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Tribes up involvement after judge denies injunction against Thacker Pass mine



PRESS RELEASE: NATIVE AMERICANS ENTER LEGAL BATTLE AGAINST THACKER PASS LITHIUM MINE

RENO, NV — In yet another blow to Lithium Americas' troubled Thacker Pass lithium mine, the Reno-Sparks Indian Colony and a group of Paiute and Shoshone people from the Fort McDermitt and Duck Valley reservations calling themselves Atsa koodakuh wyh Nuwu (People of Red Mountain) filed a motion in Federal District Court on Tuesday, July 20 alleging that the Bureau of Land Management (BLM) violated the National Historic Preservation Act (NHPA) in permitting the project. The Paiute name for Thacker Pass is Pee hee mu'huh.

The motion alleges that BLM violated at least five provisions of the National Historic Preservation Act section 106 by failing to adequately consult with tribes, failing to give opportunities for public comment, and failing to consider input in development of their plan for mitigating or avoiding impacts to Northern Paiute and Western Shoshone cultural sites in Pee hee mu'huh. The motion asks the court for a "preliminary injunction" which would halt the mining company from conducting any ground-disturbing activities in the near future.

Arlan Melendez, Chairman of the Reno-Sparks Indian Colony, said: "We will do everything possible to support the indigenous People of Red Mountain and protect this sacred place by making sure that the proper consultation is afforded to all stakeholders, especially the Tribes." The motion is likely to result in Reno-Sparks Indian Colony and Atsa koodakuh wyh Nuwu becoming plaintiff-interveners in an existing lawsuit, which was filed on February 26th by four environmental organizations (Basin and Range Watch, Great Basin Resource Watch, Wildlands Defense, and Western Watersheds Project).

The existing lawsuit claims that the Bureau of Land Management violated the National Environmental Policy Act and other laws. Native American claims under the National Historic

Preservation Act represent an allegation of wrongdoing not yet heard in the courts, opening a new front in the legal battle.

Will Falk, one of the attorneys representing Reno-Sparks Indian Colony and Atsa koodakuh wyh Nuwu in this case, believes that this motion will likely delay the project significantly and could even void the already-granted Federal permit unless actions are taken to come into compliance with the law.

“The BLM Winnemucca office failed to honor its obligations to consult with Native American Tribes about traditional cultural properties and sacred sites in Pee hee mu’huh under the National Historic Preservation Act. The Joe Biden administration and first-ever Native Secretary of the Interior Deb Haaland have promised that federal agencies will engage in meaningful and robust government-to-government consultation with the Tribes. They are not currently honoring that promise to Tribes who consider Pee hee mu’huh sacred.”

Lithium Nevada, the U.S. subsidiary of Lithium Americas, originally planned to begin constructing the Thacker Pass mine in early 2021 through a contractor with the North American Coal Corporation, but delays in permitting, determined opposition, and concerns from locals have already put the project a year behind schedule.

The Thacker Pass project already faces two lawsuits, official protests to required water rights transfers, a protest camp on the mine site that has been in place for six months, contentious public meetings, and widespread opposition from local indigenous peoples, farmers, and ranchers.

Native opposition has been particularly determined. On June 24th, the National Congress of American Indians (NCAI), the oldest and largest national organization of American Indian and Alaska Native tribal governments, passed resolution AK-21-027 stating that “NCAI opposes the Thacker Pass lithium mine” and calling on the Department of the Interior to rescind the permits. The injunction request filed today is the second the court has received in the past two months. On May 27th, the four environmental groups who filed suit in February also asked the court for a preliminary injunction to halt planned "mechanical trenching" operations at Thacker Pass at twenty-seven undisclosed sites. This trenching would be up to “40 meters” long and “a few meters deep” at seven sites. The remaining twenty sites would undergo excavations up to five feet deep.

