

RENO-SPARKS INDIAN COLONY
★ **TRIBAL HISTORIC PRESERVATION OFFICE (THPO)**

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June 3, 2021

Ms. Ester McCullough, District Manager
Mr. Ken Loda, Project Manager
Bureau of Land Management
Winnemucca District Office
5100 East Winnemucca Blvd.
Winnemucca, NV 89445

Dear Ms. McCullough and Mr. Loda,

The Reno-Sparks Indian Colony (RSIC) is a federally recognized tribe located in Reno and Sparks, Nevada and represents its members and descendants of the Shoshone, Paiute and Washoe peoples. The RSIC is requesting that you halt any plans for mechanical trenching operations and any other construction activities as part of the Thacker Pass Lithium Mine Project ("the Project") until meaningful government-to-government consultation with all of the tribes that are connected to Thacker Pass has concluded. Because you have not engaged in meaningful consultation, or in most of the undersigned tribes' cases, *any* consultation, the Thacker Pass Project's Record of Decision and Plan of Operations must be rescinded.

The RSIC has several residents, members and employees that have direct cultural connections to Thacker Pass located in Northern Nevada. In addition, the following tribes attach religious and cultural significance to Thacker Pass. These tribes include the Fort McDermitt Paiute and Shoshone Tribe, Summit Lake Paiute Tribe, Burns Paiute Tribe of Oregon, Duck Valley Shoshone-Paiute Tribe, Lovelock Paiute Tribe, Battle Mountain Band Colony of the Te-Moak Tribe of Western Shoshone, Winnemucca Indian Colony, Cedarville Rancheria, Ft. Bidwell Indian Community, Fallon Paiute Shoshone Tribe, Pyramid Lake Paiute Tribe, and the Reno-Sparks Indian Colony. The RSIC feels that the BLM Winnemucca Field Office doesn't have the traditional understanding of the relationships of tribal organizations within the States of Nevada, Oregon and California.

All of these tribes assert that Thacker Pass is a spiritually powerful place blessed by the presence of our ancestors and other spirits; contains our traditional foods and medicines including toza, ibi, yapa, and chokecherries; has been a place where our people have gathered obsidian to make arrowheads (projectile points) and other significant tools for thousands of years; provides habitat for wildlife we hunt including groundhog and mule deer; and is home to sacred golden eagles, who we believe are directly connected to the Creator and our ancestral past. The BLM Winnemucca District Office must understand that Thacker Pass is a shared use area by a number of tribes. Just because regional tribes have been isolated and forced on to reservations relatively far away from Thacker Pass does not mean these regional tribes do not possess cultural connections to the Pass.

We also possess powerful historical connections to Thacker Pass. Some of our ancestors were massacred in Thacker Pass. In our Numic language, the name for Thacker Pass is *Peehee mu'huh*, which in English translates to "rotten moon." *Peehee mu'huh* was named so because our ancestors were massacred there while our hunters were away. When the hunters returned, they found their loved ones murdered, unburied, rotting, and with their entrails spread across the sage brush in a part of the Pass shaped like a moon. To disturb this massacre site in *Peehee mu'huh* would be like disturbing Pearl Harbor or Arlington National Cemetery.

In addition to the massacre, when American soldiers were rounding our people up to force them on to reservations, many of our people hid in Thacker Pass. There are many caves and rocks in Thacker Pass where our people could see the surrounding land for miles. The caves, rocks, and view provided our ancestors with a good place to watch for approaching soldiers. Disturbing cultural sites in Thacker Pass, may very well destroy camp sites our ancestors used when hiding from American soldiers. Destroying these sites destroys our history. And, it makes us wonder if an underlying motivation for this mine is to destroy the historical evidence of the genocide perpetrated against our people.

