ORAL HISTORY INTERVIEW

NORMAN HARRY

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STATUS OF INTERVIEW:
OPEN FOR RESEARCH

♦ ♦ ♦ ♦ ♦ ♦

Interview Conducted and Edited by:
Donald B. Seney in 1995
California State University-Sacramento
For the Bureau of Reclamation's
Newlands Project Oral History Series

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NORMAN HARRY

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INTERVIEWER: DONALD B. SENEY

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Introduction

In 1988, Reclamation began to create a history program. While headquartered in Denver, the history program was developed as a bureau-wide program.

One component of Reclamation's history program is its oral history activity. The primary objectives of Reclamation's oral history activities are: preservation of historical data not normally available through Reclamation records (supplementing already available data on the whole range of Reclamation's history); making the preserved data available to researchers inside and outside Reclamation.

In the case of the Newlands Project, the senior historian consulted the regional director to design a special research project to take an all around look at one Reclamation project. The regional director suggested the Newlands Project, and the research program occurred between 1994 and signing of the Truckee River Operating Agreement in 2008. Professor Donald B. Seney of the Government Department at California State University-Sacramento (now emeritus and living in South Lake Tahoe, California) undertook this work. The Newlands Project, while a small- to medium-sized Reclamation project, represents a microcosm of issues found throughout Reclamation:

- water transportation over great distances;
- limited water resources in an urbanizing area;
- three Native American groups with sometimes conflicting interests;

- private entities with competitive and sometimes misunderstood water rights;
- many local governments with growing urban areas and water needs;
- Fish and Wildlife Service programs competing for water for endangered species in Pyramid Lake and for viability of the Stillwater National Wildlife Refuge to the east of Fallon, Nevada;
- and, Reclamation's original water user, the Truckee-Carson Irrigation District.

Reclamation manages the limited water resources in a complex political climate while dealing with modern competition for some of the water supply that originally flowed to farms and ranches on its project.

The senior historian of the Bureau of Reclamation developed and directs the oral history program. Questions, comments, and suggestions may be addressed to the senior historian.

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For additional information about Reclamation's history program see:
www.usbr.gov/history

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Oral History Interview
Norman Harry[1]

Family and Early Life

Seney: Today is October 13, 1995. My name is Donald Seney, and I'm with Norman Harry, the tribal chairman[2] of the Pyramid Lake Paiute Indians,

1. This manuscript was mailed to Mr. Harry in July 15, 1996. The cover letter that accompanied the manuscript included the following: "We would like the enclosed back thirty days from the day you receive it, I hope that will not be inconvenient. If I do not receive the edited manuscript back from you in sixty days I will assume that you wish to make no corrections, and we will proceed with publication." As of February 1998 no corrected manuscript had been received from Mr. Harry.

In addition, there was a second interview on March 20, 2008, which has not been processed because no statement of donation was signed. Efforts to reach Mr. Harry by telephone at his home and by letter, through tribal headquarters, have gone unanswered.

2. A note on editorial conventions. In the text of this interview, information in parentheses, ( ), is actually on the tape. Information in brackets, [ ], has been added to the tape either by the editor to clarify meaning or at the request of the interviewee in order to correct, enlarge, or clarify the interview as it was originally spoken.

The transcriber and editors also have removed some extraneous words such as false starts and repetitions without indicating their removal. The meaning of the interview has not been changed by this editing.

In an effort to conform to standard academic rules of usage (see *The Chicago Manual of Style*), individual's titles are only capitalized in the text when they are specifically used as a title connected to a name, e.g., "Secretary of the Interior Gale Norton" as opposed to "Gale Norton, the secretary of the interior;" or "Tribal

(continued...)

in his office in Nixon, Nevada.

Good morning, Mr. Harry.

Harry: Good morning, Mr. Seney.

Seney: Why don't we start by, first of all, give me your birth date so we get a sense of how old you are. You were born here, I take it, on the reservation, or a facility nearby?

Born on the Walker River Paiute Reservation in 1954

Harry: Indian Health Service facility. I was born on October 20, 1954 down at the Schurz's [phonetic] Indian Hospital, which is located on the Walker River Indian Reservation.

2. (...continued)
Chairman Norman Harry" as opposed to "the chairman, who was Norman Harry at the time." Likewise formal titles of acts and offices are capitalized but abbreviated usages are not, e.g., Division of Planning as opposed to "planning" or "division," the Reclamation Projects Authorization and Adjustment Act of 1992, as opposed to "the 1992 act."

The convention with acronyms is that if they are pronounced as a word then they are treated as if they are a word. If they are spelled out by the speaker then they have a hyphen between each letter. An example is the Agency for International Development's acronym: said as a word, it appears as AID but spelled out it appears as A-I-D; another example is the acronym for State Historic Preservation Officer: SHPO when said as a word, but S-H-P-O when spelled out.

Seney: Is that the nearest hospital for people here on the Pyramid Lake Reservation?

Harry: At that time. The hospital has since closed, but now we do have our own clinic here that we utilize, and there are several other reservations that have built their own clinics.

Seney: Where would Pyramid Lake children be born today?

Harry: Most of them are born usually in the Reno area at the Reno hospitals.

Seney: So they wouldn't necessarily go to an Indian Health Service Hospital.

Harry: No, because of the insurance that we have in place, most of our Indian Health Services are, they call, on contract funds, so we have contracts with doctors, hospitals, so on and so forth, regarding health care.

Seney: You grew up here on the reservation?

Harry: The early part of my life, I did, yes.

Seney: What are your earliest memories of the reservation?

Father Worked in Construction as a Union

Carpenter, and He Moved the Family Around to Follow the Work

Harry: We lived in an area called Little Nixon, which is about two miles south of Nixon, and it was always nice to come out, because my dad had followed construction all of his life, so in the early part of my life we were living in California, kind of going back and forth.

Seney: So he was following work?

Harry: Well, yes. He was a union carpenter, but then pretty much we came back and he–let me go back a little bit further.

"My mother is a tribal member from the Pyramid Lake Paiute Reservation, my dad is a tribal member from the Walker River Paiute Reservation. . . ."

My mother is a tribal member from the Pyramid Lake Paiute Reservation, my dad is a tribal member from the Walker River Paiute Reservation.

Attended School in Sparks and Fernley, Nevada

So predominantly this work was in the Reno area, so early on, from 1960 to '66, I attended elementary school at Robert Mitchell, which is

located in Sparks, and it's a public school.

Family Moved to Nixon, Nevada, in 1967

Then my father and mother moved the family down here to Nixon, so from '67 on, I started in seventh grade in Fernley and graduated from Fernley High School in 1972.

Relations among the Tribes of the Area

Seney: Does it matter that your father is a Walker River Paiute Indian and your mother is a Pyramid Lake Paiute Indian?

Harry: No. I think since the period of assimilation and as technology improved, there was a lot more interaction with the different local bands of Paiutes located in western Nevada.

Seney: So that isn't regarded as sort of marrying outside your own group? You're all Paiutes together and part of one big family, even if you're Walker River or Pyramid Lake Paiutes? I guess that would be true of the Fallon Tribe of Paiutes as well, and maybe even further out?

Harry: Yes. Essentially I think the bands did have their identified areas, but in order to survive–and we'll get a little bit later into the history about the resources that the Indians that were local to

the area, regarding the fish, so on and so forth– there was a lot of bartering that was done with neighboring tribes and with the California tribes as well. So there was a cohesiveness and a dependency upon each other, other tribes, for survival.

Seney: This would be in the period before the whites came?

Harry: Yes.

Seney: There would be normal trading between the Walker River Tribe and the Pyramid Tribe?

Harry: Walker River, the Washoe Tribe in California, yes.

Seney: Would there be regular get-togethers to do this kind of thing, do you know?

Harry: I think during appropriate times there was, and there were appropriate celebrations at different times of the year with regard to seed gathering, the pine nuts, which was a very staple food of the Paiutes. During the spring there were the grasses, the seeds. In fall, again you're getting back to, and spring wild potatoes.

Attitude of the Native People Toward the Environment

". . . when it came down to the significant runs during the spawning, it was a very joyous time, a time to give thanks . . ."

But I think when it came down to the significant runs during the spawning, it was a very joyous time, a time to give thanks, because essentially the Native people were very respectful to the environment, based on their religious beliefs that the Creator had provided all of this to the people here, who essentially were the very first true environmentalists, probably, within the country. There was a lot of respect that went with all living things, everything that was put here.

Because the earth was indicated as being our mother, if you think about it, everything, even in today's society, comes from the earth, and right now we're having problems with an imbalance with that, with the water, air, and technology had a lot to do with it. It's made life easier, but it's also, along the same lines, created some major problems. That's what we'll have to start working towards.

Seney: Tell me a little bit about the Pyramid Lake creation myth, how the Pyramid Lake Indians view the creation of the Earth.

The Pyramid Lake Creation Myth and Customs

Harry: Well, I don't really know the history on that, but it basically evolved around the Stone Mother and her sons, which essentially would have been the people fighting amongst themselves, and with her feeling that sadness and all, she started to cry and Pyramid Lake was created. I'm sure I'm missing things. (laughter)

Seney: That's all right. Don't worry about that. You're doing just fine. I want you to convey to readers in the future what Indian beliefs are like, what Pyramid Lake Indian beliefs are like, so don't worry about not getting every little tiny detail in. We want to get a sense of your feelings about these matters. You're doing just exactly what I want you to do at this point, in terms of talking about the Native American view of the world and the Earth and so forth.

Harry: Okay.

Seney: I'm pausing, hoping you'll say some more.

Harry: I don't know what I can expand upon as far as the myth, but essentially that is the myth. I'm sure there are other stories. I know there are a lot of songs, ceremonies.

Seney: What kind of songs?

Harry: Well, during the social gatherings, there were

songs that were representative of maybe social games. One of the big games they still use in the area was called the Stick Game or Hand Game, so there were a lot of songs with that, and basically the songs were to try to bring strength within the groups that were playing against each other. It's like getting strength from, say, the Creator to help us beat the team. (laughter) Essentially it was just a means of expressing, I guess, everything that was being held inside, to give forth, trying to bring everybody together to provide that force to, say, defeat the other team. It's something that is still very popular today.

Seney: You're able to keep those alive, then? The tribe is small enough and maybe even isolated enough that those kind of songs are kept alive in the tribe?

Loss of Indian Culture

Harry: We realize, I think, with my generation now, we're only talking just a couple of generations to where basically the culture has begun to get lost. With my dad's generation, they still speak the Paiute language fluently.

Seney: Do you speak it?

Harry: I speak very little, but after realizing what our

people went through and essentially finding out who I was, it's something I know that we really need to preserve, so my generation, we really need to start working on ways of preserving and protecting what's there for future generations.

I think one of the reasons why it was, say, getting lost was the fact because we had to assimilate so fast. During my parents' generation, they had to go to boarding schools.

Seney: That was required, wasn't it?

Harry: That was required.

Seney: By the Bureau of Indian Affairs.

Harry: Yes. It was required by the Bureau of Indian Affairs. They were punished if they spoke their own language. It was not only here, but all boarding schools. A lot of them were, in a sense, run by religious--I don't know how you'd word it, you know, but they had a lot of religious significance to them, I guess, some of the schools that were . . .

Seney: Protestant or Catholic, that kind of religion, you mean.

Harry: Yes.

Seney: The theory there was to assimilate the Native people into the white culture.

Harry: To assimilate the Natives, but on the other hand, taking that away from them also, and the teachings, saying that was wrong, that wasn't the way, and trying to convert them to their type of religion. So I think through that, and my growing up and being such small numbers, the assimilation had to take part so fast that it was very easy to lose that, whereas if you take the larger reservations and larger tribes like Navaho, Sioux, they're so far dispersed and still living in their traditional ways and still carrying on the culture. My wife is a Navaho from Arizona. Her name's Beverly.

Seney: Again, that doesn't matter that she's a Navaho?

Harry: No, it doesn't.

Seney: Even outside the Paiute family.

Harry: Yes. Again, her grandfather was a traditional medicine man. The fact is, we had very long discussions about this, and it's something that we came to kind to realize because of the fact that they're still so widely dispersed, they're so large in numbers and still living their traditional ways as they did 100 years ago. They might have a Ford pickup or a Chevy pickup in front

of their hogan now, but they're still living the traditional way, whereas our numbers were so few, we've had to assimilate so fast; my nephews and nieces, when they were growing up, my dad and mom spoke Paiute to them, and they speak [it] when they're one, two, three years old, and understand. It always makes you wonder, well, a baby at that age can understand, why can't as an adult we can't comprehend as fast?

Seney: Is it a difficult language to learn, do you think?

Harry: In hearing the Navaho language versus the Paiute, no, it doesn't seem to be. It's more of a monotone kind of a single-syllable, I guess, type language, but it's not near as difficult as other languages that I've heard spoken. So I think in recognizing the fact that we need to preserve that, at least we understand where we come from and we need to know where we're going, but first we need to understand who we are as Indian people.

I never really realized that until, I guess, I really started traveling as chairman to see even our neighboring California tribes. There were just so many tribes at one time before settlers came in, but because of the dispersion and assimilation, most of those tribes have lost their language and lost their songs and lost their

culture. We realize now that as our generation comes up, these are things we really need to preserve. We see our elders taking with them, as they pass on, the knowledge, working with the buckskin, the beaded baskets, the weaving. So it's at that stage now, if we don't do anything to try to preserve it, it's going to be gone.

Seney: Do you have a program, a tribal program, to do that?

Harry: Right now we are starting to develop our Economic Development Fund, but along the same lines we need to start planning for these types of programs. I'm sure there's a lot of help out there we can get, so it's something we need to work on for the future. Probably within the next year or so, we'll start taking some type of– making some effort.