In response to the news of this planned trenching, Atsa koodakuh wyh Nuwu organized a rally on July 7th at the offices of Far Western Anthropological Research Group, Inc., the for-profit archeological company hired to excavate the cultural sites at Thacker Pass. At the demonstration, speakers from allied groups and Atsa koodakuh wyh Nuwu emphasized that the proposed mining activities will desecrate this sacred place, which is the site of a massacre described in Paiute oral history.

In an official statement delivered to Far Western employees, the group stated: “The Tribal Members who comprise Atsa Koodakuh wyh Nuwu are fiercely concerned with the proposed desecration of cultural sites and ancestors' remains. Our oral histories are clear regarding the fact that Peehee Mu’huh [the Paiute name for Thacker Pass] is a massacre site. Western science,

government policy, and corporations deny our self-determination and self-representation through this failure to honor traditional knowledge; proposing to verify our truths through an act of desecration instead.”

Supporters of Atsa koodakuh wyh Nuwu have also filed complaints with the Register of Professional Archeologists alleging the digging up the cultural and burial sites at Thacker Pass. Removing cultural artifacts and remains without full consultation and consent violates the ethical principles outlined by the Society for American Archaeology. Principle Number 2: Accountability states that "responsible archaeological research, including all levels of professional activity, requires an acknowledgment of public accountability and a commitment to make every reasonable effort, in good faith, to consult actively with affected group(s), with the goal of establishing a working relationship that can be beneficial to all parties involved." The People of Red Mountain's letter confronts Far Western's breach of ethics and emphasizes the responsibility of Far Western's archaeologists "to heal historic traumas and re-vision the relationship between Archaeology and Indigenous Peoples to be based on morality and ethics rather than extraction of ancestors, minerals, and knowledge."

Lithium Americas stock price peaked at \$26.82 on January 19th, four days after the Record of Decision was released, but has since dropped to half that value. The mine project, which would violate indigenous rights, destroy important wildlife habitat, and pollute air and water, has been described as a “national and international embarrassment.”

#

Timeline

- January 15, 2021 — Due to regulations cuts and “fast-tracked” permitting under the Trump Administration, the Bureau of Land Management releases a Record of Decision approving the Thacker Pass mine less than a year after beginning the Environmental Impact Statement process required under the National Environmental Policy Act. On the same day, the Protect Thacker Pass camp is established.
- February 11, 2021 — Local rancher Edward Bartell files a lawsuit (Case No. 3:21-cv-00080-MMD-CLB) in U.S. District Court alleging the proposed mine violates the Endangered Species Act by harming Lahontan Cutthroat Trout, and would cause irreparable harm to springs, wet meadows, and water tables.
- February 26, 2021 — Four environmental organizations (Basin and Range Watch, Great Basin Resource Watch, Wildlands Defense, and Western Watersheds Project) file another lawsuit (Case No. 3:21-cv-00103-MMD-CLB) in U.S. District Court, alleging that BLM violated the National Environmental Policy Act, Federal Land Policy Management Act, and other laws in permitting the Thacker Pass mine.
- May 13, 2021 — Lithium Nevada informs Plaintiffs in the Feb. 26th lawsuit that it intends to begin ground disturbance at Thacker Pass as soon as June 23 to remove Native American artifacts & cultural sites as part of a “Historic Properties Treatment Plan.”
- May 20, 2021 — Atsa koodakuh wyh Nuwu releases public statement of opposition to the Thacker Pass mine & starts a petition which has gathered nearly 2,000 signatures.

