

Pyramid Lake Paiute Tribal Council

*Post Office Box 256
Nixon, Nevada 89424
Telephone: (775) 574-1000
Fax (775) 574-1054*

RESOLUTION NO.: PL 121-20

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, the 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 Tribe has opposed a Special Use Permit “SUP” applied for by Ormat Technologies, Inc. by which Ormat seeks approval of a SUP for the expansion of the San Emidio Geothermal Project, located just outside of the northwest boundary of the Pyramid Lake Paiute Reservation, because of the threat of adverse impacts on the Tribe’s natural resources, including the Tribe’s own geothermal resources within the Reservation boundary;

WHEREAS, on September 1, 2020, the Washoe County Planning Commission denied Ormat’s SUP application because Ormat’s application materials did not contain sufficient information for the Washoe County Planning Commission to make certain findings pursuant to Sections 110.810.30 and 110.810.35 of the Washoe County Development Code, including that the proposed project will not injure adjacent property and that it will not be detrimental to the environment;


WHEREAS, Ormat appealed the Washoe County Planning Commission’s denial of the SUP to the Washoe County Board of County Commissioners, who on November 10, 2020, overturned the Planning Commission’s denial and approved the SUP; and

WHEREAS, the Tribe wishes to appeal the decision of the Washoe County Board of County Commissioners; and

NOW, THEREFORE BE IT RESOLVED, that the Pyramid Lake Paiute Tribal Council hereby approves the filing of an appeal of the approval of the Special Use Permit in the form of a Petition for Extraordinary Writ with the Nevada Supreme Court, and approves the law firm of Wolf, Rifkin, Shapiro, Schulman & Rabkin LLP to file the Petition on behalf of the Tribe and to prosecute the Tribe’s appeal.

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 ten (10) constituting a quorum were present at a meeting duly held on the 7th day of December, 2020 was adopted by the affirmative vote of nine (9) 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