Seney: Good.

Harry: Hang on a second. [Tape recorder turned off.]

Seney: I want again to get you to talk about what that means to be a Pyramid Lake Indian, what it means to be an Indian generally, what it means to be a Pyramid Lake Indian. I understand, I appreciate, and you probably do, too, that even though we live in the same area and are part of the same country, there's a big cultural gulf

between white Americans and Native Americans, as far as I'm concerned. It makes it difficult for me to-- [Visitor interruption. Tape recorder turned off.]

What I'm trying to get at is, I may not ask you the right questions to get you to tell me what I think you understand I want you to tell me, and that is, again . . .

What it Means to Be a Pyramid Lake Indian

Harry: Focus on what it means being an Indian?

Seney: Yes, and maybe if you could express that through how you yourself came to realize and learn about Indian ways and an Indian point of view and an Indian perspective.

Harry: I think getting back to understanding how it was, I have to go back early in my history. When I was growing up and going to school in Sparks at Robert Mitchell, there were only about four or five other Indian students attending the school: my brother, Gene, who was a year behind me; sister Deb, who was two years behind me; another student, Richard Shaw, from Wadsworth, who lives in Wadsworth now.

Seney: Also a Pyramid Lake Indian?

Experience of Discrimination Against Indians

Harry: Yeah. And a couple of other kids came in, I think in my sixth grade. But up until that time, we were accepted as just everyone else, as probably most. Sparks was a very small community. There was a distinct separation between Reno and Sparks at that time, probably less than 20,000 people in the area, and we're talking about 1960. So there was a real closeness as far as the community, never really understanding what discrimination might have been, never experienced that until I got to Fernley High School in the seventh grade.

My family had always told us that we need to be progressive and think along those lines, and we did very well in school, in grade school. When we got to Fernley, that was, I think, the first time I sensed what discrimination might have been. Thinking about it, maybe some of the teachers had different attitudes, but again we were in a new–in middle school, so we knew there would be some changes.

Seney: Do you remember anything specifically?

Harry: Well, there were some teachers that acted different towards the Indian students that was obvious, versus the non-Indian students. But even to that period, I still pursued everything

with the band, the whole works. I started taking beginning band in the fifth grade in Sparks, took it for two years, and when I got to the seventh grade, they had already formulated a high school band. I was playing the trumpet at the time, so I was automatically, even though being in seventh grade, they included all the junior high members or junior high schoolers, into the high school band.

Well, after about–it wasn't very long, a two- or three-week period, just coming out of beginning band, I was already moved up to the first chair in the trumpet section. So, you know, we had our spring concerts and it was just something to be proud of, but I was doing something I was normally doing. But then afterwards we had a few concerts, my mom had indicated to me afterwards there were people sitting back behind her making comments to the effect that, "Oh, that Indian kid moved my son out of first chair."

So Fernley was a very small community, predominantly a farming community. The students themselves got along very well, but always through this, I guess any community that lives close to a reservation, the reservation always has a black eye based on stereotypical things; at that time, drunk, lazy, so on and so forth. And even at that time there was probably

a good indication that that was actually happening, because I reflect back now and think about most of the deaths that were located on the reservation were essentially alcohol-related. And even today it's still along those lines, but it's not as predominant as it used to be, and I think through the education system awareness, it's making a trend.

I think a lot of it, when we get back to culture again, it's something I experience. I went through high school, did very well through high school, went on to college, but after being involved with sports in high school, there was still a cohesiveness with the non-Indian students, and I always had a really good rapport with all of our teachers, but some of the students that I was going to high school with, they started high school, but those that were kind of reserved didn't put forth the effort or there could have been a threat of intimidation. I don't know, whatever was going through their mind, that's when those students dropped out.

Seney: Indian students?

"I look back and I consider myself lucky to take advantage of what was there, as far as education. I did go on to college, but I didn't complete and get a degree. I pretty much followed the advice of my parents and went on and put forth my best

effort. . . ."

Harry: Indian students. These were kids that I grew up with, went to junior high, but when we got to the high school part, then I saw kind of a withdrawal. Some of those students today, they had every effort. I look back and I consider myself lucky to take advantage of what was there, as far as education. I did go on to college, but I didn't complete and get a degree. I pretty much followed the advice of my parents and went on and put forth my best effort. But that's when I really started noticing that there were two different systems here.

"They were just starting the HUD program back in the early or late sixties. . . ."

So I think I kind of went through an identity crisis after that, understanding I'm hearing things from the white world and seeing what's happening on the Indian side and living here, still seeing the conditions of the people who were living at that time. They were just starting the HUD [Department of Housing and Urban Development] program back in the early or late sixties.

Seney: As I drove to meet you today, I thought the housing looked very nice. I mean, a great deal of it, it looked very new and well kept up.

Housing on the Reservation

Harry: Since the late sixties is when they started actually building the government homes out here. The house that we grew up in was a house that my grandfather built, and they kept adding on to it, and finally my mom and dad bought a trailer, so we had like an extension onto that, but that's what we grew up in down here.

At that time, most of the houses were just one- and two-room–I don't want to say shacks, but some of them even could be considered shacks, if there's a definition for shacks. But even at that point, the families were still very close, close-knit. It could have been due to living conditions, still understanding that Indian people need to work together, need to be dependent upon each other, but there was still a closeness with the family ties within the community.

". . . the late sixties on, the living conditions essentially started to improve. We got better housing, electricity, the phones, so on . . ."

As the HUD housing came in, improvements were made to domestic water. A lot of people still had their wells, the old hand-pumps. So for the late sixties on, the living conditions essentially started to improve. We

got better housing, electricity, the phones, so on and so forth, so since that time it was kind of like when the tribe, or at least the Pyramid Lake Tribe and surrounding tribes, started to slowly improve. The living conditions slowly started to improve.

So kind of thinking back, there was always, in the back of my mind, always thinking, well, here I am putting forth the effort, but yet you see everything else that was out there, other kids, what they had, living conditions, and it's like you really didn't want to bring them out to your house, even though they were real close friends or were close during school, was like not saying–you know, because you're kind of ashamed of what was out here, again, going to school on the bus, sometimes you'd see some of the people that had alcoholism problems, you'd see them on the streets, kids laughing at them. So that's when I sensed that there's something wrong.

"I went through this period myself of dealing with alcohol . . . it was kind of a shield or something to prevent me from actually dealing with reality and the real world. I was functional. . . ."

I went through this period myself of dealing with alcohol, considering the good times. (laughter) But I guess it was kind of a

shield or something to prevent me from actually dealing with reality and the real world. I was functional.

Seney: Do you still drink?

Going to the University of Nevada at Reno

Harry: No, no, and I'll get into that a little bit later. In the latter period, I went to the university, was playing some . . .

Seney: To U-N-R [University of Nevada at Reno]?

Harry: Yeah, U-N-R for a year, was playing some basketball with our Indian team. That we had formulated there, so traveling to different towns, different tournaments, was rodeoing, still rodeoing and all, but everything, trips, there was alcohol involved, so that kind of started that whole process for myself.

Starting to Work

So I went one year, then started working, started running heavy equipment, at least working in the gravel pit locally, then finally found myself and got into the union with the Local Number 3, which was operating engineers. That didn't pan out.

In the Late 1970s Joined the Carpenter's Union

I worked there for about a year, but then finally in late '77, I think, or '78, I got into the carpenters union because my dad had been a member, as well as my younger brother, Gene, was also a member.

Seney: The apprenticeship program?

Harry: Yeah. But even then, being single, it was almost kind of the norm to, after work, stop by, have a few beers with the boys, so on and so forth, you know, but it became a pattern. But yet I was still functional, still able to go to work. I might have a big head, a hurting head, but could still make it through the day, but it became part of the norm for me.

Taking an Interest in Tribal Affairs

It wasn't really until probably mid-eighties that oftentimes there were recognitions that I got a problem, but how do I deal with it? At that time, becoming more aware of the community surrounding the needs and seeing and trying to get involved with the tribal government, I've felt that as a tribal member, you know, we need to put forth the effort to serve our communities and make change.

Seney: Is that what drew you into tribal affairs?

First Run for the Tribal Council

Harry: Yeah. I can't even remember now, it's been so long, but I think it was either '84 or '85 that I first ran for the council and got on. I was one of the youngest.

Seney: How old would you have been then, 23, 24?

Harry: No, I'll be 41 next Friday, on the twentieth.

Seney: Happy birthday, in advance.

Harry: Thank you. But what drew me in was seeing how things were happening. I was still always constantly aware of what was going on here, but it didn't seem like we were progressing. I can't take anything away from the elders, because through reflecting back and what the socioeconomic problems that we had here on the reservation, it's not fault of their own, because they weren't forced to go to schools and there was a kind of dependency upon the government, maybe even assurance because the federal government is not going to like you. They said, "We'll take care of you," so there was kind of a feeling maybe of–I can't think of the term, you know, but . . .

Seney: Paternalism or something?

Harry: Could be paternalism, yeah, thinking that they're in a safe environment. Today we realize that never happened.

But getting involved, I figure, well, I have an opportune time to try to get involved now. At that time we had our youngest chairman, who was Joe Ely[3], and he was having to deal with the council.

". . . we felt now that there's a turning tide . . . working towards an progressive form of government, dealing with the issues. Time changes, technology changes, attitudes certainly have to change also with the changing times. . . ."

We talked a lot and we felt now that there's a turning tide that needs to take place because of maybe the old line of thinking and more working towards an progressive form of government, dealing with the issues. Time changes, technology changes, attitudes certainly have to change also with the changing times.

Election to the Tribal Council

So I decided to run, got elected, and was

3. Professor Seney interviewed Joe Ely for Reclamation's Newlands Project series of oral history interviews.

very gung-ho, because I started looking at the constitution that we were operating under. It was written in 1935, so outdated, and yet we're still operating under that same constitution. There's a very timely process associated with making any type of amendments, changes to it.

Seney: It's hard to amend?

Harry: It's hard to amend. There's a timing process, a very lengthy process. But still being met with resistance. I think the attitude from the elder council persons that were on board . . .

Seney: Let me [turn the tape over].

END SIDE 1, TAPE 1. OCTOBER 13, 1995.
BEGIN OF SIDE 2, TAPE 1. OCTOBER 13, 1995.

Harry: I think being faced with the council members that were on the council at the time, there was an attitude that the youth would be moving too fast, making changes. As we know today, anytime there's a change, most people are set in a mold and are afraid to change, because they're used to it or take it as the norm and accept it.

Seney: Did Joe Ely kind of recruit you to run for the Tribal Council?

Harry: No, no, but through this whole period, Joe and I

got along very well. We did talk a lot about issues that were coming up. Still at that time, that's when these water issues really started coming up before us. There was a more aggressive attempt to address inequities.

Seney: As we start to talk about that, let me ask you to go back. When did you first become aware, either from hearing your parents or the other elders talk and so forth, about the inequities over the diversions from the Truckee River that starved Pyramid Lake? When did you first hear?

Finding Myself

Harry: Let me go on and finish about finding out who I was.

Seney: Sure.

Harry: Then we can fall back on that.

Seney: Good enough.

Dealing with His Alcohol Issues

Harry: Through this whole period I still had this problem of dealing with alcohol, still functional but, see, at that time it was–I won't say a joke, but it was almost accepted as whoever the tribal

leader was going to these big parties, going to the meetings and everybody's having a good time, still doing business and even doing business at the local bars. (laughter) So anyway, to go on, it was finally towards the mid-eighties that I started making these realizations myself, well, I fall into the same mode as a lot of the other people, you know, there's a serious problem here and nothing's being done to address it. I seen a lot of people I went to school with taking their own lives, accidents related to alcohol so then I got in trouble myself.

So was shortly after that, then that's when I made the realization, I said, "That's it. No more." So still being functional, going to the rodeos, blah, blah, blah, going on, still being around it, I at least found an inner strength to insulate myself from that, still being able to participate.

So every day I was kind of getting that inner strength within myself. It was very surprising because most of the people I had dealt with used alcohol, some to a minimum, but they finally were encouraging us, saying, "Norm, you're doing very well. I'm proud of you. Because I don't know if I can find the strength myself but, you know, you're doing really well."

So after it got to be accepted, then finally it was through my sister, Deborah, who currently right now has been traveling and working with other tribes in trying to establish economic development plans based at the community level, community involvement, working with different organizations. Well, through her travels she introduced me to a medicine woman from Canada, and I had already been to a ceremony and had experienced the Indian religion, I guess, and as an Indian I'd experienced the power involved. So in my discussion, they had come down from Canada to kind of tour the area and there are other reasons also for their travels, but they were here and I was able to sit down and talk with her and just telling her we've got so many problems we're facing as an Indian nation, and she understood my true concerns are still for the people and for the tribe, but knew all along that I was fighting this internal battle with myself. In fact, she didn't even want to take the tour that day. I think she realized that I was asking for help in a round-about way. So I gave the tour to the people, came back, she gave me something very special. I was overwhelmed.

Seney: What does that mean that she gave you something very special?

Harry: The medicine, the medicine bag, things that . . .

Seney: She maybe said to you and then gave you some . . .

Harry: Well, said to me and things that were related to the Indian religion that were given to her by the Creator.

Seney: So she shared this wisdom and knowledge with you?

Harry: She shared the wisdom with me. Essentially I got doctored. I was Indian doctored. I was living at my house at the time, but something happened that night that I was well aware that I had got doctored because there was no one else there but there was an indication that I had received help.

Seney: A feeling maybe came over you or you experienced . . .

Harry: No, there was physical signs that were quite apparent to me the next morning.

Seney: What do you mean by that? Can you tell us?

Harry: No, I can't. I'd like to, but I can't.