- May 27, 2021 — The four environmental groups who filed suit on Feb. 26th ask Federal Judges for a Preliminary Injunction to block Lithium Nevada's proposed Historic Properties Treatment Plan.
- June 8, 2021 — In exchange for a two-week extension to file response briefs to the Plaintiffs' Motion for Preliminary Injunction, the BLM and Lithium Nevada agree that no ground disturbance activities at Thacker Pass would occur before July 29, 2021.
- June 12, 2021 — A rally opposing the Thacker Pass mine is held in Reno, Nevada, with several hundred people attending. Speakers include members of the Pyramid Lake Paiute Tribe, Fort McDermitt Paiute-Shoshone tribe, Duck Valley
- June 24, 2021 — The National Congress of American Indians (NCAI), the oldest and largest national organization of American Indian and Alaska Native tribal governments, called on the Department of the Interior to rescind the permits for the Thacker Pass project.
- July 7, 2021 — A rally is held at the Carson City office of Far Western Anthropological Research Group, Inc., the for-profit archeological company hired to excavate the cultural sites at Thacker Pass. Atsa koodakuh wyh Nuwu (People of Red Mountain) deliver a signed letter stating that if Far Western digs up sacred and cultural sites at Thacker Pass, they will be committing actions that are unethical and wrong.
- July 19, 2021 — The Reno-Sparks Indian Colony and Atsa koodakuh wyh Nuwu (People of Red Mountain) file a motion in Federal District Court alleging that the Bureau of Land Management (BLM) violated the National Historic Preservation Act (NHPA) in permitting the planned lithium mine. [#protectpeeheemuhuh](#) [#ProtectThackerPass](#). [Read more](#)



[Association of American Indian Physicians](#)

Niigaanii in the Ojibwe language means "S/He leads" or "To lead." We are excited about this new billboard that will be going up in Duluth, MN for a year. This Indigenous daily visual message of hope and inspiration features 3rd year University of Minnesota Medical School medical student Jennie Murillo of the Shoshone-Bannock Tribes and Red Lake Nation. Our youth need messages/reminders like this to show them that a career in medicine is possible, and that they too can achieve! The Center of American Indian and Minority Health partnered with AAIP volunteer Ivy Vainio to make this message happen through a new Indigenous centered grant called Maada'ookiing



Sinmuy Amungem- For the People ·

The **Hopi's origin stories** say that long ago, they migrated into this world (the 4th world), to escape evil; the previous three worlds were destroyed for that reason. They were greeted by the Guardian Spirit, M̄asaw, who offered the people several gifts, including a greasewood stick that would become the Hopi planting stick, a bag of corn kernels, and a gourd of water. The groups of people were then given an opportunity to choose an ear of corn, some taking the longest ear, while others took the most colorful and prettiest. The group, who became known as the Hopi, chose the smallest ear of a blue corn.

At M̄asaw's direction, the clans began an extended migration. They learned on the way to cultivate corn and a better life, one that embraced unity, selflessness, cooperation, harmony with nature, but they also knew they would endure hardships and struggles. The people were further instructed that they were Stewards of the land and to care for all living things and nature. Today, corn is vital to Hopis daily life, not only as a staple food, but in custom and tradition.

[#hopi](#) [#originstory](#) [#humbledandgrateful](#) [#sinmuyamungem](#)

The online data that's being deleted

How would you adjust your efforts to preserve digital data that belongs to you – emails, text messages, photos and documents – if you knew it would soon get wiped in a series of devastating electrical storms?

Share how the coronavirus pandemic has affected you

In order to support the nation's response to the COVID-19 pandemic, the U.S. Census Bureau is collecting information on Americans' health, finances, employment, and education using a brief survey, **the Household Pulse Survey**. This email is your official invitation to participate in the COVID-19 **Household Pulse Survey**:

[Take the survey](#)

This survey is urgent and is separate from the 2020 Census. Data from this survey will measure the effects of coronavirus (COVID-19) on individuals, families, and communities across the country. Your answers can guide federal, state and local policymakers in making decisions that support American communities. While your participation is voluntary, it is important.

Thank you in advance for your time and participation. My sincere wishes for your good health and safety during this challenging time.

OMB Number

This collection has been approved by the Office of Management and Budget (OMB). The eight-digit OMB approval number is 0607-1013 and appears at the bottom of each screen. Without this approval, we could not conduct this survey. Authority and Confidentiality Title 13, United States Code, authorizes the U.S. Census Bureau to conduct this collection and to request your voluntary assistance.



