

EXHIBIT 2

Declaration of Judy Rojo, the
Colony's Tribal Chairman

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9 UNITED STATES DISTRICT COURT
 10 DISTRICT OF NEVADA

11 BARTELL RANCH LLC, *et al.*,
 12
 13 Plaintiffs,

14 vs.

15 ESTER M. MCCULLOUGH, *et al.*,
 16
 17 Defendants.

Lead Case:
 Case No.: 3:21-cv-00080-MMD-CLB

Consolidated with:
 Case No.: 3:21-cv-00103-MMD-CLB

**DECLARATION OF
 JUDY ROJO**

18
 19 WESTERN WATERSHEDS PROJECT, *et*
 20 *al.*,

21 Plaintiffs,

22 vs.

23 UNITED STATES DEPARTMENT OF
 24 THE INTERIOR, *et al.*,

25 Defendants.
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1 I, JUDY ROJO, hereby declare as follows under penalty of perjury:

2 1. I am an enrolled member and Chairwoman of the Winnemucca Indian
3 Colony (“Colony” or “Tribe”).

4 2. The Colony is a federally recognized Tribe located in Winnemucca,
5 Nevada. The Colony consists of 28 members whose ancestors derive from the Paiute
6 and Shoshone Nations.

7 3. The Colony has residents, members, and employees who possess direct
8 religious and cultural connections to Thacker Pass, also sometimes known to us as
9 Peehee mu’huh, as our members practice ceremony there, hunt and gather there, and
10 plan on doing so in the future.

11 4. Our Tribal members practice the Sundance ceremony at or near Thacker
12 Pass/ Peehee mu’huh every year.

13 5. Our practice of the Sundance originates from the time when Wovoka, a
14 Paiute spiritual leader, shared the Paiute Ghost Dance to leaders in South Dakota and
15 returned with the Sundance, which incorporated our traditions.

16 6. The Sundance ceremony is a sacred prayer dance and rigorous ceremony
17 lasting ten days and requiring sacrifice and commitment.

18 7. On February 22, 2000, my close relative, Glen Wasson, was murdered at
19 the Winnemucca Indian Colony, and since then, I have personally committed to
20 perform the Sundance every year with our other members, as the ceremony carries the
21 promise of healing through a demanding process of purification, sacrifice and prayer.

22 8. The Sundance is a way of life for our members, a way of reaching through
23 seven generations back and forward for betterment.

24 9. To build the Thacker Pass Lithium Mine on lands held sacred to our
25 members would be like raping the earth and our culture.

26 10. In addition to the Sundance, Tribal members engage in vision quests at
27 or near Thacker Pass/ Peehee mu’huh. A vision quest entails isolation and deep
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1 contemplation in the natural environment. Such vision quests are of important
2 religious significance to Tribal members.

3 11. Tribal members also hunt deer, rabbit, and ground hogs at Thacker
4 Pass/Peehee mu’huh.

5 12. Tribal members also gather medicinal plants at Thacker Pass/Peehee
6 mu’huh.

7 13. Thacker Pass/Peehee mu’huh is further sacred to us, as we believe our
8 ancestors were murdered there during an 1865 massacre.

9 14. The Federal Bureau of Land Management (“BLM”) did not provide the
10 Colony a reasonable opportunity to identify concerns about historic properties in
11 Thacker Pass/Peehee mu’huh, advise on the identification and evaluation of historic
12 properties there, including those of traditional religious and cultural importance,
13 articulate views on the Thacker Pass Lithium Mine Project’s (“the Project’s”) effects
14 on such properties, or participate in the resolution of adverse effects as required by the
15 National Historic Preservation Act (NHPA) before the Thacker Pass Record of
16 Decision (“ROD”) and Plan of Operations (“POO”) was issued.

17 15. On April 14, 2021, Kathleen Rehberg, Humboldt River Field Office Field
18 Manager for BLM, sent me a letter, asking if the Colony considered any of the
19 archaeological sites contained in the POO as having religious or cultural importance.
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21 16. On April 19, 2021, I wrote a letter to Ms. Rehberg and expressed the
22 Colony’s opposition to the Project, at least until the Colony had the opportunity to
23 review and assess for ourselves the sufficiency of the data collected and operational
24 plans of the Project.

25 17. I further explained that our Colony had been actively working to reclaim
26 our trust lands, especially over the last three years, cleaning up massive amounts of
27 solid and hazardous waste that had accumulated over the past few decades on our trust
28 lands; that we were working to remove the three or more criminal drug enterprises

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1 operating on the Colony; and that meanwhile, we were initiating an economic
2 development plan in hopes of becoming financially self-sufficient.