Seney: Okay. So you mean you just can't explain it?

Harry: No, because again, it's something that is very sacred. And again, as far as religion, it's something that was given, and my feeling, even before then, as far as religion, it's something that every people was given, whether it be yellow, black, white, red. That's still kind of hard for me to comprehend, you know, about the different religions, there's so many denominations everyone is saying, "This is the true one." But if you look at the Indian religion from Alaska down to South America, it's basically the same, the practices.

Seney: You felt that you had a physical change, and I take it you . . .

Harry: No, I saw physical effects that something had occurred that reinforced that I knew something had happened, that I had been doctored.

Seney: Okay. And it isn't that you couldn't explain this to us if you wanted to, but you don't want to because that's part of the religious part of it. It's kind of–I don't want to say secret, but private and that sort of thing, that's they way it works.

Harry: Right.

Seney: Okay, good.

Harry: Like I say, it's something I can't expand upon, but I can let you know that this is something that turned my life around. Just the few discussions that I had had with the medicine woman, it became clear, and after experiencing my previous experience, you know, that there is something there for the Indian people, it was very, very special.

Seney: Did you become "more Indian" after this? I take it that's kind of what you're saying, maybe.

Harry: Well, no, it wasn't becoming more Indian, the attitude was . . .

Seney: I don't think I said that very well.

Harry: Yeah, I think I know what you're trying to drive at, but I think it made me more aware that there is something there, there is help, there's something that as a Native American I could fall back on. And again, it came back to religion. After experiencing what was there, yes, there's something.

So at that time I had made a vow that I would not go back to my old ways of dealing with problems with alcohol, and it's something that, still being single, you know, that I need to go out and really help people on what they call the Red Road, coming from the heart, not going

about things, saying things, being hypocritical, but actually going out and doing things to the best of my ability.

Seney: On the Red Road, you mean . . .

Harry: In the Indian way of not being deceitful. Everything that the teachings, you know, that center around religion, being true. Basically the same teachings that might be taught with other religions, you know, but follow in that path. Then that's when I started gaining my inner strength.

What I'm saying is when I realized what I had to do and recognizing the power and seeing the power that was involved with this, I started getting involved with the education committee, school board, and in those in those early travels I was able to talk to other people my age or maybe a little bit older and dealing with other tribes and learn more about their cultures and what it meant to them and how do you deal with it and how do you accept it. How do we start bringing that back and how do we live with it today?

We know we can't go back and live 100 years as our ancestors did, but yet still having that culture, the songs, the religion, everything else that was here, that's something we can still

carry forward with us.

Seney: If I could stop to get you to maybe expand on what you mean by the Red Road or the Indian way. I've seen it described sometimes as the Middle Way–if I get this right–and that is, not only are you not deceitful, but there's a certain kind of modesty that a person operates with, a kind of reserve, no bragging, no putting yourself immodestly forward. Is that all part of what you're talking about here?

Harry: It's all part of it, yeah. Through the years, in talking with other tribal leaders that are very still close to their tradition, they portray the same values. I mean, you're going to get people that are going to stray, but those that are really strong and true in their heart are going to be the leaders and be the effective ones.

"You have something that's very special . . . you have your culture, you have a religion that is still being practiced. But knowing full well that you have to assimilate, you can't make your living here on the reservation, but the thing they teach them and it always stuck to my mind was, take the best of both worlds. . . ."

But in talking more with the leaders from Hopi and realizing that the same thing could happen to them, you know, they needed to

preserve the culture, language, songs, traditions, his grandfather was actually teaching them, and this is what they teach the youth down there now. You have something that's very special, something that makes you unique because you are a Native American, you have your culture, you have a religion that is still being practiced. But knowing full well that you have to assimilate, you can't make your living here on the reservation, but the thing they teach them and it always stuck to my mind was, take the best of both worlds.

" . . . I started dwelling on that. You could still understand who you are as a Native American, but yet still be functional and go out and do what you have to do to survive as an individual to take care of your family needs. . . ."

And I started dwelling on that. You could still understand who you are as a Native American, but yet still be functional and go out and do what you have to do to survive as an individual to take care of your family needs. That one phrase always sticks in my mind and always keeps me motivated. So it was through that process–and this happened back in '86, I guess.

Seney: Forgive me for stopping you again, but when you say the best of both worlds, I can understand from what you've just said what you

mean about the best of the Native American world and that is Red Road, the honesty, the modesty and understanding your culture as you do what you need to do.

Harry: Helping people, you know, that basically is coming from the heart.

Seney: What is the best of the other world, do you think?

Using What Is Available in the Non-Indian World

"The best is getting the education, and essentially that's the key right there. It's going out, enabling a person to get the jobs . . ."

Harry: The best is getting the education, and essentially that's the key right there. It's going out, enabling a person to get the jobs, not the labor jobs or the type of factory [jobs], but actually go out there. You've got an opportunity here to go out and really help yourself and help your people, you actually come back and help your own people. But that's what I mean, the best of both worlds. Technology, whatever's available, you have that opportunity, but yet you can still rely on there's something you'll always have within you that's very valuable.

Seney: You have a computer sitting on your desk.

Harry: Yeah. It makes my life a little easier and makes my secretary's life a little easier also. (laughter)

Seney: I'm sorry for interrupting you, it's just that there are times when I just would like you to explain a little more, so you have to put up with me interrupting you, I'm afraid.

Harry: Well, this is something new, I understand. I don't know if you've been around Indian people a lot, a lot of people in the area that do understand.

Seney: A little. Well, as I said before we started talking, I want to, as the best I can, get as much of this on tape as we can. And you know, I know that one of the things about Native American people is that it's part of the modesty of the Middle Way or the Red Road is you don't talk much about yourselves often. I really appreciate you being so open here.

"I've been taught that we can't fight our battles by ourselves . . . we are going to need help from our non-Indian brothers and sisters. In dealing with the tribal leaders, even today, I stress that message that we need to utilize the media more to bring our fight to the public's attention. . . ."

Harry: Well, I think it's important. I've been taught that we can't fight our battles by ourselves and

we need to take advantage, and it's been taught that we are going to need help from our non-Indian brothers and sisters. In dealing with the tribal leaders, even today, I stress that message that we need to utilize the media more to bring our fight to the public's attention. Certainly we have a lot of people that are very supportive of the issues that we are facing as Natives. The Native numbers are actually increasing; they're on the rise.

I think through some of the teachings again that I've listened to is that those people will come back to the Native people to preserve the Earth, and in some ways you see that happening. Even today as some of the entities that we deal with, you know, we're getting a lot closer and some of the suggestions we've been carrying forth as a tribe to relate it with a project, upstream management, it's slowly starting to get incorporated, just based on the fact if you're going to preserve water quality in a stream flow, you need to keep more water in the river rather than build these multimillion dollar waste water treatment plants when there's a simpler solution. (laughter) But it just gets back to basic environmental practices. I mean, the damage has been done and now we have to all deal with it, it's not being so one-sided and all, you know.

Seney: Is this the right time to go back and talk about when you first became aware of the water problems on the reservation, and go from there?

Becoming Aware of the Water Problems on the Reservation

Harry: Yeah, I think it would be appropriate. When I first was elected tribal council, one of the first issues . . .

Seney: If I may, I'm even thinking earlier than that, when you might have heard the discussions of the Newlands Project and the water being diverted from the Truckee instead of coming into Pyramid Lake. Do you remember when you first became aware and how you became aware, even as a kid, that this was going on?

Harry: As a kid, no, I didn't. And to be honest with you, it really wasn't until I got involved with tribal politics that I became aware that this damage had occurred.

The Cui-ui Run

There had been a moratorium. After the Endangered Species Act was implemented, I remember our attorney saying, "Well, we don't want to give them the wrong impression because we need to comply with this. It will

help our cases in court by even the Indian people not being able to fish the cui-ui," which every year was something special for us. I mean we lived off cui-ui for a week or whatever, you know, morning, noon, and night. And all of our friends in high school, we'd all just go out there, and this is before that came to play.

Seney: This was a big tribal event, obviously, wasn't it, the cui-ui run?

What it must Have Been like at Pyramid Lake

Harry: Oh, yeah, yeah, it was. It's always been. Again, I think if you look back in the Paiute history, it was a time of acknowledging the fact that everything that was here for the people's subsistence was given by the Creator. I try to think back what it must have been like to live in such a harsh environment. I mean, now that we got the house, we got the cars, the means to get around, I try to always think back. What was it like?

They had an ecosystem in place with the river, and I'm sure there was plenty of deer, plenty of antelope, rabbits. You had Winnemucca Lake, which is Pyramid Lake's sister lake, it was just a natural wetlands so there was always the ducks, geese, water fowl

that was available to fish. And then at the special times of the spawning runs, then there was all of that fish there that was dried and preserved. And the seeds, the bartering with other tribes. I can see how it could have been easy for people to survive because everything was here.

Becoming Involved in Tribal Politics and Learning about the Damage That Had Occurred

Then I guess when I got involved with tribal politics, then I saw what kind of damage had occurred. It was more of an educational process for me and through that process I've seen that white line ever since I was growing up, you know–I'm talking about the existing levels of the lake prior to the Reclamation project. Then after getting involved and understanding that was the existing lake level before all that water had been diverted, which was seventy feet, eighty feet higher than the existing lake level. And finding out that the original indigenous species to the cutthroat trout were gone.

"The cui-ui were not even being considered or even our lake didn't have a water right. The only water rights we legally had were for irrigation. . . ."

The cui-ui were not even being considered or even our lake didn't have a water right. The only water rights we legally had were for irrigation. Seeing that the existing farm land that was located on the reservation and the sizes of the acreage, well, how can anybody make a subsistence or make a living off of that land? You know, most parcels are average probably around twelve, thirteen acres.

Seney: And you weren't farmers anyway.

Harry: No. Originally we weren't. Our Paiute bands were nomadic, seasonal, they moved their areas, they moved their camps with the seasons. But again, looking back at what was here, it was a hard life, but everything was here for them. When the imbalance came and the influx of settlers, I mean that had to have a dramatic impact on the people. Even up the river and seeing that they had a big saw mill, I'm sure that all those cottonwoods, I mean the river is basically devoid of trees because they did have a saw mill. So there was so much destruction that happened just within the last hundred years and maybe a little longer than that, but that's when the imbalances started happening.

How the Tribe Was Being Treated

Getting back to my involvement with the government, that made me more aware, and so it brought out a more aggressive attitude that we need to start working towards these issues. But at that time, the tribe was basically the bottom of the totem pole. No one was going to listen to the tribe. The tribe's fighting this, the tribe's filing suit on this. Well, if you think back about it now, and I think back about this quite often being in this position, that was the only mechanism that the tribe had available to them.

"The water was being 'illegally diverted,' the trust responsibility from the federal government overseeing and managing that, there was nothing there. . . ."

The water was being "illegally diverted," the trust responsibility from the federal government overseeing and managing that, there was nothing there. Everybody, the gate's open, the water's going here and there and you know, it's basically . . .

Seney: When you say the water was being illegally diverted, this would be during the time after the first OCAP [Operating Criteria and Procedures] was put on.

The First OCAP (Operating Criteria and Procedures) in 1973

Harry: After the first OCAP, 1973.

Seney: And T-C-I-D [Truckee-Carson Irrigation District] still refused to honor that.

The Truckee-Carson Irrigation District refused to honor the criteria in the OCAP

Harry: Right, to acknowledge that or even meet the 277,000 or 288,000 that they were supposed to have.

"So then that's when we got a little more aggressive, but yet the voice still wasn't being heard. . . ."

So then that's when we got a little more aggressive, but yet the voice still wasn't being heard. It really wasn't until recently that–I guess we'll go back a little bit in history. You're talking about these injustices that we saw as a tribe and getting back to we are the bottom of the totem pole, no one's listening to the tribe, then it got scary, it got scary from the aspect of thinking, "Hey, we could possibly lose this whole lake. It could possibly dry up. Our fish are on endangered species lists, the trout are gone. No one's even caring anymore." And that's when it got scary.

Senator Laxalt and the Interstate Compact

So the very first year that I got involved, I was trying to do as much research as possible and still listen to the attorneys that were giving us information, trying to get myself up to speed. Well, the Interstate Water Compact was introduced by Senator [Paul] Laxalt. This compact had been sitting idle since the sixties, but it resurfaced again because it was Senator Laxalt's last year as a senator. [Ronald] Reagan was president. I would say Senator Laxalt was probably the third [most] powerful man in the country. But this compact was drafted up in the sixties when Reagan was governor of California and Laxalt was governor of Nevada, so this thing had been sitting there and it would have been very detrimental to the tribe.

Seney: What didn't the tribe like about the compact?

Harry: Well, if I can remember–it's been quite a while–the basic problems we had with it, it was still entered in its draft form. There was really no basic or finalization of agreement that this would be introduced. We saw it as a last-minute effort to get this thing implemented. The numbers, if I remember right, would have been detrimental to the tribe because I think it increased it from 3.5 or 4.5. I'd have to go back and look at that now.

Seney: Okay, sure. It's been a long time.

Harry: Yeah.

Seney: But I know the tribe's judgment was that it was very detrimental to the tribe's interests.

Harry: Yeah. I wish I could remember the particulars to it. But at that time, the Washoe tribe, we were fighting it, Walker River was fighting it. But it was detrimental to the tribes. Well, being introduced in the draft form again, I think had some impact on Nevada. The state had something to lose in this also. So when it was introduced into Congress, for three days it was like, "What's going to happen on this?"

We did go back and give testimony on it, and I felt so belittled, because here we are, our tribal delegation's there and here's all these big entities that we're dealing with, the tribes are giving testimony, the tribe that, and it's like, "How are we going to fight these people? How ***can*** we fight these people? We're overwhelmed." So we came back.