Two Nonprofit Proposal Deadlines This Week: July 31

The Community Foundation of Northern Nevada is accepting proposals from from interested nonprofit organizations for the following funds, with a deadline of this Saturday, July 31.

- **The Dream Tags Charitable Fund** provides funding to engage Nevadans in wildlife conservation by focusing donated funds to restore resilience in at-risk Nevada habitats with strategic collaborative projects for sustained impact that supports the preservation, protection, management, or restoration of wildlife and its habitat. Deadline: noon on July 31, 2021. [Details at Nevadafund.org](https://www.nevadafund.org).
- **Truckee River Fund's** mission is to protect and enhance water quality or water resources of the Truckee River or its watershed. The fund advisors may recommend up to a total of \$700,000 in grant awards but may choose to award less than the amount available. Deadline: July 31. [Details at Nevadafund.org](https://www.nevadafund.org).

The Community Foundation is proud to announce our new Caregivers' Compensation Guide!

The **Community Foundation's Caregiver Support Initiative** is a resource for many local family caregivers. A number of them have reached out to us and asked how they can get paid as a family caregiver.

In responding to that need, we created the Caregivers' Compensation Guide, which was just made available this month. It is your step-by-step guide for receiving pay while taking care of an aging family member in Nevada.

Download a free copy of the Caregivers' Compensation Guide below or pick up a copy at the Community Foundation during weekday business hours at 50 Washington Street, Suite 300, in Reno. For questions, please call 775-333-5499, ext. 21.

(double click)

[View / Download the Free Caregivers' Compensation Guide](#)



I know it's not Friday yet, but this was too good to pass up!

EPA Announces Anaerobic Digestion Grant Opportunity for Food Waste Management Projects

The U.S. Environmental Protection Agency (EPA) is seeking applications on [Grants.gov](https://www.grants.gov) for projects from states, tribes, territories and non-profit organizations to help reduce food loss and waste and divert food waste from landfills by expanding anaerobic digester (AD) capacity in the United States.

EPA anticipates awarding up to \$2 million in total AD funding. Individual projects could be in the range of \$50,000-\$200,000 for the funding period of two years.

All applications must achieve one or more of the following objectives:

- Develop new or expand existing AD capacity for processing food waste.
- Demonstrate solutions and/or approaches for increasing food waste AD utilization that can be replicated by other communities, governments, or other entities.
- Support state, Tribal, and/or local government programs that seek to use AD to increase their food waste diversion rates.

The following entities are eligible to apply:

- State, local, Tribal, interstate and intrastate government agencies and instrumentalities; and
- Non-profit organizations (as defined by 2 CFR Part 200) that are not 501(c)(4) organizations that lobby, including non-profit educational institutions and non-profit hospitals.

In addition, up to approximately \$800,000 of the estimated total will be set-aside specifically for awards to the following organizations:

- U.S. territories;
- Tribal governments;
- Tribal colleges and universities; or
- Eligible organizations located in persistent poverty counties.

Applications are due by October 7, 2021. Additional information is available on [Grants.gov](https://www.grants.gov), under Funding Opportunity Announcement EPA-OLEM-ORCR-21-02.

For more information on this opportunity, and to join the informational webinar (August 2, 2021, from 3:00-4:00 pm ET) visit the EPA Anaerobic Digestion Funding Opportunity website: <https://www.epa.gov/sustainable-management-food/sustainable-materials-management-2021-anaerobic-digestion-funding>.

Learn about other EPA Resources and Possible Funding Opportunities Related to the Food System here: <https://www.epa.gov/sustainable-management-food/funding-opportunities-and-epa-programs-related-food-system>.

