

# EXHIBIT 1

Declaration of  
Kathleen L. Rehberg

KATHLEEN L. REHBERG DECLARATION; Case 3:21-cv-00103-MMD-CLB

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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\_\_\_\_\_  
BARTELL RANCH LLC, et al., )  
Plaintiffs, )  
v. )  
ESTER M. MCCULLOUGH, et al., )  
Defendants. )  
\_\_\_\_\_  
WESTERN WATERSHEDS PROJECT, )  
*et. al.* )  
Plaintiffs )  
v. )  
UNITED STATES BUREAU OF LAND )  
MANAGEMENT, et al, )  
Defendants. )

Case No. 3:21-cv-0103-MMD-CLB  
Related Case No. 3:21-cv-103-MMD-CLB  
(Consolidated)

**DECLARATION OF KATHLEEN  
REHBERG IN OPPOSITION OF  
PLAINTIFFS' MOTION TO AMEND  
COMPLAINT**

KATHLEEN L. REHBERG DECLARATION; Case 3:21-cv-00103-MMD-CLB

I, Kathleen L. Rehberg, hereby declare and state as follows:

1. I am the Field Manager for the Humboldt River Field Office, Bureau of Land Management (BLM), United States Department of the Interior, located in the BLM's Winnemucca District Office (WDO) in Winnemucca, Nevada. I have been employed by BLM for 13 years, and I have held my current position since January 2021. Prior to that I was the Assistant Field Manager (AFM) for Minerals and a Geologist for the Winnemucca District.

2. Before coming to the BLM, I received my BA in Geology from the College of Charleston in 2007. While working for the Winnemucca BLM, I was nominated for training to become a Certified Mineral Examiner (CME) candidate for the BLM in 2012, and I completed that training in 2014. In my capacity as a Geologist, I have been the Project Lead on three Environmental Impact Statements (EISs), five Environmental Assessments (EAs) and numerous other minerals projects. I was also the Project Lead and Geologist for the previous mining and exploration activities in the area of the Project, which were conducted by Lithium Nevada Corp. (LNC) and its predecessors and approved by BLM.

3. In my capacity as Field Manager, I oversee the authorized and proposed activities on public land that occur within the Humboldt River Field Office (HRFO), and supervise the staff in the Minerals, Range, Recreation, Cultural, Natural Resources, and Lands, Divisions within the Field Office.

4. The Record of Decision (ROD) for the Thacker Pass Project (Project), was signed on January 15, 2021, by WDO District Manager Ester McCullough. For any operations approved in the ROD that impact a cultural site, in order to avoid penalties or enforcement action under BLM's Surface Management Regulations, 43 C.F.R. Subpart 3809, LNC must obtain both the Archeological Resources Protection Act (ARPA) permit and the field work authorization for work outlined in the Historic Properties Treatment Plan (HPTP) before impacting any sites that are outlined in the HPTP.

5. HRFO requested written input into the ARPA permit from the Reno-Sparks Indian Colony (RSIC) on July 9, August 10, August 12, and September 10, 2021. The September

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1 10 letter specifically requested that by September 24, RSIC submit comments or arrange for  
2 consultation.

3 6. During this time, HRFO was attempting to set up a consultation meeting with  
4 RSIC. On September 23, HRFO proposed a tentative date of October 5, 2021, pending RSIC's  
5 confirmation of the date, time, and agenda. Having not received such confirmation, on  
6 September 26, 2021, my colleague Mark Hall emailed RSIC asking for confirmation regarding  
7 the meeting on October 5 and asking what the agenda topics were. On September 28, 2021,  
8 HRFO sent another letter to RSIC stating that the ARPA permit would be signed that week, but  
9 that additional mitigations could be included in the field work authorization. On September 29,  
10 2021, HRFO received confirmation that RSIC wanted to meet on October 5.

11 7. On September 29, 2021, the BLM Nevada State Office approved ARPA Permit  
12 N-100767. The BLM Nevada State Office's cover email transmitting the approved ARPA  
13 permit advised the recipient that no field work could begin until WDO issued a field work  
14 authorization, and that the field work authorization may contain special stipulations to be  
15 followed during the mitigation work.  
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17 8. The October 5, 2021, meeting with RSIC was rescheduled and ultimately held on  
18 November 16, 2021. WDO met with RSIC pursuant to the Department's ARPA regulations at 43  
19 C.F.R. Part 7. On November 17, 2021, I received an email from Mr. Will Falk, on behalf of  
20 RSIC, following up on several questions from the meeting the previous day, including whether  
21 RSIC's appeal of the issuance of the ARPA permit had been denied.

22 9. On November 29, 2021, I responded to Mr. Falk's email, confirming that his  
23 request for reconsideration of HRFO's decision on RSIC's appeal of the issuance of the ARPA  
24 permit under the Department's regulations at 43 C.F.R. Part 7 had been denied. I also confirmed  
25 that the field work authorization had not yet been issued and requested that Mr. Falk send any  
26 suggested terms or conditions for the field work authorization by December 10, 2021.

27 10. I received an email from Mr. Falk on December 8, 2021, requesting a draft of the  
28 field work authorization and proposing a few suggested terms and conditions for the field work

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1 authorization. HRFO reviewed the proposed terms and considerations and in a December 16,  
2 2021 email to Mr. Falk, I informed him that HRFO would be unable to incorporate the suggested  
3 terms and conditions. Later that day, on December 16, 2021, HRFO issued the field work  
4 authorization for the work outlined in the HPTP.

5  
6 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.  
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8 Executed on this 21<sup>st</sup> day of December 2021 in Winnemucca, Nevada.

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11 Kathleen L. Rehberg  
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