last spring where a staff member in the Natural Resources Department found a domestic sheep that had been left by a wool grower on the reservation and they can spread diseases to the wildlife. They are trying to have the capacity to engage with that community and come up with some adaptive management of how they are bringing their sheep in and out of the Winnemucca Lake region so they don't end up on the reservation. Additionally, they want to have outreach and education with the high school students like in the past and to do community events to share information about the program. They are going for \$1.3 million over four years.

Councilmember John asked if she had talked to the stakeholder, the grazing permit people that are using the range as well. Ms. Hagler said they are not moving additional individuals onto the range as they did in the

past when they communicated with the stakeholders that hold grazing permits. This is for data collection, so they did not work with those stakeholders on the development of this proposal, they just want to be able to continue to collect data over the next four years.

Councilmember John asked when the state or feds drop their animals on the borders of the reservation and they utilize the reservation which is supposed to be designated for tribal members only beneficial uses. How come they are telling the Tribe to feed them and let them walk around, wandering as wildlife. Is there some type of MOU or MLA that lets them do that? Why is the state able to do that with this type of program?

Ms. Hagler said to her knowledge with the state programs, they reintroduce bighorn sheep into the Virginia Mountains in 2001. She believes it was mostly on the west side of the area and they inhabit mostly the Virginia Mountains that aren't on the reservation but they do occasionally see them on the reservation. They move just like mule deer and antelope, through the areas, they don't migrate like other animals to large distances. It's shared not native wildlife resources.

Councilmember John said they are native to Southern Nevada and her opinion is she doesn't like it. Once you let the USFWS or the Bureau of Land Management (BLM) onto the reservation, they are going to start telling them what to do with our own resources and it's not a good thing. When they do projects like this they need to consult the stakeholders because it does impact them. What ever is introduced on the reservation is staying here and they have to deal with it years into the future. The resources are limited and they don't have extra water or feed. What is going to happen to the stakeholders that are there now, they will be the first ones to get cut off, her herds are going to have to be reduced because of wildlife needing food too. It's unfair to tribal members to be having to share their beneficial uses for their own property with other people or other entities. It's not proper but it was approved and they have to live with it.

Councilmember Ely asked if there was going to be fencing on the interior boundaries of the reservation for this project. Ms. Hagler said there is no fencing activities being done.

Councilmember Brady asked if she was going to look at the range lines also because she remembers reading during her graduate work, in the Yosemite Valley area when sheep were introduced in that area and how they were competition even for the other wildlife, they actually ate the food down to the nubs and left barren areas and caused friction between the Basque sheep herders and ranchers in the area. Will they looking at that as well?

Ms. Hagler said in their range program within the Natural Resources Department mainly focuses on working with our cattlemen. Currently Aaron Bill is working closely with the cattlemen to try and work towards restoration of water troughs, previous to that, then Range Specialist, Marisa Weasleboy, did range surveys to calculate AUM which was then taken to a third party for analysis, then they did an analysis on her plan surveys and gave their recommendations for AUMs to the BIA. BIA handles all the range activities because they are the permittee as far as the work that the wildlife program is doing. They have cameras at a majority of the water sources they use and they are not seeing any degradation to those springs. The populations are at low densities and they will continue to move throughout the landscape. There is no scientific literature that she has reviewed, even in her graduate studies that says all native wildlife obviously has some levels of competition, they are not wild horses where they grab the plant and pull it out roots and all and eat it where

that plant can't regenerate. As they graze and move, they will continue to utilize the range but mostly at high elevations.

Councilmember Phoenix motioned to *approve the NFWF Native Wildlife Recovery and Corridor Grant with Resolution*. Councilmember Dunn seconded the motion. Votes were six (6) **for** and one (1) **opposed** (John) with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 086-22 NFWF NATIVE WILDLIFE RECOVERY AND CORRIDOR GRANT**

**3. Request for Approval NFWF Water Management Grant with Resolution.** Donna Noel, NR Director

Ms. Noel said this grant is to cover the Stetson Engineers and attorneys, the match is her salary using the BIA 638 grant. They are asking for \$2.6 million for four years.

Councilmember Dunn motioned to *approve the NFWF Water Management Grant with Resolution*. Councilmember Davis seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 087-22 NFWF WATER MANAGEMENT GRANT**

**4. Request for Approval NFWF Fish Screen Grant with Resolution.** Donna Noel, NR Director

Ms. Noel said this grant is to construct the fish screen on the Nixon ditch. They were approved and received funding for the design and to purchase and build the screen. This grant will be the installation, to install the pipe that goes to the gate to screen to where the fish goes over the horizontal screen and then back into the river. The match is her salary.

