

Pyramid Lake Paiute Tribal Council

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RESOLUTION NO.: PL 078-23
Secretary of the Interior Lawsuit Navy Water

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

WHEREAS, the Pyramid Lake Paiute Tribe (“Tribe”) is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs; and

WHEREAS, in 1990, the United States Congress passed, and President George H.W. Bush signed, the Truckee-Carson-Pyramid Lake Water Settlement Act, Title II of Public Law 101-618 (the “Settlement Act”); and

WHEREAS, Section 206(c) of the Settlement Act, entitled “Water Use, Naval Air Station, Fallon, Nevada,” required the U.S. Department of the Navy to undertake a study for the purpose of reducing the use of water at the Naval Air Station in Fallon, Nevada; and

WHEREAS, Section 206(c)(3) of the Settlement Act explains that “All water no longer used and water rights no longer exercised” at the Naval Air Station “shall be managed by the Secretary [of the Interior] for the benefit of fish and wildlife resources.”; and

WHEREAS, Section 206(c)(3)(A) of the Settlement Act states, “the Secretary [of the Interior] shall manage such water and water rights primarily for the conservation of the Pyramid Lake fishery and in a manner which is consistent with the Secretary’s responsibilities under the Endangered Species Act...”; and

WHEREAS, the U.S. Fish & Wildlife Service owns or controls the approximately 818 acres of Newlands Project water rights no longer used at the Naval Air Station, but is not managing said water rights primarily for the benefit of the Pyramid Lake fishery as required by the Settlement Act; and

WHEREAS, the Tribal Chairwoman sent a formal request for government-to-government consultation addressed to Deb Haaland, Secretary of the Interior, on November 18, 2021, in which the Tribe explained that it wishes to negotiate and enter a memorandum of agreement between the Tribe and the U.S. Department of the Interior for the purpose of implementing the mandatory provisions of the Settlement Act so that the Navy Water Rights will be managed primarily for the purpose of Pyramid Lake and Truckee River fishes; and

WHEREAS, the Secretary of the Interior did not provide any response to the Tribe’s November 18, 2021, request for formal government-to-government consultation, so the Tribal Chairman sent a follow-up letter to the Secretary of the Interior on February 28, 2023; and

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WHEREAS, the Secretary of the Interior has not acknowledged or responded to either the Tribe's November 18, 2021, request for formal government-to-government consultation or the Tribe's February 28, 2023, follow-up letter; and

WHEREAS, at a regularly-scheduled meeting of the Tribal Council on April 19, 2023, it was the consensus of the Tribal Council that the Tribe should initiate a legal action against the Department of the Interior and the Secretary of the Interior for their failure to satisfy the mandatory obligation set forth in Section 206(c)(3) of the Settlement Act that the Navy Water be managed by the Secretary of the Interior primarily for the benefit and conservation of the Pyramid Lake fishery, and legal counsel was directed to prepare the necessary legal documents for such a legal action; and

WHEREAS, attached to this Resolution is a legal Complaint prepared by legal counsel to the Tribe for the purpose of initiating the above-described legal action against the Department of the Interior and against the Honorable Deb Haaland in her official capacity as the Secretary of the Interior for their failure to manage the Navy Water primarily for the benefit and conservation of the Pyramid Lake fishery; and

NOW, THEREFORE BE IT RESOLVED, that the Pyramid Lake Paiute Tribal Council hereby authorizes and directs its legal counsel at the law firm of Kemp Jones LLP to execute the complaint in substantially similar form as set forth in the attachment hereto and to file the same in the proper federal district court to initiate the legal action set forth herein.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom seven (7), constituting a quorum were present at a meeting duly held on the 21st day of June, 2023, was adopted by the affirmative vote of six (6) FOR and zero (0) AGAINST, with zero (0) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.


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