

**Summit Lake Paiute Tribe  
Special Council Meeting  
Tuesday, October 5, 2021  
Primary Administrative Office, Sparks, Nevada**

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**CALL TO ORDER:** Chairwoman Randi Lone Eagle called the Special Council Meeting of Tuesday, October 5, 2021 to order at 6:00 pm.

**ROLL CALL:** Vice-Chairwoman Nedra Crane called the role. Chairwoman Randi Lone Eagle, present; Vice-Chairwoman Nedra Crane, present; and Secretary/Treasurer Eugene Mace, Sr. late; Council Member Philip Frank, present; and Council Member Steven Crane, present.

**STAFF:** James Simmons, Natural Resources Director

**Guests:** Jeff Kinder , Deputy Administrator with Nevada Department of Environmental Protection (NDEP); Jennifer Schumacher, Bureau of Air Pollution Control Chief; Tanya Soleta, Minor Source Administrator; and Chantel Davis, Writer

Chairwoman Lone Eagle welcomed the guests.

Mr. Simmons gave a brief overview on the reason for the consultation. A communication about the permitting of Hycroft Mines was received. It was decided that SLPT would like a consultation to learn about the permitting process and what it means for the air quality for the Summit Lake Reservation.

Ms. Schumacher thanked the Council for reaching out. They are there to let everyone know what is happening and to answer questions.

Mr. Kinder thanked Council for the opportunity to present the permitting process, in particular the proposed actions for Hycroft Resources and Development (Hycroft). He continued with a slideshow presentation. The mission of NDEP is to preserve and enhance the environment of the State of Nevada. They are an air program but also a public health agency.

Ms. Schumacher talked about the permitting of the mine. Hycroft has been in operation since the late 1990's. They are proposing actions to allow the continued operation of the facility. They applied for a Class 1 air quality operating permit and the Class 2 air quality operating permit.

Ms. Lone Eagle asked if the two permits were for the same thing. It was answered that they are not and defined the two classes.

Class 1 air quality operating permit is mainly for gold mining refining (mercury emitting units). It is a Federal permit and EPA reviews that permit. It is a smaller emitting facility so is considered a minor source—less than 100 tons per year of criteria pollutants.

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Class 2 air quality operating permit is for screening, crushing and all other operating conditions.

Hycroft already has a minor source permit-the Class 2 operating permit. They also have several operating permits to construct permits. These were preliminary permits to begin operation but now they are cleaning up the with EPA review.

They listed all the actions NDEP will take. Some are renewals and administrative changes. There are some revisions to add new structures and to move others

Mr. Simmons asked about the new structures. He wondered if the renewal permits are incremental for these new facilities and operations or is the permit an overall permit incorporating the new processes. The answer was that NDEP will issue two permits, Class 1 and Class 2, but they will encompass all of the actions into these permits.

They detailed where the mine was located. There is 47 miles between the mine and the SLPT reservation.

Ms. Soleta described the Hycroft facilities and its processes. Mr. Simmons is not familiar with the mining process and asked what a mercury retort was. It is a way to release the mercury from the ore. It is volatilizing. She described the operation of the retort. The objective is to capture the mercury before it goes into the air. There will be a small amount that will release into the air. There is a standard that must be met.

Ms. Soleta detailed the emissions that NDEP regulates and the standard limits.

Mr. Simmons asked about limitations for an area, for example an area with several facilities all emitting pollutants. It is regulated individually in a non-triggered basin. In a triggered basin this area/basin will have a collective limit.

Ms. Davis continued the presentation detailing the permitting process steps.

Mr. Simmons asked how often does the NDEP audit the permittee and check their records making sure they are meeting their goals. There are compliance inspectors. Since Hycroft has a Class 1 permit, there is a full compliance evaluation every other year and a partial compliance evaluation the other years (every other year). Records are looked at every year.

Ms. Lone Eagle had a question about permitting process and the commenting period going out to the public comment. She wanted to know if they contact the tribes, and city council members. It was answered the they do.

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Ms. Davis explained the model that is recommended by the EPA and it is a national model. She detailed the data gathered to run the models. She explained what the models look like and how to understand the data. Mr. Simmons asked if the area of data gathering was close to the SLPT reservation. The model went only as far as they got readings and she does not believe this is close to the Reservation. He also asked if they were running models for each specific particulate.

Ms. Davis showed the data for all the models run for an averaging period of time. Mr. Kinder said they are very thorough as this is a critical step for the NDEP. Actual measurements have been taken and it was found that the models were more conservative.

Ms. Davis showed the different standards modeled, the total impact and the established standard (NAAQS) and the percentages. She talked about trigger basins and how they limit the newer facilities. The Black Rock basin has not been triggered.

Mr. Simmons asked why hydrographic basins are the areas used to monitor air pollution. Mr. Kinder replied that when the Clean Air Act came out it allowed states to pick whatever they wanted as a planning area. Most states picked counties, but in Nevada the counties are large areas. In Nevada the State Water Engineer had already set-up hydrographic basins so Nevada adopted them for the Clean Air Act. Also, the basins are good areas to do permitting. On the air monitoring side, they monitor the whole state, so in permitting a facility the monitors are placed in locations that see the highest impacts.

