

# *Pyramid Lake Paiute Tribal Council*

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**RESOLUTION NO.: PL 089-20**

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

**WHEREAS,** the Pyramid Lake Paiute 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,** the Pyramid Lake Paiute Tribe, pursuant to Article VI, Section 1 of the Constitution and By-laws of the Tribe, the Tribe is empowered to enter into litigation to protect its interests and the interests of its members;

**WHEREAS,** the United States Environmental Protection Agency promulgated new rules and regulations regarding Section 401 water quality certification under the Clean Water Act, *Clean Water Act Section 401 Certification Rule*, 85 Fed. Reg. 42210 (July 13, 2020);

**WHEREAS,** the new Section 401 water quality certification rule impairs the Tribe's authority to issue water quality certifications, including placing conditions and mitigation requirements, to persons and entities seeking federal licensing for certain projects;

**WHEREAS,** the Tribe wishes to enter into a lawsuit with other Tribes and environmental organizations against the U.S. EPA to formally challenge the new Section 401 certification rule in order to protect the Tribe's interests and authority under Section 401 of the Clean Water Act;

**WHEREAS,** the Tribe has entered into an attorney/client contract with the Earthjustice law firm whereby Earthjustice will represent the Tribe and other tribes and environmental organizations in a lawsuit challenging the new Section 401 certification rule to be filed in the United States District Court for the Northern District of California; and

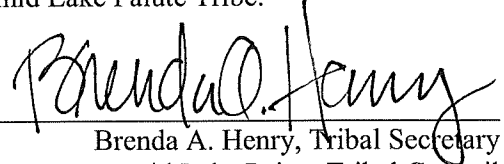
**WHEREAS,** attached to this resolution is a draft copy of the proposed complaint naming the Tribe, along with other tribes and environmental organizations, as a plaintiff in the above-described proposed lawsuit;

**NOW, THEREFORE BE IT RESOLVED,** that the Pyramid Lake Paiute Tribal Council hereby approves the draft proposed complaint to be filed on behalf of the Tribe in

substantially the same form as attached hereto, and approves the Earthjustice law firm to file the complaint on behalf of the Tribe, and to prosecute the Tribe's claims pursuant to the attorney contract.

**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 nine (9) constituting a quorum were present at a meeting duly held on the 26th day of August, 2020 was adopted by the affirmative vote of six (6) FOR and zero (0) AGAINST, with two (2) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.



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