Councilmember Ely motioned to *approve the NFWF Fish Screen Grant with Resolution*. Councilmember Brady seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 088-22 NFWF FISH SCREEN GRANT**

**5. Request for Approval Bureau of Indian Affairs (BIA) Trust Land Environmental Grant with Resolution.** Donna Noel, NR Director

Ms. Noel said S Bar S, Beasley and Lagarza Property are in line to move down the process of being approved for trust, but they need an updated Phase I Environmental because they were held for so long. They want to make sure the environmental issues they had or didn't have are still there. This came about with the Lagarza property because it had a gas station on it. With the original Phase I that was submitted they did a trench where they thought everything was supposed to be and did sampling and found no petroleum products. It went through but then when it came back around again and they want to make sure there are no tanks there. It was only \$1,200 to do ground penetrating radar on the front area where the gas station was and came up with the conclusion there was no tank but did find some type of disturbance which was probably something there when it was dug the first time. The regional office wasn't sure there wasn't some type of contamination so they requested them to write a grant to do a full core sampling testing of the area, ground penetrating radar on the whole property to make sure there is no tanks or petroleum products in the soils. That is what this grant is and she added funding for Phase I updates for both S Bar S and Beasley properties. These will be contracted out to probably Broadband who has done this before but they will still go through the procurement process.

Councilmember Brady motioned to *approve the NFWF BIA Trust Land Environmental Grant with Resolution*. Councilmember Davis seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 089-22 BIA TRUST LAND ENVIRONMENTAL GRANT**

**6. Request for Approval United States Fish and Wildlife Services (USFWS) Grant Fish Passage with Resolution.** Donna Noel, NR Director

Ms. Noel said this grant is for \$8,292,215 and is to put in a ramp that goes from bank to bank, about 1,000 feet down from Numana Dam and then all the way up to the bottom of Numana. Design is 90% which is how they got the cost analysis but that was two years ago which is why there is such a big contingency because it is not the same. They will look into hiring a larger company so they make sure they are within a timeframe so they don't interrupt spawning and the irrigation season. Those will be two parameters for the construction project, they will go through the procurement process but are leaning towards Granite since they did Derby Dam. When she contacted references, she was told they saved them funding. There is no match for this one.

Councilmember Dunn motioned to *approve the USFWS Grant Fish Passage with Resolution*. Councilmember Ely seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried**. **RESOLUTION NO.: PL 090-22 USFWS GRANT FISH PASSAGE NUMANA ROUGHENED RAMP CONSTRUCTION GRANT**

**WATER TEAM**

**1. KEMP JONES LLP.** Chris Mixson, Kemp Jones LLP. Report Submitted.

Mr. Mixson requested an Executive Session at the conclusion of Stetson Engineers LLP Brief.

**Truckee Canal Extraordinary Maintenance EIS Appeal by Fernley.** Judge Du, Federal District Court Judge, dismissed Fernley's frivolous lawsuit with prejudice, meaning they are not free to refile it. Fernley appealed the dismissal to the Ninth Circuit Court of Appeals. They had two mediation conferences with Ninth Circuit mediator, the most recent on July 13<sup>th</sup>. There was no settlement and they are doing two written briefings on that case. The mediation conferences mean they have a briefing, the main parties are Fernley, who sued the United States Department of Interior (DOI) for approving the EIS and then on behalf of the Tribe, they intervened on the side of the United States because Tribe supports the lining of the Truckee Canal. They will be filing some sort of joinder in the United States answering brief at the Ninth Circuit. Opening brief are due in August and answering briefs from the United States and tribal are due in September and there may be extensions.

**Recoupment Lawsuit.** This is where TCID owes approximately 350,000-acre feet of water to Pyramid Lake. They are still in the tedious process of analyzing TCIDs application they filed back in 2016 for water they claimed to have paid for a period of 2008 through 2016. There has been a lot of hydrologic modeling done to try to look back in time to figure out how much water TCID didn't divert when they shut off the canal for maintenance. They provided another round of written comments to the Federal Water Master who job it is to do a final certification of the repayment and he submits that to the District Court. Then there will be additional written briefing in front of the District Court and the Court will make the final decision.



They filed written comments to the Water Master last Friday after this memo was submitted so Council will see their written comments at the next Water Team meeting in August. The latest number for the ten-year period includes some Donner Lake water, the modeling is showing about 35,000-acre feet that maybe eligible for credit for repayment but they don't like the modeling number so they think it should be something closer to 20,000-acre feet. The Tribe's technical people did participate in the modeling but they also maintained the Tribe's legal position the whole time that it should be something closer to 20,000-acre feet and not 35,000-acre feet. Hopefully by the August Water Team meeting the Water Master will have certified a number to be in front of the Court.