The Thacker Pass Final Environmental Impact Statement (DOI-BLM-NV-W010-2020-00120-EIS) ("FEIS") states that archival background research and pedestrian inventories have identified over one thousand cultural resource sites, including the Double H/Whitehorse Obsidian Procurement District, that would be directly affected by the Project's Mining and Exploration Plans. The Thacker Pass Component of this Obsidian Procurement District is a National Register of Historic Places-eligible district under Criterion D through BLM-State Historic Preservation Office (SHPO) consultation in 2009. BLM and Nevada SHPO have also concurred that the Project would adversely affect 56 historic properties that are eligible for listing in the National Register of Historic Places. The RSIC considers this entire area a Native America Historic District, as well as a Traditional Cultural Property and must be treated as such, which demands NOT removing our ancestral remains or their significant cultural items!

We have just learned, through a Motion for Preliminary Injunction filed in the case *Western Watersheds Project v. United States Department of the Interior* (Case No. 3:21-cv-00103) that, as soon as June 23, 2021, Lithium Nevada Corporation ("LNC") intends to begin mechanical trenching operations at seven undisclosed sites within the Project area, each up to 40 meters long and a few meters deep. LNC also plans to dig up to 5 feet deep at 20 other undisclosed sites, all pursuant to a new historical/cultural resources plan that the undersigned tribes were never consulted about. If LNC is allowed to proceed with digging up Native American cultural items, cultural sites, and possibly even Native American human remains in Thacker Pass, this will be a violation of federal law including the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA). The RSIC is requesting the FINAL Cultural Resource Inventory of Thacker Pass (authored by Far Western Anthropological Research Firm), Historic Properties Treatment Plan and the Unanticipated Discovery Plan.

As you know, NEPA's Implementing Regulations at 40 CFR § 1501.2(4)(ii) requires you to consult early with appropriate tribal governments. Executive Order 13175 further directs the BLM to establish regular meaningful consultation and collaboration with Native American Tribal governments on the development of regulatory policies and permit approvals for proposed projects that could substantially or uniquely affect tribal communities.

Section 101(d)(6)(B) of the National Historic Preservation Act and 36 C.F.R. § 800.2 require you to consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property. Finally, President Biden, in a January 26, 2021 Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, charged "all executive departments and agencies with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications." If President Biden's new administration, of which you are a part, is to gain the public's trust and confidence, it must put meaning behind the words "regular, meaningful, and robust consultation."

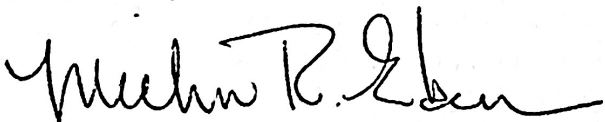
So far, that isn't happening. The FEIS (at Appendix G.1.17.1) only lists the following "episodes of consultation":

- the transmission of a consultation letter in December 2019 to tribal representatives at the Fort McDermitt Paiute and Shoshone Tribe, Summit Lake Paiute Tribe, and Winnemucca Indian Colony
- in-field meeting and project discussion at Thacker Pass with tribal members of the Fort McDermitt Paiute and Shoshone Tribe on October 3, 2018.

You've also tried to list BLM literature searches and ethnographic studies as well as a consultation with the Fort McDermitt and Summit Lake Tribes on a different project in 2014 as "episodes of consultation." Sending a letter is not meaningful consultation. Discussing the project with unspecified tribal members over two-and-a-half years ago when you knew LNC's plans for the Project had changed significantly over those two-and-a-half years is not meaningful consultation. Reading academic literature is not meaningful consultation. And, consulting about a different project, with totally different extractive processes seven years ago, is not meaningful consultation. Regardless, you have not consulted with any of the aforementioned tribes or the RSIC in any manner what-so-ever.

Therefore, the Project's Record of Decision and Plan of Operations must be rescinded and you must stop any plans to disturb Native American cultural resources or historic properties in Thacker Pass. Thank you for your time.

Sincerely,



Michon R. Eben
Cultural Resource Manager
THPO