I was coming back from work one day from Reno late in the afternoon, and I heard on the radio that it had been withdrawn by Senator Laxalt. Then I found out from the attorney, it was indicated to him that the state of Nevada

stepped in and said, "No, we can't support this." And its biggest supporters might have been some of the other entities that we were dealing with, said, "No. Withdraw it."

Seney: In the end you won.

Harry: Yeah, I felt elated, you know, but there came outside pressure, I think, from people that he was representing or entities that were being represented by the state. They asked him to withdraw it.

After Defeat of the Interstate Compact

So at that time, after that was withdrawn, there was no dialogue.

Senator Harry M. Reid

I mean, the litigation was still ongoing, and virtually they were all our enemies and we were their enemy, and it really wasn't until, I guess, '86 when Senator [Harry M.] Reid–jokingly, he always states, they asked him, when he was running, what was to be his major issue on his platform, and he says jokingly, "I want to resolve the water wars in the West."

". . . finally he realized and had the foresight that nothing's getting resolved in the courts. It's just

spending a lot of money, the tribe's spent a lot of money, its own money, let alone the federal government's money . . ."

But finally he realized and had the foresight that nothing's getting resolved in the courts. It's just spending a lot of money, the tribe's spent a lot of money, its own money, let alone the federal government's money, because of this trust responsibility.

Believes the Federal Government Failed in its Trust Responsibilities

And it's something that I feel very strongly about that even today when people are slamming the tribe for this and that, we never put ourselves in that position. I mean, we were under the assurance that the federal government's going to be providing this, as was agreed to. Yet there again, because of that failed trust responsibility, here we are today.

". . . it was only through the efforts of Senator Reid . . . negotiations started taking place, and that . . . communication barrier, was finally broken. . . ."

So it was only through the efforts of Senator Reid and finally the discussions started taking place, negotiations started taking place,

and that barrier, that communication barrier, was finally broken. It wasn't really indicative in the early meetings, well, this is going to be a success, but an attempt was made.

Seney: Did you take part in the negotiations? You were vice chairman at some point in here, right? Because we're now talking about what becomes Public Law 101-618.[4] By this time you were vice chairman and Joe Ely was the chairman of the tribe?

4. Public Law 101-618 became law on November 16, 1990. The law contains two acts: The Fallon Paiute-Shoshone Tribal Settlement Act and the Truckee-Carson-Pyramid Lake Water Rights Settlement Act. The main topics of the legislation are:

- Fallon Paiute-Shoshone Tribal Settlement Act
- Interstate allocation of waters of the Truckee and Carson rivers.
- Negotiation of a new Truckee River Operating Agreement (TROA)
- Water rights purchase program is authorized for the Lahontan Valley wetlands, with the intent of sustaining an average of about 25,000 acres of wetlands.
- Recovery program is to be developed for the Pyramid Lake cui-ui and Lahontan cutthroat trout
- The Newlands Project is re-authorized to serve additional purposes, including recreation, fish and wildlife, and municipal water supply for Churchill and Lyon Counties. A project efficiency study is required
- Contingencies are placed on the effective date of the legislation and various parties to the settlement are required to dismiss specified litigation.

Source is: http://www.usbr.gov/mp/lbao/public_law_101-618.html accessed on December 7, 2011, at about 2:00 in the afternoon.

Harry: He was the chairman. And at that time we had budget constraints and the council had decided to delegate a team, which essentially was the chairman, the attorney, and the hydrologist, because we were still unstructured at that time to where the vice chairman or any of the council members were actively involved on a day-to-day basis with the administration.

END SIDE 2, TAPE 1. OCTOBER 13, 1995.
BEGIN SIDE 1, TAPE 2. OCTOBER 13, 1995.

Seney: Today is October 13, 1995. My name is Donald Seney, I'm with Norman Harry, the Chairman of the Pyramid Lake Paiute Tribe, in his office in Nixon, Nevada. Just as the tape was running out, you were saying that in the period we were talking about, the tribe wasn't structured so that all of you would take part. The chairman really kind of ran things on a day-to-day basis.

Harry: Yes, because of the budget limitations that we had and the way it had been operating in the past, the tribal government, essentially the chairman is a full-time administrative person. The vice chairman essentially just conducts meetings when the chairman's gone. But we didn't have the day-to-day interaction with the council or the vice chairman just meeting once a

month. So the team that was delegated by the tribe was essentially the chairman, the attorney, and the hydrologist, or technical team.

Seney: When you say hydrologist, do you mean Mervyn Wright or do you mean Ali Sharoody?[5]

Harry: Ali Sharoody, of Stetson engineers.

Seney: Right. What do you remember about the 101-618 negotiations and the legislation?

"'Let's get over that mode of litigation. . . . The best approach is we need to be proactive and try to keep one step ahead as we go through negotiations and keep that window of opportunity open . . .'"

Harry: From what was relayed to me and what I can best remember to my recollection, it was something that was a new approach. We realized that as the tribe and the way things were going within the judicial system, if we were to continue along that path, we were probably going to end up losing, so we needed to reinforce ourselves in our thinking that, "Let's get over that mode of litigation. Let's let them decide because we're going to end up losing anyway. The best approach is we need to

5. Professor Seney interviewed Ali Shahroody as part of Reclamation's Newlands Project series of oral history interviews.

be proactive and try to keep one step ahead as we go through negotiations and keep that window of opportunity open, certainly."

". . . we want to prepare ourselves to try to accomplish our goals in sustaining the water for the lake and trying to get the damages undone as far as the river. . . . We did have a faction at that time that was totally opposed to this whole process. . . ."

And it was also reinforced by our attorney that anytime during negotiations, we're going to have to give up something. But that's part of the process; it's a give and take. But we want to prepare ourselves to try to accomplish our goals in sustaining the water for the lake and trying to get the damages undone as far as the river. There was just so many issues. We did have a faction at that time that was totally opposed to this whole process.

Seney: What did they want to do?

Tribal Politics

Harry: That's it, they never came in with any type of proposals or a plan of action that we should be taking. It was just everything that the tribe was working towards, this faction was working against us. Possibly sending out

misinformation, trying to gain support. There could have been a reason behind it, I don't know. Trying to, as history reflects itself, divide and conquer.

Seney: I know that tribal politics, as politics always is in a small group, is kind of intense, and often the people who are elected to the Tribal Council or tribal chairmen are not elected by a large number of votes; the elections are fairly close. Has that been true in the times that you've been elected that the elections have been fairly close?

"When I was running for the council, I was always probably one of the two top vote-getters. . . ."

Harry: When I was running for the council, I was always probably one of the two top vote-getters. On an average, it was like may I'd receive anywhere over 110, as much as 130 votes.

Seney: That's a lot of votes, because this is a small band, isn't it?

Harry: Yeah, compared to maybe the second-place finisher might get eighty. As far as I can recollect on elections, we have over 400, maybe it's 300, I can't remember now, almost 400 qualified voters, and on an average we're probably anywhere between 40 and 50 percent turnout, which is what we're trying to improve

upon also. But these are the issues that we kind of deal with in the future.

Seney: But in this case, whatever faction this was, they were just in opposition without a plan of their own?

Negotiating with Sierra Pacific Power and Others

Harry: Yeah, and that's something that Joe and I realized that we need to keep our council together, we're still in the early stages without any outcome to make an informed decision– well, do we go this route? We need to explore every possibility to see if we can get something accomplished out of these negotiations. It was tough. I mean, we were dealing with some very powerful entities that essentially had an alliance in the very beginning. You know, we're out there by ourselves. But we had to start emphasizing to the federal government and the agencies that we were dealing, we had actually people that were very concerned and working with the tribe with regard to fish and wildlife, BoR [Bureau of Reclamation], they were pretty much aware of what had happened, and so kind of the people that were involved with the agencies, they kind of slowly started recognizing, yes, we need to work together and started bringing some of the information forward. Yet we still had to deal with the

growth issues and stuff in Reno, that was being used against us as far as negotiations and this faction saying, "Well, they want to store water upstream for this and that. Well, they're just storing it for themselves." And there's nothing we can do with the growth. I mean, that's totally out of our boundaries, you know. But that was something that was always brought up.

So it was a difficult time. We had the entities to deal with who again were pretty much in alliance in the very beginning and then a faction we had to deal with here at the local level.

Seney: If I were to ask you to evaluate Joe Ely's leadership during this period, what would you tell me?

Harry: I would have to tell you that I felt that he did a very good job. It was the first time that I can remember that anyone, as a tribe, and decisions that were made by the council, that they were carried forward as far as taking that leadership role of the tribe and trying to deal with the problems, not just sitting back here hiding behind and just acknowledging, letting the world go by, but actually acknowledging our problems and to the efforts for our technical team, "Let's go out there. Let's go out there to them. Let's get on their ground."

It was tough, because as vice chairman, you know, we were catching a lot of flak. But we had a council that I think through this whole education process of understanding what we're trying to achieve and why we needed to do it and follow this process, we held together.

Seney: Does the Tribal Council have the power, under your constitution, to approve a set of negotiating principles and say, "This is what we want," and when Joe Ely and you come back with an agreement to say, "Yeah, we'll accept that," or does the tribe have to vote on it?

The Technical Team Had the Authority to Negotiate, but it Was Always Pre-strategized at Tribal Council Meetings

Harry: No, that authority was given to the technical team, but it was always pre-strategized at our council meetings prior to any meetings that took place, but then as to prevent any type of miscommunication or any misrepresentation from the team with regard to the Tribal Council. So again, pretty much we were trying to stay one step ahead. Our technical team would come back, give advice, recommendations to the council, reasons behind why this approach should be taken, and then that position would be carried forth to negotiations. But not them making actually split decisions up there on

behalf of the tribe. It was always relayed to the other entities that if a proposal did come on the table, the statement was, "Well, we have to get back to the council on this."

So with that team and the structure of the council and that sharing of information, there was a cohesiveness, I would say, that was built up during that period of time because I think the window of opportunity was looking right at us.

Seney: Were you all pretty pleased with what happened in 101-618?

Public Law 101-618

Harry: I'm trying to remember the dates, but the tribe put the whole question of negotiations on the table and actually put it on the ballot.

"There was so much of a fuss . . . [by] the 'ad hoc committee' . . . I guess I would say misinformation was getting out to the public, but again, you know, we didn't take the correct approach and really acknowledge to the community or share that information. And looking back with 20/20 hindsight, that was a mistake. . . ."

There was so much of a fuss that was raised by the faction–they called themselves the "ad hoc

committee"–to send this information out, so there was a petition presented to the Tribal Council. I guess I would say misinformation was getting out to the public, but again, you know, we didn't take the correct approach and really acknowledge to the community or share that information. And looking back with 20/20 hindsight, that was a mistake.

Seney: You should have been out there more saying what you were doing.

The Tribe Voted on How to Pursue Water Issues

Harry: We should have been out there a lot more, yeah. But through it all, we ended up putting the question on a ballot, "Do we continue with the negotiating process?" And even previously to that, we had a secretarial vote with regard to our position as a tribe. What do we want out of the negotiations? Getting back to the position that we started out with and what ended with a law far exceeded what the people had voted on early on, I think it was in the eighties.

"I'm kind of still overwhelmed with that agreement also, with PL 101-618. . . ."

I'm kind of still overwhelmed with that agreement also, with PL 101-618.

Seney: You thought it was a good agreement?

". . . it was a very good agreement. It far exceeded the position that the tribal membership voted on. . . ."

Harry: I thought it was a very good agreement. It far exceeded the position that the tribal membership voted on.

Seney: Before this, you mean?

Harry: Before that.

Seney: Did they vote on the Preliminary Settlement Agreement negotiations with Sierra Pacific Power?

Harry: Well, this is even after that. But in the first position paper, the tribe asked for things like, "Well, we need $10 million economic development fund," and there were other things that were outlined. Well, what as a result came out of the final agreement far exceeded what the tribe going in was its original position.

Seney: Well, certainly as an outsider looking in, it seems to me the tribe did very well in 101-618.

"This was the first time where these types of monetary figures, $40-50 million settlements, I

think, were issued to one specific tribe. . . ."

Harry: Yeah, there were several agreements, not a whole lot, but there were some prior agreements prior to 101-618 dealing with tribes that were in that $40-50 million range, but those agreements entailed at least two or three tribes. This was the first time where these types of monetary figures, $40-50 million settlements, I think, were issued to one specific tribe.

Seney: There were two funds in that. One was an economic endowment fund, if I've got this right, and the other endowed the fisheries. Have both of those been funded? Do you have all that money in the bank?

Fisheries Endowment

Harry: The funding for the fisheries they've been offering it the past couple of years so that's been fully . . .

Seney: That's about $23 million, $25 million?

Harry: Twenty-five million.

Seney: And they operate off of the endowment and that covers the costs, the endowment does?

Harry: Uh-huh. Twenty-five percent of the interest

goes back into the principal to allow for inflation.

Seney: But even with that, you're able to operate the fishery off the endowment?

Harry: Yeah, they've been operating off of it the past two years now and still have an excess of funding.

Seney: That's great. What about the development fund? Is that all funded out, too?

Economic Development Fund

Harry: We should be getting the final installment. There is a five year period of $8 million a year that would be appropriated.

Seney: So the development's fund is $40 million?

Harry: Forty million, plus interest. So our last installment will be next year.

Seney: Are you able to spend that now as you go along, even though the fund is not complete? Are you able to spend the income off the fund?

