

Exhibit 13:

Third Declaration of Michon R. Eben

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UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

BARTELL RANCH LLC, et al.,)	Case No.: 3:21-cv-80-MMD-CLB
)	(LEAD CASE)
Plaintiffs,)	
)	
v.)	THIRD DECLARATION OF
)	MICHON R. EBEN
ESTER M. MCCULLOUGH, et al.,)	
)	
Defendants,)	
and)	
)	
LITHIUM NEVADA CORPORATION,)	
)	
Intervenor-Defendant.)	

WESTERN WATERSHEDS PROJECT, et al.,)	Case No.: 3:21-cv-103-MMD-CLB
)	(CONSOLIDATED CASE)
Plaintiffs,)	
)	
RENO SPARKS INDIAN COLONY, et al.,)	

Intervenor-Plaintiffs,

and

BURNS PAIUTE TRIBE,

Intervenor-Plaintiff.

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR, et al.,

Defendants,

and

LITHIUM NEVADA CORPORATION,

Intervenor-Defendant.

I, Michon R. Eben, hereby make the following statements:

1. On Friday, September 10, 2021, I emailed and mailed a letter to Ms. Kathleen Rehberg, Field Manager of BLM's Humboldt River Field Office. I also copied Ms. Ester McCullough, District Manager for BLM's Winnemucca District. In that letter, I notified BLM that, because of the new evidence about the September 12, 1865 massacre, RSIC believed if BLM issued an ARPA permit under the current HPTP that BLM would be in violation of both the Archaeological Resources Protection Act and Native American Graves Protection and Repatriation Act.

2. Later on September 10, 2021, BLM emailed me a letter stating that "BLM

1 would like to conduct formal government-to-government consultation with your
2 tribe on the Archaeological Resource Protection Act (ARPA) permit for the
3 Lithium Nevada Thacker Pass project.” BLM also wrote: “Please provide any
4 comments you might have or arrange for consultation by Friday, Sept. 24, 2021.”

5 3. On Thursday, September 23, 2021, I spoke with Ms. Rehberg and BLM
6 Winnemucca Archaeologist Mark Hall and arranged for a consultation meeting on
7 October 5, 2021. Ms. Rehberg and Mr. Hall led me to believe that consultation for
8 the ARPA permit was ongoing.

9 4. On Wednesday, September 29, 2021, I wrote an email confirming the
10 conversation I had with Ms. Rehberg and Mr. Hall from the week before about
11 the October 5 meeting. Twenty minutes later, I received an email from Shannon
12 Deep, BLM District Archaeologist and Native American Coordinator, stating that
13 the ARPA permit would be issued during the week of September 27, 2021.

14 5. When I spoke with Ms. Rehberg and Mr. Hall on September 23, I believe
15 they likely knew that they were planning on issuing the ARPA permit during the
16 week of September 27. It was an act of bad faith and dishonesty not to disclose
17 the plans for issuing the ARPA permit during the week of September 27,
18 especially when they led me to believe the October 5 meeting was part of
19 ongoing consultation for the ARPA permit.

20 6. On Thursday, September 30, 2021, I spoke on the phone with BLM
21 Lead Archaeologist of the Nevada State Office Bryan Hockett. He confirmed that
22 he signed the ARPA permit on September 29, 2021. He also explained that he

1 was retiring from BLM that same day (September 30). It appears to me that BLM
2 rushed the ARPA permit to get Mr. Hockett to sign it before he retired and before
3 an interim archaeologist took his place.

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5 Executed on this 29th day of November, 2021.

6 /s/ Michon R. Eben

7 Reno-Sparks Indian Colony
8 Cultural Resources Manager
9 Tribal Historic Preservation Officer
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