**CEMEX.** Ms. Noel had a meeting with BIA and the BLM who the Water Team has asked for technical assistance on CEMEX 's proposal for repairing the pit wall on the western side of Paiute Pit in Pit A. Stetson Engineering can help with the hydrologic modeling and a little bit of the hydrogeology but he will allow Alan Richard speak on that since he is hydrologist and his expertise isn't with soil issues which is the reason they are using BIA and BLM. They are working with them to provide comments back to CEMEX on how they are proposing to fix the wall. He hasn't spoke to Ms. Noel since she had the meeting with the BIA but they will be providing written comments back to CEMEX with input from the feds and will provide the comments to Council by the next water team meeting.

Councilmember John asked when CEMEX redid the lease in 2016 who approved the deep pit mining and if it was the Tribe's department they are paying the price for it. Mr. Mixson said it didn't go to the Water Team but because of the issues in the Paiute Pit the Tribe told them to stop dewatering They did but hen they moved over to Area D on the other side but they have agreed to not go that deep, the maximum depth is 40 feet that they agreed to mine on that site. They were down to 70-80 feet deep already when the Tribe told them to stop and they agreed not to go that deep. The Tribe agreed to let them go deeper but they have a difference of opinion with CEMEX about whether the Tribe agreed to let them dewater the pit to the extent they were declaring. CEMEX said when the Tribe agreed to let them go 200 feet, it meant they also agreed to let them dewater 200 feet. As a legal matter, he disagrees with them because the lease doesn't say they can dewater 200 feet. They will have to dewater the pit if they do the pit wall repair the way they proposed to do it that is why he needs to see what the BIA and BLM had to say about the dewatering for the repair. CEMEX has agreed they are not going to dewater down to 100 feet anymore just to mine the ground. Councilmember John asked if it is in writing and Mr. Mixson confirmed it was.

**Truckee Meadows Effluent Pipeline / Tahoe-Reno Industrial Center (TRIC).** Truckee Meadows Water Authority (TMWA) filed applications with the Nevada State Engineer to expand their use of the effluent so they piped it out to the TRIC and they also filed different applications for instream flows to mitigate the loss of water in the river because they were removing effluent and they protested. They are in preliminary settlement discussions with TMWA, there have been no proposals submitted by them or the Water Team at this point but they are talking to them. They recognized that with the Nevada State Engineer if you have a big project like they are proposing and someone protests, like the from the Pyramid Lake Tribe, the State Engineer tends to put it on the shelf to try to force the two parties into settlement discussions. They have now come to the table and are having discussions but it is early and there is nothing yet to note they are talking. There was a new issue discovered by TMWA as they were putting together a presentation to give the Water Team for the settlement of the effluent pipeline, they discovered an issue with their existing permits for the effluent reuse which they will discuss further is closed session.

**Truckee River Flood Management Authority.** The Executive Director of TRFMA came before Council last year and gave a presentation on their current flood management project which is the main part of for the Tribe's concern is the VISTA Narrows Terracing where they are going to expand the Vista Narrows bottleneck in the river and do terracing so when the flood occurs the water gets spread out but also move much faster and come to the reservation. Even back then they recognized their project will cause additional flood flows to come to the reservation and they are willing to mitigate that by proposing to create a mitigation fund so the Tribe can use the funds to do its own mitigation projects so they don't have TRFMA telling the Tribe what to do. They are still working on it. They are waiting on a response from the Water Team for how it should be structured and then they will start getting into how much funds should be in the mitigation fund. Their original proposal was \$7 million, which is not enough and they were told it's not going to be enough so they are still in negotiations on the number. He would like to take some work that the Environmental Protection Agency (EPA) previously did where they looked at bank stabilization, he wants to look at their studies and they put some funding numbers on it and he will use those numbers in responding to TRFMA's proposal.

Councilmember John asked how old the EPA study was. Ms. Noel said it was actually FEMA and the study was done last year in the spring.

Councilmember Ely asked if this is going to be an on-going issue where it will keep increasing for long-term maintenance. Mr. Mixson said the one of the primary limitations, they would have to justify the numbers where they would have to take to their board. That's why he wants to use the FEMA numbers since they are real numbers and can add contingencies or future maintenance costs.

**Washoe County Lands Bill.** He doesn't have anything to report on this.

Chairwoman Davis said she spoke to Arlen Melendez, Reno Sparks Indian Colony Chairman and he said they were going to write a letter to Senator Rosen's office to follow-up and they will share with the Tribe.