Things That Have to Happen for P.L. 101-618 to Take Full Effect

Harry: No. There are several issues that need to reach closure before any of that transaction takes place. One of them is TROA, Truckee River Operating Agreement. The funding must be fully in place at the time of the signing, there's so many other things that are involved with 101-618 that need to reach closure before it's final. And the bottom line is, all of this still has to come back on a vote to the people. We have to have an economic development plan in place even before the funding will come, even before we reach the closure of TROA. That's something we're running short on time right now. I have some really good people on board, I've made some really good contacts the past year, so next year, or probably within the next couple of months, there's going to be some really fast moving on the part of our Economic Development Committee and board.

Seney: You'll have that in place in time?

Harry: Well, we're hoping.

Seney: And is that something that will have to be approved by the Department of the Interior, your economic development plan?

". . . if you go back and look in the bill, there's certain conditions that need to be met before any of this can actually be implemented. But the

fisheries fund was separate, so they've already been operating under the endowment fund. . . ."

Harry: Yeah. So there's a lot of agreements that have to be addressed, the cui-ui recovery plan, if you go back and look in the bill, there's certain conditions that need to be met before any of this can actually be implemented. But the fisheries fund was separate, so they've already been operating under the endowment fund.

Seney: I think that was pretty clever, don't you, to put that in the legislation so that you wouldn't have to worry about appropriations every year for something like that, especially thinking of this year.

The funding installment was inadvertently left out of the appropriations bill

Harry: Well, yeah, this year because it was inadvertently left out, but we got it restored. (laughter)

Seney: You mean the last final installment was inadvertently left out, the $8 million? So that's in the budget?

Harry: That's in the budget now, but earlier, just a few months ago, it was inadvertently left out and Senator Reid, Congresswoman [Barbara]

Vucanovich pretty much said, well, it was an oversight on her staff, but it was restored. But even in the bill, had it not been restored, there's language in the bill that it would still have to be appropriated with interest. So had it missed a year, it still would have had to been picked up with interest in order to still reach finalization of everything. So there are several assurances that were built into this bill to make sure that everything is going to work, everything should work together.

Seney: Well, as I say as an outsider reading this, it's good legislation from the tribe's point of view. It must make you feel pretty good because the political position of the tribe is much different today than it was even ten years ago.

Political Position of the Pyramid Lake Tribe Today

Harry: Ten years ago, it was totally different. We still had our internal problems here. And I've witnessed those good years, I've also gone through the bad years as well, and my job now is to see that, after witnessing the bad, there's always something good that comes out of it.

". . . essentially I inherited a rebuilding program, and so my primary focus has been right now to develop our infrastructure. . . . this is my primary focus right now . . ."

So essentially I inherited a rebuilding program, and so my primary focus has been right now to develop our infrastructure. That's just one part of it. I wear many hats, but this is my primary focus right now as far as administration, because I don't ever want to see what's happened the past few years happen again.

Seney: Meaning?

Internal Administration of the Tribe

". . . complete failure within our financial department, a lack of responsibility within the administration, just internal problems and even with our judicial system. . . ."

Harry: A complete failure within our financial department, a lack of responsibility within the administration, just internal problems and even with our judicial system. My primary focus again is to build that infrastructure, because regardless of who's in my position, regardless who's in finance or whichever department, I want when I leave here to have a set of policies, procedures in place so whoever's in these positions there's going to be something for them to follow; they can't get away from it. So that's protection I'm trying to build into our whole system right now.

". . . it's not going to be held in trust by the federal government. This $40 million is directly coming to the tribe. So after seeing what's happened in the past, we have to make sure that this money cannot be squandered . . . not used as a slush fund. . . . and if there are any changes to that plan . . . the membership will have to vote on it and not strictly just leave it up to the council or someone from admin. . . ."

> And what's really scary, to some extent, this $40 million that we're going to be getting next year, it's not going to be held in trust by the federal government. This $40 million is directly coming to the tribe. So after seeing what's happened in the past, we have to make sure that this money cannot be squandered, it has to be developed as such and planned with the membership in mind and the future that it's not used as a slush fund. There will be an identified comprehensive plan, and if there are any changes to that plan, it has to be developed as such that the people or the membership will have to vote on it and not strictly just leave it up to the council or someone from admin. That's the type of protection I want to build into this funding as it comes in so there's some merit there.

"We have a progressive council right now, but again we still have problems. . . . I'm trying to

focus on trying to keep . . . separation of powers so we don't get involved on a day-to-day basis with departments in the judicial system . . ."

We have a progressive council right now, but again we still have problems. The problems that I'm witnessing now, I'm trying to focus on trying to keep an insulation with separation of powers so we don't get involved on a day-to-day basis with departments in the judicial system, there's some insulation there so they can focus on and everybody's going to have their own set line of rules and regulations.

Tribal Courts

The reason I guess I keep mentioning judicial is because I primarily see our judicial system as our backbone to tribal sovereignty.

Seney: You have your own Tribal Court.

Harry: Yes, we do.

Seney: So if I drive out here today and speed–which, of course, I would never do–I would get a ticket from your police department.

Harry: Yes.

Seney: Would that ticket come before you guys then in

your tribal judicial system?

Harry: To Tribal Court.

Seney: If I come out here and fish without going through the process of buying a license to fish--which I know you issue, right, the tribe issues those--that would also take me in front of Tribal Court?

Harry: Yes.

Seney: And if I broke into your car and stole something, would that still take me in front of Tribal Court? Or that would take me into the Nevada justice system? Probably Nevada, wouldn't it?

Harry: I think it would take you into Justice Court. I think it's the same thing with the driving violation; I think it has to go to Justice Court.

Seney: If it's a non-Indian. But it would be different for you, right? You judge your own people. That's part of your sovereignty. So if you get that speeding ticket . . .

Harry: Yeah. But, if they are fishing violations, if you were to violate the fishing, then it still comes to Tribal Court.

Seney: What about if you got a speeding ticket today?

Harry: I'd have to go through Tribal Court.

Seney: What about if you broke into my car and took something out of my car, would you go to Tribal Court?

Harry: That I don't know.

Seney: Good. I'm glad you don't know that. You're an honest man. But you do have judicial responsibilities, in other words, and I can understand why you see that as a key element of tribal sovereignty.

Harry: I think if you were to file a complaint here, then it would end up in Tribal Court.

Seney: Well, I can understand what you're saying about making sure that there are sufficient controls over your development fund and popular controls so the tribe gets to decide what's done with it, but nobody can use it for, as you say, a slush fund. I mean, I can see why you regard this as one of your most serious responsibilities.

Control over Tribal Funds and Revenues

The Possibility of Gaming on the Reservation

Harry: Even with regard to the way things are going today with gaming, actually I think right now we're sitting in an ideal situation but it's something we have to possibly consider for our future.

Seney: That is, you think the tribe might get into gaming?

". . . the southern part of our reservation, we've got a major artery, I-80, that crosses right through it. . . . we've got all that newly acquired property through the land exchange [under P.L. 101-618]. So that's essentially going to be our primary focus for economic development. . . ."

Harry: Well, it's something we need to explore. You know, the southern part of our reservation, we've got a major artery, I-80, that crosses right through it. Within the law itself, we've got all that newly acquired property through the land exchange. So that's essentially going to be our primary focus for economic development.

Seney: You got this down here through the land exchange in 101-618, did you?

"We got the DePaoli Ranch, cream property. . . ."

Harry: Uh-huh. We got the DePaoli Ranch, cream property. Actually, let me just show you this

other map. If you want to stop the tape for a second.

Seney: Well, we can go ahead, because one of the things 101-618 did was to remove people from the tribal lands who had been there for a long time, right? Illegally, from your point of view.

Harry: Yeah. Well, no, still I guess with the way my understanding is–you might know a little bit more about it–but I understand that when the railroad went through, they were given a twenty-mile right-of-way on each side, right?

Seney: That's right. Alternate sections.

Harry: Anyway, here's the railroad right here.

Seney: Just below I-80.

Harry: Yeah. DePaoli's[6] owned all this land, the [unclear] owned all this land, and cream property was all this right here.

Seney: You're pointing on the photograph to land just north of I-80, obviously well-developed agricultural land.

Harry: Yeah. And here's the smoke shop and we're

6. Professor Seney interviewed Gordon DePaoli as part of Reclamation's Newlands Project series of oral history interviews.

down here at Nixon.

Seney: Oh, yeah. So looking at this photograph, which has the new boundary lines on it, you clearly could put . . .

Harry: This is our existing boundary right here.

Seney: Right to the bottom of the picture.

Harry: Well, actually, it goes beyond.

Seney: A little bit beyond. So the reservation, now I-80 crosses it by considerable distance.

". . . you'll probably ask about the [Truckee] canal. Well, they never formally got a right-of-way through here either, through the reservation. . . . Yeah, the trespass issue. . . ."

Harry: Then here's the other question, you'll probably ask about the [Truckee] canal. Well, they never formally got a right-of-way through here either, through the reservation. It's another issue.

Seney: That's the Truckee canal, the diversion canal [for the Newlands Project].

Harry: Yeah, the trespass issue. (laughter) Anyway, we got all this property back.

"We just made an agreement with a consultant to start pursuing a lot of the smaller parcels. . . ."

We just made an agreement with a consultant to start pursuing a lot of the smaller parcels.

". . . we purchased the grazing rights from DePaoli. . . ."

But even within this agreement now, with the land exchange, we got the rights to DePaoli's grazing. This is all checker boarder with BLM [Bureau of Land Management]. So they had all the rights to the grazing on this side of the reservation. The language in the bill is that lands that are contiguous to the reservation will be held in trust for the government. So every other section that's touching the reservation is now included in our boundaries. But that opened up the door to all this grazing area, so we purchased the grazing rights from DePaoli. So now we're talking about increasing this area all the way from the top to this ridge.

Seney: That's a considerable increase, isn't it?

Harry: In fact, I think it goes back down to the sign.

Seney: Well, you actually own that land or just have the right to graze?

Harry: The right to graze.

Seney: So you could run a cattle operation up there, in other words, or lease it to someone else?

Harry: Either lease it or provide a little bit more grazing for our own people there. But the overall goal, in time, I mean that window of opportunity opened up again for all of us, because there's other areas that we need to look in. We have the Pay Ranch up here, [unclear], [unclear] Canyon.

Seney: These are just west of Pyramid Lake itself.

Harry: Yeah, but then you've got [unclear] on this side, and they've got all of this that goes up 80 all the way back up to here.

Seney: So some of that might conceivably come into your hands as well?

Harry: Yeah.

Seney: That's going to increase the size of the reservation, won't it?

"The tribe was not involved with the land exchange itself, it was strictly between BLM, American Land Conservancy . . . and the individual owners. . . ."

Harry: It was a test project, and that's why the language isn't clear to just see if it would work and it was successful. The tribe was not involved with the land exchange itself, it was strictly between BLM, American Land Conservancy, who facilitated it, the land exchange and the individual owners.

Seney: So DePaoli got some land elsewhere for this? I'm sure they did all right.

"That was . . . a concern from some of the tribal members, 'Well, why are they getting paid this and that?' But . . . it's not costing the tribe anything. . . ."

Harry: Yeah. Oh, yeah. That was kind of a concern from some of the tribal members, "Well, why are they getting paid this and that?" But you've got to look at the fact that it's not costing us anything, it's not costing the tribe anything. And you take a look at the bigger picture, we're getting that land back.

Seney: And the DePaoli family's influential in Nevada, are they not?

Harry: Yeah, I would say, yes, they are.

Seney: So they're bound to get something for this. I

mean that's just the way these things work.

Harry: Yeah. As I said, the tribe wasn't paying for anything. Had they been paying for something, it might put a different light on it.

Seney: Let's talk a little bit about the Settlement Two negotiations. Now, you were elected chairman sort of in the midst of these, right?

Elected Chairman of the Tribe

Harry: Uh-huh, actually the latter part of it.

Seney: Did you take office in January [1995], the election in December, and take office in January? Is that how it works in this tribe? Because I know that's how it worked in the Fallon Tribe, they also had a change. So your predecessor, Mr. Alvin James, was involved in the first part of the negotiations and then you came in for the second part of the negotiations. Were you vice chairman during this time?

Harry: No, I was a councilman.

Seney: Just a regular member of the council. Did you run against Mr. James, by the way, or had he served his two terms and had to leave office?

Harry: No, I ran against him, Sherry Vidovich

[phonetic], Albert John. I think there were four of us and myself. Sherry Vidovich was the chairman, or vice chair at that time, but I think her position was up.

Seney: Why did you run against Mr. James?

"I was seriously thinking about not running . . . I was still working in Reno . . . there was a lot of work and I felt that possibly I might lose more by accepting . . . [and losing] benefits that I was being provided through the union. . . ."

Harry: I was seriously thinking about not running to begin with because of the fact that I was still working in Reno at that time in construction, there was a lot of work and I felt that possibly I might lose more by accepting a lesser amount of pay plus all of the benefits that I was being provided through the union.

Injury in 1994 Meant He Was Working in Pain

But in the latter part of '94, in fact, in September, I sustained an injury on one of the jobs, so from September through December it was weighing more and more on my mind because I was working hurt every day, and it just got to the point to where the pain was starting to bother me. Again, believing that things happen for a reason, maybe it's

something I need to consider. So I decided to throw my name in the hat to run for the position, and just narrowly won. (laughter) In fact, it was a mere five votes.

Seney: Is that right?

Harry: Yeah. But the race basically came down to myself and Albert John, and Albert John currently right now is the fishery assistant production manager for the fisheries out at Sudcliff.

". . . you take a look at tribal politics . . . whoever has the biggest family is going to get in. . . ."

But basically you take a look at tribal politics, and I know it's been said other places, but it's kind of a family–they always say whoever has the biggest family is going to get in.

Seney: That's what I hear. Let me turn this over.