[c.com](#)

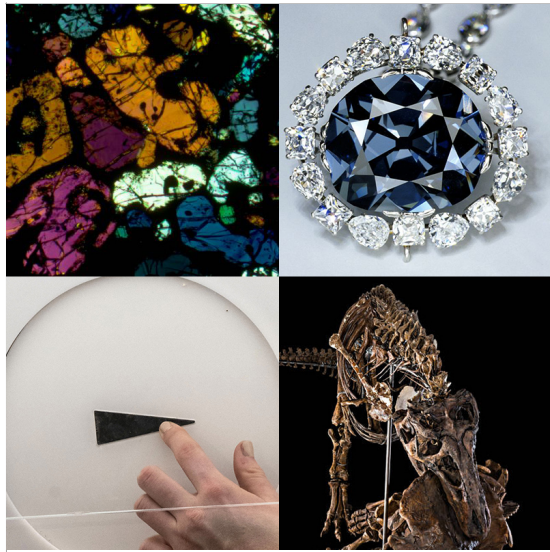
[7 Harsh Truths That Will Improve Your Leadership Skills Overnight](#)
[This is taking your leadership to a whole new level, again.](#)

On August 10, your Smithsonian is turning 175 years old!

That may seem like a long time, but some of the objects in the vast Smithsonian collections are much older. Millions – and even *billions* – years older.

Get into the birthday spirit by celebrating objects of all ages, young and old, across the Smithsonian.

Ready to get started? [Guess which of these objects is oldest!](#)



[Take Quiz »](#)

We've traveled thousands of miles with a 25-ft, 5000 pound totem pole, visiting dozens of Indigenous sacred places at risk from dams, mining, oil and gas drilling--from the Snake River to the Missouri River, Bears Ears to the Black Hills, Chaco Canyon to the Grand Canyon, and tribal treaty lands and waters impacted by the Dakota Access, Line 3, and Line 5 pipelines.

The Red Road to DC journey comes to an end this Thursday, July 29th, when we deliver the pole, your petition signatures, and the prayers and messages of so many to the Biden Harris Administration.

And, **Big News** Secretary of the Interior Deb Haaland will join us at a 2pm ceremony on the National Mall! This will be followed by a rally featuring tribal leaders, Native and allied organizers, and Congresspeople. [Please RSVP to join us online or in person for this not-to-be-missed event on Thursday.](#)



The House of Tears Carvers and our partners cordially invite you to our final blessing ceremony in Washington, D.C. on July 29th and 30th.

After thousands of miles traveled and dozens of events across the country on the #RedRoadtoDC Totem Pole Journey, we come to the final stop in the nation's capital to draw attention and action to sacred sites and Indigenous rights as we deliver the pole to **Secretary of the Interior Deb Haaland** and the Biden-Harris Administration. Join us for a ceremony and rally featuring tribal leaders, Native and allied organizers, and Congresspeople.

The events listed below as well as the [museum exhibition](#) about the House of Tears Carvers' totem pole journeys are open to the public. We invite you to join us — in person or online. For more information, [please visit our Facebook page](#).

SCHEDULE

Thursday, July 29 at the National Mall, at 3rd St SW, between Madison Drive NW and Jefferson Drive SW

2:00–2:30 pm EST. Ceremony and totem pole delivery: remarks from totem pole carver, Sec. Haaland, and Fawn Sharp, president of the National Congress of American Indians

2:30–3:30 pm EST. Rally and remarks from tribal leaders and Indigenous activists

10 — 5:30 pm EST. People are invited to sign up online for free, timed tickets to the Smithsonian National Museum of the American Indian, where the [Kwel' Hoy: We Draw the Line exhibition](#) about the House of Tears Carvers' totem pole journeys is on view.

Friday, July 30

All day: Lobby day for tribal delegations from Red Road to DC physical and virtual journey stops.

11 am–5 pm EST. Red Road totem pole will be available for viewing and visiting outside at Maryland Ave SW, between 3rd and 4th Streets SW. Free and open to the public:

10 — 5:30 pm EST. People are invited to sign up online for free, timed tickets to the Smithsonian National Museum of the American Indian, where the [Kwel' Hoy: We Draw the Line exhibition](#) about the House of Tears Carvers' totem pole journeys is on view