## **2. STETSON ENGINEERS LLP.** Allan Richards.

Mr. Richards said his report covers work performed by Stetson during the month of June.

**2021 Irrigation Determination for the Newlands Project.** The Bureau of Reclamations (BOR) released this report in June. This is their annual determination of irrigated acreage of the Newlands Project and Stetson reviews their determination every year sort of as a checks and balance to make sure that the amount of irrigated acreage they calculate is accurate. Stetson has been reviewing BORs annual irrigation determination for over 20 years or at least since he has been involved with it for 20 years. Back then they used to use a low-level aircraft which would take photographs. Back then there were a lot of errors in their determination of irrigated acreage. Now things have been refined and they don't find a lot of fields that they say were irrigated. The reason this is important is because the irrigated acreage for last year determines what the storage targets in Lahontan Reservoir would be in 2023. They want to make sure they are not overestimating how much land the Newlands Project is irrigated because it will act to increase the storage targets in Lahontan for next years season and the storage targets in Lahontan are met by Truckee River diversions through the Truckee Canal. The total water rated acreage in the Newlands Project for 2021, the preliminary determination is just under 50,000-acres. Looking back to 2004 the irrigated acreage was

almost 60,000-acreage acres. The irrigated acreage in the project has decreased significantly, about 17% in the same number of years. The Truckee division in 2004 had almost 4,000 irrigated acres, and for the 2021 irrigated determination there is only 1,570 acres, so the irrigated acreage in the Truckee division is about 40% of what it was 20 years ago. It's a significant reduction in Newlands Project irrigation and it's a good thing because that means less water is diverted from the Truckee Canal.

**Recruitment.** They had a meeting in Carson City in June to discuss the Federal Water Master spending certification of the TCIDs application for recruitment credit. Nothing more to add other than what Mr. Mixson summarized.

**Truckee Basin Water Management Options Pilot Project.** They participated in three workshops in June for this project. The Tribe's participation in this project is important because the project will directly affect the Tribe's management of water in Stampede and Prosser Creek Reservoirs by enabling more flexible storage criteria. As mentioned before the reservoirs are currently operated in the winter season or pre-winter season, they have what are referred to as flood control rules that require drawing down the reservoirs by a certain amount to make room for flood flow storage. For example, the US Army Corps of Engineers flood control rule for Prosser Creek Reservoir requires that the reservoir be drawn down by 20,000-acre feet by November 1<sup>st</sup>, to make room for flood flow storage, the problem with their curves, their current rules for that reservoir in particular is that they require that room for storage be available all the way through mid-April of the following year. The rules don't allow the reservoir space to be filled until mid-April and they found that even in wet years like 2017 they couldn't fill Prosser Creek Reservoir because of the flood control rule that required so much available storage space.

They had two TROA MOA conferences in June and on TROA scheduling meeting to discuss and coordinate fish water releases and reservoir operations. During the month of June, the average flows in the river at the Nixon gauge was about 226 CFS and are currently at 150 CFS. They are currently operating under the fish flow regime number six which has a target of 120 CFS in the lower river and it's planned to drop to 110 CFS in August and then 100 CFS by September. The instream flows help to reach those fish flow targets. The Pyramid Lake elevation is at 3803 feet at the end of June which is about two feet lower than the last time last year. Pyramid Lake, compared to last year was very dry, doing a little better this year but still below average which is generally represented by water year 2018. Will probably end the year around 160,000-acre feet flowing to the lake by the Nixon gauge. We need 400,00-acre feet of inflow each year roughly, depending on the elevation of the lake but need about 400,000 -acre feet of inflow each year just to offset evaporation losses.

## EXECUTIVE SESSION

Councilmember Ely motioned to *move into Executive Session*. Councilmember Guerrero seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** *Tribal Council moved into Executive Session at 7:48 p.m.*

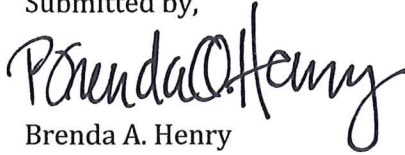
Councilmember Ely motioned to *move out of Executive Session*. Councilmember Brady seconded the motion. Votes were seven (7) **for** and zero (0) **opposed** with zero (0) **abstentions**. **Motion carried.** *Tribal Council moved out of Executive Session at 8:54 p.m.*

**ADJOURNMENT**

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

The meeting adjourned at 8:54 p.m.

Submitted by,




Brenda A. Henry  
Tribal Secretary

**CERTIFICATION**

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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 **16<sup>th</sup>** day of **December 2022**, having **ten (10)** members present, constituting a quorum, by the vote of **nine (9)** 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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