END SIDE 1, TAPE 2. OCTOBER 13, 1995.
BEGIN SIDE 2, TAPE 2. OCTOBER 13, 1995.

Harry: As far as my family, we do have a lot of members, a lot of closeness here in people that are related to, but not near as many as some other families do. So I think through my years

of service to the tribe, the fact that I've always advocated for what's right, I've always been a real people person.

Seney: I know you're probably reluctant to criticize your predecessor, but obviously you thought maybe a change was needed and things could be done better, I take it?

". . . I had probably the longest length of time, I guess, with service to the tribe in the capacity as a vice chairman and as a councilman. . . ."

". . . reflecting back on those years . . . I saw that we were a tribe that was basically looked up to. We were starting to get progressive. And then I saw the couple of changes . . . and some of the damage that . . . affected the credibility of the tribe. . . ."

Harry: Well, actually I had probably the longest length of time, I guess, with service to the tribe in the capacity as a vice chairman and as a councilman. Like I said, in reflecting back on those years, there were years when I saw that we were a tribe that was basically looked up to. We were starting to get progressive. And then I saw the couple of changes that came along and some of the damage that was done as far as credibility, that affected the credibility of the tribe. And yet still trying to address the issues

that we had to deal with, you know, the water issues.

Seney: How did you think the tribe's credibility had been damaged?

"There were a series of closed-door meetings, people were getting terminated. In fact, that was the year I didn't run. . . ."

Harry: Well, there was an incident that took place, I think in '92. There were a series of closed-door meetings, people were getting terminated. In fact, that was the year I didn't run. In December of '91, I decided not to even run. I just needed to take a break for a year.

"I was trying to fight pretty much a family-oriented council. Again, the funding spending came up with different projects, and it just didn't seem right. . . ."

I was trying to fight pretty much a family-oriented council. Again, the funding spending came up with different projects, and it just didn't seem right. So I finally said, "Well, enough's enough." I told my wife, I said, "There's just no sense in fighting a futile fight. I'm just beating my head against the wall for nothing."

". . . I told several people that there better be some corrective measures taken, because the path that this tribe or this council is leading towards is . . . very, very detrimental. . . . I said, '. . . the tribe's going to fall flat on its face within six months, the way they're going.' It took four. They got to these terminations behind closed doors, the media got hold of it. . . ."

But the writing was on the wall. I told my wife and I told several people that there better be some corrective measures taken, because the path that this tribe or this council is leading towards is one that is going to be very, very detrimental. I told Bev, I said, "You wait and see. I hate to say it, but the tribe's going to fall flat on its face within six months, the way they're going." It took four. They got to these terminations behind closed doors, the media got hold of it. I mean, it was just a mess. (laughter)

Seney: It made the tribe look pretty bad?

Harry: Very bad. And even the heat came on Mr. [First name?] Lowery [phonetic] after this incident, then he resigned, so Alvin James stepped in.

Seney: He was the tribal chairman.

Harry: He was the vice chairman.

Seney: Mr. Lowery was the vice chairman?

Harry: He was the chairman. In fact, the previous year I ran against Mr. Lowery and lost by fifteen votes, but I was still able to serve on the council. No, I didn't, because I ran for the chairman's position that I couldn't run as a council [member]. So I said, "Well, that's it. I've got to go out and do what I have to do for my family."

So when Alvin came on board, there was still a lot of instability. A lot of members were coming and saying, "What can we do?" I said, "I can help advise you, but I can't get involved because I'm still looking." There was really no avenue for them to go, but I couldn't get involved to the extent that it could be damaging to my political career if I wanted to pursue something further, you know. I tried as much as I possibly could during those years that I was in, but the basic support from the people wasn't there. Maybe things could have improved had the membership got involved in acknowledging to the council, "Hey, these changes need to be made." But there was nothing there. It was like they were so of dependent on one or two people to voice the concerns of the whole membership, and it's hard. It's very hard.

So during the time when Alvin came in,

there was this instability and it still wasn't being addressed. So the following December in '91, I ran for council and then started questioning a lot of problems that we had internally, trying to make recommendations, trying to set forth a path that we can correct these issues, but it was still being ignored. We had a council at that time that was kind of divided. Again, some of the family structure. (laughter)

". . . we got new . . . councilpersons that were progressive-thinking, and so finally the tide turned. I kept bringing a lot of issues up that need to be addressed and asked them specific questions from key personnel that couldn't be answered or they wouldn't answer them. . . ."

But the positive thing that we got new councilmen, new councilpersons that were progressive-thinking, and so finally the tide turned. I kept bringing a lot of issues up that need to be addressed and asked them specific questions from key personnel that couldn't be answered or they wouldn't answer them. So that kind of brought a light to the council saying, "Hey, maybe something is not operating right here." And I tried to bring the bureau involved, because we're talking about programmatic funding.

Seney: The Bureau of Indian Affairs.

Harry: Yeah, but they still wouldn't get involved, but finally the tide started turning, so at least we were able to at least acknowledge our problems within our financial department. There were just so many issues coming up at that time, but in the meantime this black eye the tribe had been sent out to the media and the way it was handled, I mean, people were getting fired left and right.

". . . it got to the point . . . the tribe's financial budget was down to zero, so there were layoffs. . . . Must have been '93. So that's something we had to deal with as a council. . . . finally had . . . [to] get an auditing firm to just come and do a performance audit to identify our deficiencies. . . ."

Then it got to the point when in '92, the tribe's financial budget was down to zero, so there were layoffs. Or was it '93? Must have been '93. So that's something we had to deal with as a council. You know, what do we do about it? So we formulated the committee to start looking into internal problems, finally had to expend money and put out a RFP to get an auditing firm to just come and do a performance audit to identify our deficiencies.

Responsibilities of the Tribal Chairman

But basically it came down to a lack of leadership. And like I said, I hate to criticize my predecessors but that's what it boiled down to. And I think if you looked back with any organization that runs into those types of problems, it basically falls back to my position as a tribal chairman or tribal person, because, as the top administrator, this position is supposed to keep control of the respective departments and try to keep on top and identify problems and come to some kind of resolution to those problems, but they never took place.

Seney: Basically that's what led you to run for the tribal chairmanship?

Harry: Yeah, and then the other factor, like I say, getting back to my way of thinking, you know, things happen for a reason.

". . . I inherited these problems, and fortunately I have a very good staff, a very young aggressive staff, and I give them a lot of credit because most of them went through this troubled time and they're still here. . . ."

So I inherited these problems, and fortunately I have a very good staff, a very young aggressive staff, and I give them a lot of credit because most of them went through this troubled time and they're still here.

Decoupling the Truckee and Carson Rivers

Seney: Did you at all participate in the drawing-up of the tribe's position in the Settlement II negotiations?

Settlement II Negotiations

Harry: No, these positions were pretty much set for us and identified by the technical team again, but with concurrence from the council.

Seney: So you had another technical team made up of the chairman again and the attorney and Ali Sharoody?

Harry: Ali Sharoody and Paul Wagner, who was with the fisheries, the fisheries manager.

Seney: Right. And did Bob Pelcyger[7] [Pyramid Lake Tribal Attorney] play a role in drawing these up too?

Harry: It was a team effort, again, trying to play this chess game of trying to stay one jump ahead and being prepared, figuring that if one of the entities were going to come back with a proposal, counteract that proposal.

7. Professor Seney interviewed Bob Pelcyger for Reclamation's Newlands Project series of oral histories.

Seney: Did you really think that there would be a decoupling that the diversions would end from the Truckee to the project itself?

It Is Possible the Truckee River Could Be Decoupled from the Newlands Project

Harry: To be honest with you, I think that could be a reality, and the reason I say that is I've mentioned that at some other meetings. We did some follow-up meetings, were invited to Fallon shortly after the second round of negotiations, after they failed, and we acknowledged the fact, "Well, there's no sense of going on." And that question was posed to me at one of the community meetings there in Fallon, and I say the same exact answer. Yes, but there's a systematic way that that can be accomplished.

By Eliminating less Productive Lands the Acreage Could Be Reduced to the Point the Carson River Would Meet the Needs of the Project

The overall goal regarding decoupling is if the Bureau of Reclamation, T-C-I-D, again, these have all been previous position which actually go back in and start possibly targeting areas, identifying those areas of lands, identifying the lands that maybe are not as productive.

Issues with Fernley and its Water Supply

Essentially it's going to get the number down to where the Carson River should be able to meet the needs of the Lahontan Valley, knowing full and well that we still have an obligation to the Fernley area, but we're talking about a very small amount of water, on the average probably about 4,000 to 5,000 acre-feet, just to serve the agricultural needs.

In some respects, because of the growth that has continued in western Nevada, those agricultural lands, even in the Fernley area, are being taken out of production as we speak. So in reality, in time, I won't even say most of the agricultural land's going to be taken out of production, so there really wouldn't be a real need to divert water to the canal. I don't know what the agreements we're going to come up with, but it's a real possibility.

Seney: What was your impressions of the negotiations? Did you attend them, by the way, before you became chairman or you came into them?

Taking Part in the Settlement II Negotiations

Harry: I came into them. I think I attended the very first one in February and that was up in Reno at the Washoe County Planning Office.

Seney: Do you remember your impression of the negotiations?

Harry: I was a little apprehensive, because I didn't know who was going to be there. Actually, this was the first set of negotiations that I actually ever attended. I never attended anything as a vice chairman because we left that up to the technical team. I just couldn't take the time off. So I didn't know what to expect and I didn't really know what my key role was or, "Should I say this now?" Not understanding what the game is.

So I listened. I'm a listener, and trying to weigh things and seeing how other entities react and other people react and then weigh that information and then making a couple of statements. But it was like I got a really good feedback after the first meeting because several of the people that were at the table came and said, "You made a very valid point." So it was kind of an assurance. I mean, we're talking about a very technical area, and the points it did bring out were–I can't explain it, but they might have been seeing things through their eyes and I think I just kind of reinforced or hit on something that, "Well, yeah, we probably need to consider this."

But through that, like I said, I'm a

people person, so I was able to communicate, go up and talk with them, they'd come talk to me, and that kind of started the whole process. A lot of them actually identified the fact that, "We're really glad you got on board. We heard a lot of good things about you. We never had this type of rapport with the tribe with your predecessors."

Seney: Let me tell you one thing that a couple of people told me happened in the negotiations. I think the Fallon people raised the question of recoupment and can we talk about recoupment, and Bob Pelcyger said no, and you said, "Yes, we can, we'll talk about that." One of the people who reported this to me is someone who's very important in the negotiations but hadn't been really that involved in this issue and really missed what was later pointed out to this person as the important thing here, was it you kind of overruled Bob on this.

Stated in a Meeting That the Tribe Would Consider the Issue of Recoupment–Contradicting What the Tribal Attorney Said

Harry: Well, I'm the chairman.

". . . I didn't want to send the wrong message . . . I feel we got into the position that we have been as a tribe through an open-door policy in

communication . . . I felt it was my place at the time to reinforce . . . that the tribe is a willing participant. We will sit down anywhere, anyplace, anytime, and discuss any issue. It doesn't mean we have to agree to anything. . . ."

I am the representative of the tribe, and the reason I made that statement is because I didn't want to send the wrong message to those people sitting at that table, no, that nothing will not be discussed openly, and I feel we got into the position that we have been as a tribe through an open-door policy in communication and not a willingness to sit back and say, "No, we will not consider this. We will not discuss this." I mean, there are times when you can discuss certain issues, but I felt it was my place at the time to reinforce to everyone here that the tribe is a willing participant. We will sit down anywhere, anyplace, anytime, and discuss any issue. It doesn't mean we have to agree to anything.

Seney: You're aware, of course, that people think that Bob Pelcyger, whom I've interviewed and I like very much and he's obviously an extremely capable man.

Harry: Very knowledgeable.

Seney: Very committed to the tribe's interests and has

done a great job for the tribe. I don't think there's any question about that. But people feel as though maybe sometimes it's, you know, the old story of the tail wagging the dog, and that maybe now it's going to be a little different under your chairmanship, that you're going to be the critical person here.

Harry: Well, we have an understanding and our communication is very close.

Seney: Meaning between you and Bob?

Harry: Between Bob and I and Ali and the council. That's a key. You know, we need to be on the same wavelength in issues that affect the tribe, and a full understanding of what we're talking about in going in a position. Because if I were to go in and not understand what we're discussing and make a statement, I don't know what message that sends to the people that we're dealing with. Then it gives that very same impression you just discussed, "Well, the attorney is doing this and the chairman has no idea what's going on."

But through the years, I don't claim to be a lawyer. I don't claim to thoroughly understand everything, especially the technical aspects, because there's so much information out there and so many issues that are so

technical–the number-crunching. (laughter) There are so many models out there, also. The basis I do pretty much understand and that's what I try to stay along the lines, especially when I go into the meetings and all.

Seney: Are you optimistic? Even though the Settlement Two negotiations fell apart, my understanding was that there seemed to be an agreement on the wetlands part of it at the end, but that there was no really agreement over the level of diversions from the Truckee to the Project, and that was the sticking point that broke the whole thing down. Was that your feeling, too?

Issues after Failure of the Settlement II Negotiations

The Lahontan Valley Environmental Alliance (LVEA) Involvement in Settlement II Negotiations

Harry: Well, at the end of the February meeting that was held in Reno, there was pretty much a gentleman's agreement that would be discussed in March, which would have been the final session of the second round, with regard to numbers. L-V-E-A [Lahontan Valley Environmental Alliance] said, "We will go back and analyze these numbers. Then we'll come back to the March meeting based on those

numbers that were agreed upon by everyone."

Seney: This is the draft settlement, the five-year one?