3 18. I further stated to Ms. Rehberg that we were concerned about the fact
4 that surface water flowing through Water Canyon Creek over the past 40-50 years had
5 diverted and nearly dried up the drainage except during snowmelt and active rain
6 storms; that groundwater had been pumped and diverted from Colony trust lands to
7 the City of Winnemucca, private irrigators, and other users; and that as the Project was
8 located between the Quinn River and Kings River, each of which were in our aboriginal
9 territory, we were concerned about potential adverse impact from diversion.

10 19. My efforts to communicate with BLM occurred during a time that the
11 Colony was embroiled in a twenty-year long litigation with the BIA regarding lack of
12 services and funding to the Colony and our aforementioned efforts to remove criminal
13 drug enterprises on our Colony land.

14 20. As a result of lack of funding, the Colony does not have a Tribal
15 Resources Officer.

16 21. Today, I am further concerned about the effects of pollution of said
17 waters and its adverse impact on water serving the Colony.

18 22. I am also concerned about the effects of pollution on the sacred land
19 where we hold the Sundance, and the land where we hunt and gather medicinal herbs.

20 23. I further stated to Ms. Rehberg that the Colony was very concerned about
21 the protection and conservation of our aboriginal lands that are under the jurisdiction
22 and influence of the BLM. We believed there may be archaeological sites, religious and
23 traditional sites, and areas of cultural importance to our Colony that may be desecrated
24 or destroyed.

25 24. I further stated the Colony was concerned that BLM had not adequately
26 complied with its own Tribal Consultation Policy and Handbook, 1780-1, and more
27 specifically with implementation of Environmental Protection Agency's Environmental
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1 Justice Program to include tribes and tribal members to effectively provide for
2 environmental and public health protection in Indian Country in areas of
3 Environmental Justice.

4 25. I further stated that the Colony was surprised and concerned that both
5 the BLM and the Nevada State Historic Preservation Office had approved the Historic
6 Properties Treatment Plan (HPTP) to mitigate impacts to archaeological sites in the
7 mine's POO boundary without any talks or discussion with the Colony. We were
8 concerned that Final Formatted LNC Thacker HPTP stated that consultation was held
9 with the Winnemucca Indian Colony beginning in 2017 and continued to date, as we
10 believed that it was not true, and that BLM or others had in fact not consulted with
11 the Winnemucca Indian Colony regarding the Project. I asked for dates and individual
12 names of anyone in the Colony or documents, positions taken, who may have
13 discussed this Project with BLM or its representatives.

14 26. On July 14, 2021, because BLM did not respond to the Colony's April 19
15 letter, I sent a letter, copying BLM, to Jean Prijatel, Manager in the Environmental
16 Review Branch, United States Environmental Protection Agency.

17 27. Therein I repeated the concerns set forth in my April 19, 2021, letter to
18 the BLM.

19 28. If the Colony is provided a reasonable opportunity to consult with the
20 BLM about effects to Thacker Pass/Peehee mu'huh's historic properties, the Colony
21 will advise BLM about its concerns, including those herein stated. The Colony will
22 encourage BLM to allocate Thacker Pass/Peehee mu'huh to the "Conservation for
23 Future Use" and "Traditional Use" categories and to provide Thacker Pass/Peehee
24 mu'huh with long-term preservation as described in BLM Manual 8110. 12 21.

25 29. If the Colony is provided a reasonable opportunity to participate in the
26 resolution of adverse effects to historic properties in Thacker Pass/Peehee mu'huh,
27 the Colony will help the BLM understand that gouging seven, 40-meter-long, several-
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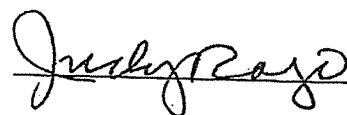
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1 29. If the Colony is provided a reasonable opportunity to participate in the
2 resolution of adverse effects to historic properties in Thacker Pass/Peehee mu'huh,
3 the Colony will help the BLM understand that gouging seven, 40-meter-long, several-
4 meter-deep trenches and hand-digging as many as 525 holes into land hallowed by
5 the massacre of our ancestors and where we observe religious ceremonies severely
6 disrespects our culture and traditions, causes us extreme emotional and spiritual
7 distress, and is a desecration of the worst kind.

8 30. If BLM and Lithium Nevada still insist on disrespecting our traditional
9 ways, distressing us emotionally and spiritually, and desecrating land we consider
10 sacred, the Colony will advise BLM on how to perform this desecration in the most
11 sensitive manner possible. Because the desecration of Thacker Pass/Peehee mu'huh
12 is so imminent, the Colony is forced to seek relief, including preliminary relief, in
13 order to protect its interests in protecting historic properties the Colony attaches
14 religious and cultural significance to.

15 31. I swear under penalty of perjury that the foregoing is true and correct to
16 the the best of my knowledge.

17 Dated this 10th day of February, 2022.

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23 Judy Rojo
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