Ms. Davis is looking to finish the first notice. She asked if there were any further questions.

Ms. Lone Eagle asked whether, after going through the permit process and having been reviewed by NDEP, how many times have the permits been denied. Ms. Kost said although they have not seen a denial, they have stopped the process and gone back to the facility looking for information and let them know they cannot proceed with the permit until they receive the information. They respond to all the comment objections.

Mr. Simmons followed up asking if the EPA reviews every permit overseas or only certain Classes like Class 1. He asked if they had to approve all permits. Ms. Kost said the EPA reviews all Class 1 permits and some Class 2 permits if there is a lot of public interest or they are unsure of something. He also asked what other Classes are there. There used to be a Class 3 and 4, but they do not have them anymore. There is a Surface Area Disturbance program and a general program for small temporary sources operating for less than a year. These do not go to EPA review.

Mr. Mace said he had no questions.

**Summit Lake Paiute Tribe  
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Ms. Crane said there was a lot of good information.

Ms. Kost thanked the Council and said to feel free to send them any questions they may have.

Mr. Simmons thanked the NDEP team.

The guests left the meeting.

Council Business:

Ms. Lone Eagle reported that she was a bit hit or miss with messages with the staff and what is going on in the office. She assumes if she does not hear anything, things are running smoothly in the office. Ms. Crane has booked her flight to the Legal Symposium on December 6 - 8, 2021. Ms. Lone Eagle was denied time off, but will reapply in November.

The meeting was good.

Ms. Lone Eagle said she had heard things about Enrollment and will address the issue later in another conversation and email on how a person is interacting with the Council and staff. The Enrollment Committee Chair did bring it to Ms. Lone Eagle's attention that this person is pushing for them to have a meeting because there will be a payout. This is not what this is intended for and she does not get to make that decision. Ms. Lone Eagle will speak to her.

The Committee told the Council prior to the election that they wanted to meet quarterly because they do not have a stack of people to enroll. The one or two applications that this person has, which does not have the documentation for them to look at, can wait until the Committee meets in November. They could not be brought to the Council until November or December in any case. She does not have the authority to tell the Committee when to meet. The Committee Chair should be telling her the date and time they will meet.

It is also not right for the Council to be involved before the Committee. They might make a determination before it is reviewed and the applications may not be complete. The Chair feels that with the last person enrolled, this person went around the Committee and went straight to the Council. They had declined the application. This is how the Committee stands as far as coordinating with the liaison at the moment.

Mr. Mace reported that Ms. New Moon told him that his credit card expired. She was going to talk to Ms. Quinn. This is why Mr. Mace has not booked his flight to the

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Symposium yet. Ms. New Moon was able to book herself. Ms. Lone Eagle will email her to be sure to follow-up and be sure everything is squared away.

**Next Meeting:**

General Meeting Saturday, October 16, 2021 at the Summit Lake Reservation, Summit Lake, Nevada. The Council and staff will meet at the Administrative office in Sparks, NV to leave 5:00 am. Bring your own lunch. Typically, the Council and Department Heads go to the meeting, but upon request other staff may ask to accompany them.

The purchase of the new building is getting close. She does not want it to be a dumping ground for extra things.

The scanning positions are on the back burner for now. They would like to have two people working as a team.

Mr. Simmons said that they intend to get all the files in the one office scanned and shredded and the office cleaned up. This way they can put the space to better use. He can ask Council about retention policies.

Mr. Simmons got an email at 4:21 pm that day. It is a communication from the College of Science regarding publishing an article about Summit Lake. Ms. Lone Eagle talked about having things published about Summit Lake. They would need to talk to the ones who want to publish before hand to determine if the Council would like it publish to the public. Mr. Simmons mentioned that it was a University story. They had heard about Dr. Chandra's research at Summit Lake and remembered Mr. Simmons being published last year. They would like to do an update and visit the Lake. Mr. Simmons will let them know that the Council will think about it and get back to them after the next meeting.

**MOTION: Vice-Chairwoman Nedra Crane moved to adjourn. Secretary/Treasurer Eugene Mace, Sr. seconded the motion. Chairwoman Randi Lone Eagle called the vote: 4 FOR, 0 AGAINST, 0 ABSTAINED. Meeting adjourned 7:09 pm.**

**CERTIFICATION**

I, **Eugene Mace, Sr.**, Secretary/Treasurer of the Summit Lake Paiute Tribal Council, hereby certify that the Minutes of the October 5, 2021 Special Council Meeting were approved by the Council during a duly held meeting November 20, 2021 at which there

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was a quorum present, and the Council voted: **3 – FOR; 0- AGAINST; 0-ABSTAINED**, Vice-Chairwoman Nedra Crane did not vote because there was not a tie vote.

11/23/2021  
Date

E. Mace  
Eugene Mace, Sr.  
Secretary/Treasurer  
Summit Lake Tribal Council