Harry: Yeah. We met in Fernley. The very first morning L-V-E-A came back, all the numbers had increased. So you could see the disappointment of everybody around that table. Everybody around that room was like, "Well, here we are again."

Seney: Now, these are the numbers that had to do with the diversions from the Truckee?

Harry: Yeah. So we were back to square one again. So Gail Bingham, who was mediating the negotiations, said, "Well, it looks like we're back at square one. We really need to try to focus on are there any areas that we might be able to reach some type of agreement on?" So we went back to the areas again.

End of the day, L-V-E-A said, "Well, we've got to go back, we've got to talk to our constituents." So on and so forth.

Met the next morning. The information that came back still wasn't well received by everyone, so it just got to the point to where the

government, Betsy Rieke[8] and I met with–well, she asked me to come out because she was going to go back and talk to L-V-E-A, and finally she called me out and we went outside. She asked me what my feelings were; shall we continue?

Decision to End Settlement II Negotiations

I indicated to Betsy at that time, and Ernie Schank was out there also, I said, "We pretty much reached a gentleman's agreement last month hoping to come back in here and expand upon it, and that never happened. We're kind of facing some time frames and I think everybody gave it their best shot in trying to sit down to a second round to try reach closure on these issues. But the sentiment that was expressed this morning, the anger, it's probably best that we just end it right now before someone says something that could be very, very detrimental later on." Everybody made a good-faith effort trying to come to some type of resolution.

There was a water quality agreement.

I think you can say it was a success to the extent that there was a water quality agreement. The principle that was going to be expanded upon,

8. Assistant Secretary for Water and Science, U.S. Department of the Interior.

the fact that . . .

Seney: That's what you guys have reached Reno and Sparks, the water-quality agreement.

. . . the other success would be the fact that the Fallon Shoshone Paiute Tribe had control over their own irrigation projects. . . ."

Harry: Yeah. That came out of it and also the other success would be the fact that the Fallon Shoshone Paiute Tribe had control over their own irrigation projects. "So I think that it's probably best we just end. Now, we've made the attempt, everybody knows what the next step is and there's pending litigation that has to continue on and we need to move forward on it."

". . . from the tribe's perspective, we've always felt that the lack of participation from T-C-I-D, figuring . . . that without their participation the negotiations would fail. The tribe's always viewed that as pretty much a stall tactic . . ."

We can't sit back and say, "Well, let's try another round again," because if you look back into history, from the tribe's perspective, we've always felt that the lack of participation from T-C-I-D, figuring they had enough clout and not participate, I think they had the feeling that

without their participation the negotiations would fail. The tribe's always viewed that as pretty much a stall tactic and we didn't want to get into that situation, "Well, give us another sixty, give us another ninety days." We had pretty much an agreement the month before, numbers changed, so, no, it's time to move on.

Seney: What did you see as the future in terms of negotiation? The litigation you're talking about is, of course, the abandonment and forfeiture litigation.

What Will Happen after the Failure of the Negotiations: the Recoupment Issue

Harry: Right. And the recoupment. The recoupment was probably the biggest issue, and that, again, that was never brought up through the negotiations due to the fact that it was so complicated to begin with, there was no way anybody could have come to an agreement on that and still address any other issues.

Seney: My understanding is that both sides feel very strongly about that. T-C-I-D and the farmers feel very strongly that, well, they don't owe you anything. And you feel just as strongly, of course, I guess the agreed upon figure is a 1,058,000 acre-feet was diverted illegally and that the tribe needs that water back somehow.

You're shaking your head with kind of a serious look on your face, because you have a very serious position. I can understand how far apart you are, but do you see any possibility of negotiation or movement on that issue at all between the two sides?

TCID Took More Water than its Entitlement Even Prior to Refusing to Honor the OCAP from 1973 to 1986

Harry: At this point I would say no, because we're only talking about a period from '73 to '86 when OCAP was initiated and it was not adhered to. But you take a look previously from '73 all the way to the inception of the Newlands Project itself, and you take a look at the lake level, Pyramid Lake, and how much it's dropped. It sounds like a lot of water, it is a lot of water, and it was taken in a certain amount of period of time.

"The tribe's position is to get that water back in as short a time frame as possible. . . ."

The tribe's position is to get that water back in as short a time frame as possible.

Seney: And I guess what you're suggesting is that prior to '73 they were also taking more water then they were entitled to, just like they were from

'73 to '86.

Harry: Uh-huh.

Seney: So although the number is only a '73 to '86 number, from your point of view the number really ought to be bigger than that, but you're willing to take that number.

"We're willing to take what's been documented, and it's not our numbers, again, it's the federal government's numbers that have been identified. And essentially what we're trying to work towards is accepting that number as is, write the prior years off. . . ."

Harry: We're willing to take what's been documented, and it's not our numbers, again, it's the federal government's numbers that have been identified. And essentially what we're trying to work towards is accepting that number as is, write the prior years off. But we're trying to work to some type of agreement so where we can get this unappropriated water. We've got an agreement with the state already that no other water rights will be issued, but we're trying to ensure that there will be a supply of water during "normal years" that will maintain our lake. That's the bottom line.

". . . in good years, maybe we'll start increasing,

because we don't have a water right. That's already gone to Supreme Court. We do not have a water right for recreation or for a fishery. The only water right we have is a federal reserve water right for irrigation. But through these agreements, we feel that that's achievable. . . ."

> And in good years, maybe we'll start increasing, because we don't have a water right. That's already gone to Supreme Court. We do not have a water right for recreation or for a fishery. The only water right we have is a federal reserve water right for irrigation. But through these agreements, we feel that that's achievable.
>
> I think with regard to the agencies that we're working with and through the past ten years, there's been an acceptance of the tribe's position with regard to water quality and the primary basis. It's a very simple basis, as rather than spend millions and millions of dollars on a water-quality treatment facility, the simplest solution is to keep more water in the river and start working agreements around that. And finally through addressing conservation, through Sierra Pacific and things that were incorporated in the law in the Preliminary Settlement Agreement of really addressing the conservation programs, that enabled them to bring the awareness about to the community of

Reno-Sparks. It's one of the last major cities in the West that doesn't have a [water] metering program.

But through that whole process, I think it's brought the public a lot closer and made them more aware that, hey, we have a very, very precious resource here and it needs to be managed as best as can be. It's something that we're in a very critical environmental area that's very environmentally sensitive, so we have to protect that environment also.

". . . for the tribe, everything's centered around the lake as far as the way of life for the people, the river. There's a lot of respect that goes with water . . ."

I think for the tribe, everything's centered around the lake as far as the way of life for the people, the river. There's a lot of respect that goes with water, because it is basically a life blood. But just within a climate of the last ten years and through the process of open discussion and sit down, the tribe's come a very long ways and we plan on keeping that door open, keeping that line of communication going with the state, the agencies, because I think there's a realization now that we all need to work together.

Seney: Well, that's all I have to ask you. Anything else you want to add?

Harry: I guess the only part I would like to expand upon is . . .

Seney: Anything.

Relationship Between the Federal Government and the Tribe

". . . the trust responsibility, it's failed, but it's on the mend. There needs to be a more aggressive attempt, I think, to reaffirm that the protection is equal for all . . ."

Harry: I think as far as the federal government's role with regard to this whole issue since overseeing the tribe, the trust responsibility, it's failed, but it's on the mend. There needs to be a more aggressive attempt, I think, to reaffirm that the protection is equal for all and that the justice is there also. The tribe realizes that there is a way of life in the Newlands Project and it was destined to be that way, but it's also affected our lives down here by the way it was managed.

END SIDE 2, TAPE 2. OCTOBER 13, 1995.
BEGIN SIDE 1, TAPE 3. OCTOBER 13, 1995.

Seney: This is October 13, 1995. My name is Donald

Seney, and I'm with Norman Harry, the Tribal Chairman of the Pyramid Lake Paiute Indians, in his office in Nixon, Nevada. And this is our third tape.

Go ahead, Norm.

". . . the acknowledgment with regard to the Newlands Project is we realize that there is a way of life over there . . . But . . . there was basically a total disregard for what impact the diversions would have downstream. Maybe because it's a reservation, I don't know, but there were significant impacts that we talked about earlier, loss of the wetlands, Winnemucca Lake, so on and so forth. . . ."

Harry: I just wanted to elaborate a little bit more on the failed trust responsibility to the tribe. I indicated earlier that we as a tribe felt that hasn't taken place, but I think it is on the mend, but the acknowledgement with regard to the Newlands Project is we realize that there is a way of life over there and that's what the intent was, to settle the West, expand on utilizing arid lands into productive lands. But with that, there was basically a total disregard for what impact the diversions would have downstream. Maybe because it's a reservation, I don't know, but there were significant impacts that we talked about earlier, loss of the wetlands, Winnemucca

Lake, so on and so forth.

But I think that with the government's participation now within the last ten years, with the passage of the bill, the federal government still has that responsibility and it should really lack any type of political favoritism towards reaching some type of resolution to the problems, but just focusing on correcting and assuring that the protection is equal to both sides and, more importantly, for the region.

"The tribe itself is not happy with having to expend what revenues it does bring in, in having to pay attorney's fees. It's not only costly for us, but it's costly for every entity that we're dealing with. . . ."

The tribe itself is not happy with having to expend what revenues it does bring in, in having to pay attorney's fees. It's not only costly for us, but it's costly for every entity that we're dealing with. There has to be some type of systematic way of addressing those issues, and that also has to be considered as a cost effectiveness. I think we're living in an area with such a vital resource and a very limited capacity that we could possibly continue to have legal battles over this issue, but I think the climate is right that, if taking the right approach, maybe that could be limited.

Seney: Do you feel any responsibility for the Fallon Tribe's problems in the sense that if there is a decoupling and no more Truckee River water flows down into the project, that that may have some potentially adverse impact on the Fallon Tribe?

The federal government has a trust responsibility to protect the Fallon Paiute Tribe, but "We have first priority on the river. Our water rights take priority over everyone up above. . . ."

Harry: I don't have any will to the extent that, again, it's not a responsibility that we have as a tribe. It basically falls back on the responsibility of the federal government and the trust responsibility. They, the Fallon Tribe, I don't know what their water right issue is like, if they have first claim. I don't know if they do. We have first priority on the river. Our water rights take priority over everyone up above.

Seney: I don't know what the priority of the tribe is down there. Like everyone else, they gave up their rights for Newlands Project rights and promises that were not kept by the federal government. But the question you're asking, I don't really know.

Harry: As far as a responsibility, no, I don't think we do, and I say that not negatively to the tribe,

because they're in the same situation we are, putting that trust with the federal government.

". . . they probably lost a lot more by giving up the lands that they were originally living on, because it was prime farm lands that Fallon's built upon and they were put out there in the desert in the alkali area. . . ."

Actually, they probably lost a lot more by giving up the lands that they were originally living on, because it was prime farm lands that Fallon's built upon and they were put out there in the desert in the alkali area.

But I think when it gets down to management practices, we have to again, address everyone's needs, and the federal government, with relation to the Fallon Paiute Tribe, has a trust responsibility they also have to consider out there also.

We're talking about reductions. I don't know if I'm clear on this, but with the law that's in place with recoupment, if it does go through, I don't know if they're impacted, I don't think they are, by saying that everyone has a responsibility to repay this water as far as the water users. I don't think they do. I think they would be exempted. I'm not sure. I'm not clear on that.

Seney: There's a lot of uncertainty about who would pay the water back in the case of recoupment. I mean, there are people who say, "Well, we bought our land after the illegal diversions ceased. Do we have to pay it back?" So it's usually very complicated matters.

Harry: And it's going to be a lengthy process also. But just to answer your question, I said, no, I don't think that our tribe has to feel guilty about what happened down there, or I don't think we're going have any impact on it because of the fact that it depends upon what the federal government comes out with, what's equitable, and they have to keep all of that in mind.

Seney: How would you describe the Pyramid Lake Tribe's relationship to the Fallon Tribe?

Harry: Actually we're very close. A lot of our members have relatives over in that area. We've never really taken the approach to sit down with the Fallon Paiute Tribe to address our water issues or concerns. Since I've been on board, I've talked with them, but it's not actually strategizing together because we recognize a sovereignty. They have to do things for themselves, we have to pursue things on our own. And there were times where I think in the past, if I can remember right, that T-C-I-D would actually go out and meet with the Fallon

Tribe to try to get them on their side or say, "Yes, we'll address your issues," to try to get tribe against tribe.

But I think through it all there's an understanding now, at least I think a clarification from the Fallon Paiute Tribe from my discussion with some of the previous chairmen that it's in their best interest for looking out for themselves rather than depending on another governmental agency, especially like with T-C-I-D with everything that's going on right now. But we have a very good working relationship as far as communication and addressing other issues that impact us.

Seney: Could it be on Indian health matters, maybe?

Harry: Indian health matters, housing.

Seney: As long as it's not water. (laughter)

Harry: As long as it's not water. (Laughter)

People on the Newlands Project

Seney: What do you think of when you hear the farmers down in Fallon say, "Well, we've farmed this land for three or four generations"?

Harry: I indicated earlier, it's a way of life. The government's intent was to settle the West, and to this Reclamation project, that was the purpose. There's a history behind their farming, but there's also a history here. In fact, our history is longer than the Newlands Project. And I said, we're not trying to take anything from them, but there has to be an acknowledgment that we had a very limited resource.

Economic Impact of the Pyramid Lake Reservation in the Community

People will argue, "Well, it's just going down to the fish," so on and so forth. But yet I don't think anyone has really considered the economic turn over the dollar that's related regionally to western Nevada. On the average, we probably take in probably a half million dollars just in revenues from our permit sales. The people who are working here, I'd say because we lack in an economic development system right now but most of our revenues derived from the reservation goes to outside communities, Fernley and, most notably, Reno.

So how many times does that dollar turn over? It's quite a few because the recreational people that come out from the Reno-Sparks area in Northern California, they're going buying

campers, equipment, anything related to water activity out here, fishing. So our lake does have a significant impact economically to the region.

Seney: You know, as I drove in today I saw that the Truckee River's running into the lake.

Management of the Truckee River

Harry: It runs most years, minimal flows. As you're probably aware, we're trying to get some of the flows reversed.

Seney: Reverse the Floristan rates.

Harry: But again, it's just all part of the management of the river. One of the problems we've had, and it's just been recently recognized, is the fact that because of–and there's enough water storage from the reservoirs, it all rushes down. Sure, we have a successful spawn, but what does it do for the environment? Not a whole lot, because the water comes in, the cottonwoods, willows, whatever, that start seeding out, the seeds land, but then with the decline of the river [is] so fast, it doesn't give enough time for those roots to stay up with the water table, so again we're at that situation where we're devoid of trees.

So to this whole program of trying to restore the Lower Truckee River habitat, these

are the types of studies that are coming out. We're trying to acknowledge them. We need to make the river more environmentally sound for the fish, hopefully to negotiations or agreements that we're working on, eventually the lake in good years, normal years, will start actually elevating so we can get over the delta problem, trying to get the fish back upstream to start spawning naturally. That's the overall goal. And I'm just hoping 100 years from now that the reality, or dream, the dream that we're hoping to achieve here is a reality.

How the Future Looks

Seney: Feel pretty optimistic about it?

Harry: Well, I'm very optimistic in nature, and I think in this position you almost have to be. If you start thinking about the possibilities or being pessimistic, it could be very detrimental, I think, and it would actually show to the staff and display to the people you're dealing with, and that's something we just can't portray as a tribe and even trying to address our own well-being for the future, economic development.

We're just at this point or crossroads right now to where the communication, the doors have really opened up for the tribe, and I guess a lot of it probably depends on the

leadership. I don't know, obviously I don't brag on myself or I don't want to brag on myself, but the doors have opened. We're going in there and conducting business. And again, the overall goal objective is we've got to provide and safeguard our future generations.

Seney: I should have asked you, I mean to, to tell me a little bit about what the water-quality agreement means with Reno and Sparks. How does that actually work?

Water Quality Agreement with Reno and Sparks

Harry: I'll just hit on it in a nutshell. Reno-Sparks right now is going through this re-downtown development move. I guess the growth that Reno-Sparks is experiencing right now, it's hard for them even to maintain the water quality standards that are set. And for them to meet that, they're going to have to spend millions and millions of dollars again on their water-quality treatment. They're going to have to do probably sometime in the future too to try to meet those standards.

Again, we, the tribe, has been given state status so we have our own water-quality standards that we're almost very close to reaching closure on also.

". . . the main focus of the agreement is to provide instream flows to meet water-quality standards. . . . [on the] Lower Truckee River. . . ."

But the main focus of the agreement is to provide instream flows to meet water-quality standards. We're talking about Lower Truckee River.

Seney: The instream flows would be provided out of Stampede?

Harry: Stampede, or however the agreement's going to be written up. There's a process there also. But coming out most notably out of Stampede but used specifically only to meet water-quality standards and instream flow so there's a stability or flow of water to where if they want to start planting trees and so on, to start developing a canopy, they can do that.

Seney: What are you guys getting out of it?

Harry: We're getting clean water.

Seney: So in other words, their treatment plant's going to do a better job in treating what comes back into the Truckee so that by the time it reaches you, it will be good water.

Harry: It should be good water.

". . . what they're doing now is utilizing the effluent . . . for land application with their golf courses and all. . . . the amount of effluent that was currently being dumped into the river would have to be replaced with clean water. . . . They'd have to purchase water elsewhere to keep in the system."

And what they're doing now is utilizing the effluent, they've got plans proposed to pipe that water back up into Orr Ditch and start using that for land application with their golf courses and all.

Seney: Parks and golf courses and things.

Harry: So the amount of effluent that was currently being dumped into the river would have to be replaced with clean water.

Seney: So in other words, they're taking the effluent out and you're letting more water come down at the same time.

Harry: Yeah, and the fact that whatever water would be pumped back up for land application would have to be replaced with clean water. They would have to secure water rights to replace the amount of water.

Seney: And they have done that, have they? They've

gotten, what, 6,000 or 8,000 acre-feet of water to put into the river to do that?

Harry: Yeah.

Seney: So your contribution is to let more water out of either–I guess it could either be Prosser Creek or Stampede.

Harry: Yeah, however the agreement's going to be.

Seney: Right. So more water will flow down into their water treatment plant which now doesn't have to be as elaborate because the flows are better. They're taking the effluent out before it reaches you.

Harry: Yeah, and run a pipeline back up the Reno corridor and reuse that water.

Seney: And then they're putting other water back into the river system.

Harry: They'd have to purchase water elsewhere to keep in the system.

Seney: So you both win on this.

Harry: Uh-huh.

Seney: The tribe's position has really changed

remarkably in the last fifteen years. I mean, you must feel pretty good about that. I mean, it must make it easier for you to deal with people. You have a history of success and a reputation, the tribe does, for political influence which never hurts. Right?

Political Position of the Pyramid Lake Tribe

Harry: Don, to be honest, I don't think it's really hit me yet. I think about what's happened, but I'm going in and doing my job, I do what I have to do. You know, it's my job. But maybe when this is all over and done with, I'll probably sit back and say, "You know, we did a good job."

Seney: I'm not thinking so much about the job you're doing.

"We essentially will determine our own destiny here within the next couple of years. . . ."

Harry: No, I'm talking about the tribe as a whole. I'm not saying me personally, but I think when I'm up there in my fifties and sixties or whatever, I'll be sitting there and I'm sure my kids and grandkids will be, but I want to see a future for them and that's what we're working towards. And if we've got that opportunity now, we have to jump on it, we just can't sit back and I know we can't depend upon the federal government.

We essentially will determine our own destiny here within the next couple of years.

Seney: And that's the way it should be, isn't it?

". . . what we've accomplished so far just within the last ten years is very significant. . . ."

Harry: That's the way it should be. Like I said, what we've accomplished so far just within the last ten years is very significant. When you really start thinking about it, it was more destined to fail than succeed starting from just the first round of discussions all the way through Congress.

Seney: Well, you should have really lost the Interstate Compact. You should have lost that fight, by all odds.

Harry: Yeah, the odds were against us.

Seney: Yeah, they were.

Harry: But like I said, I still believe someone's watching over us. (laughter)

Seney: Well, at this point you'd have to believe. I can understand why you would.

Harry: I mean, it was so inconceivable at that time.

Why did it happen? I mean, they had everything going for them, and then all of a sudden Senator Laxalt's biggest supporters yank it. "You need to withdraw it."

Seney: I would think that in the position that you're in now, it would make negotiating with other parties a lot simpler.

". . . it's certainly not an alliance . . . just working that mechanism of negotiation is the key. We all know what the alternative is: litigation. . . ."

Harry: It's helped a lot. And like I said, it's certainly not an alliance here, but the doors have opened up and there's a real common understanding that, hey, if we've got problems, we need to sit down and discuss them. And just working that mechanism of negotiation is the key. We all know what the alternative is: litigation. (laughter) Someone's going to win, someone's going to lose. But that still doesn't address– especially it wouldn't really address a regional issue.

". . . this recoupment issue is going to be the big one. But. . . I look to prior years and I don't think there's any room for negotiation at all with regard to the number. In fact, I think it's low. . . . I feel that it needs to be replaced in the shortest amount of time as possible. I mean, there was

discussion you, know, [of replacement] over a period of 100 years, but that's inconceivable at this time as far as the tribe's concerned. . . ."

I mean, this recoupment issue is going to be the big one. But like I said, I already made my views known on that, and I look to prior years and I don't think there's any room for negotiation at all with regard to the number. In fact, I think it's low. But legally that's what been identified, we go off.

Seney: And you don't see at this point any possibility of working out some kind of an agreement with the people in Lahontan Valley over that?

Harry: Not at this point I don't, not on behalf of the tribe, unless it was taken at a certain amount of time, identified in a certain amount of time. And I feel that it needs to be replaced in the shortest amount of time as possible. I mean, there was discussion you, know, over a period of 100 years, but that's inconceivable at this time as far as the tribe's concerned.

Seney: I suppose you'd like it replaced in as short of amount of time so it would have the maximum impact on the lake.

Harry: The lakes, yes.[9]

Seney: Well, it's going to be a very difficult case and I guess what the federal government has just filed or is just about to file a lawsuit.

Federal Government Is about to File a Lawsuit Regarding the Recoupment Issue

Harry: They're just about to file a lawsuit. We were back in D.C. last month, I guess about this time. I met with John [D.] Leshy, and he indicated . . .

Seney: He's the solicitor for the Interior Department.

Harry: Yeah. In fact, I think he's the assistant secretary now. He took Betsy Rieke's place.

Seney: Did he take her place? I know he's overseeing the implementation of 101-618.

Harry: Yeah, but he's also a solicitor. So he's very familiar with the project, the problems, and he indicated at that time that they're very close to getting ready to file, the Department of Justice. So my understanding, the last discussion I had with Bob, is it's real close. They made the necessary changes, amendments, whatever they had to do.

9. Referring to Pyramid Lake and Lake Winnemucca.

Seney: But the policy decision's been made. They're going to go forward with it.

Water Issues of the Tribe and Town of Fernley

Harry: You know, the tribe's always been willing to sit down and we've indicated that a number of times, but we're still having internally finding creative ways in resolving some of these water-quality problems. Fernley has a domestic water supply that's very high in arsenic, minerals, I guess, and one of the proposals we've always been keeping in the back of our mind is, we have a very good source here along the river.

Seney: Especially in this new area.

Harry: Yeah, and they use the excuse that–and it could be true–the fact that the canal that's being used for agriculture replenishes their groundwater supply. Right now the big question is, they want a full E-I-S [environmental impact statement]. There's been an E-A [environmental assessment] done already, and we're trying to sit down with them and say, "Well, if we were to sit down and develop domestic source with our new properties, there would be your water source." But again, the plan, they would have to take some agricultural land out of production and dedicate for their domestic water. But these are the type of

creative things we're looking at to try to address some of the issues.

Seney: So you might agree with them to supply them water off of wells adjacent to the Truckee on your property?

Harry: On our property. There's legalities. The state indicated there would be jurisdiction problems, but we're thinking we can overcome a lot of that because we're trying to reach some type of equitable or achievable solution to their problem. Possibly we might be able to utilize their sewer system, I don't know. These are all the things that really need to be explored.

Seney: Are you talking with the people in Fernley at this point?

Harry: I've had some meetings with them. Getting some resistance from the attorney.

Seney: Which attorney?

Harry: Rebecca Harold.[10] Then kind of getting the other type of acceptance to the idea from Mr. Kelso, Bob Kelso.[11]

10. Professor Seney interviewed Rebecca Harold for Reclamation's Newlands Project series of oral history interviews.

11. Professor Seney interviewed Robert Kelso for Reclamation's

(continued...)

Seney: He seemed to accept it and she doesn't?

Harry: Well, the reason I say that, yeah, Bob seems to be receptive to the idea we need to work regionally on some of these issues. I'm going to be giving him a call here shortly to try to set up a meeting to see if we can address the issue, if we can formally come together with some type of plan that we can approach with the senator and try to get funding. [Tape recorder turned off.]

Tribe Is Trying to Take a Regional View of Water Related Issues

We can say with regard to any of the issues, we're trying to be creative and trying to resolve and address some of the issues regionally. We're certainly not just dependent upon the government or dependent upon our reliance on the government or someone on our behalf.

". . . we're trying to be creative and . . . aggressive and trying to reach some type of solutions towards overall achieving the goals–stability with the lake level and . . . safeguards for the environment . . ."

11. (...continued)
Newlands project series of oral history interviews.

You know, we're trying to be creative and trying to be aggressive and trying to reach some type of solutions towards overall achieving the goals–stability with the lake level and assuring and providing the safeguards for the environment associated with it.

Seney: Well, good. I said this before, that's all I had to ask, and we talked for another half an hour. Anything else you want to add?

The Good Faith Efforts of Senator Reid and Others

Harry: I think the only thing I can add is I think without the efforts, the good-faith efforts of congressional people, Senator Reid, to take the initiative to tackle this almost unachievable task, and the dedication that went along with the other entities that we're dealing with, I think we can just pat each other on the back for the efforts and dedication to the process, and we need to continue that type of interaction for the future.

Seney: Okay. On behalf of the Bureau, I really appreciate your talking to us and taking part in the project.

Harry: Well, I'm glad you came out. There's so many things we can talk about.

Seney: Oh, we can talk for days, I know. It's hard to know what to say and to winnow it down. But remember, this is one interview of many that I'm doing and I'll be with Mervyn Wright[12] this afternoon. I've talked to Joe Ely, I'll be talking to him again, and Bob Pelcyger. And I'm going to come and talk to the fellow who runs your fish hatchery

Harry: Paul Wagner.

Seney: Yes, exactly. So we should get a pretty good picture of what the Pyramid Lake is doing, I hope.

Harry: Well, I hope I hit on everything.

Seney: You did. You did. You gave us a good sense, too, of the Indian point of view and your own personal point of view.

Harry: Yeah, and I guess acknowledge what I've witnessed. We go forward. I'm optimistic.

Seney: Good. Thanks again.

END OF SIDE 1, TAPE 3. OCTOBER 13, 1995.
END OF INTERVIEW.

12. Professor Seney interviewed Mervyn Wright for Reclamation's Newlands Project series of oral histories.