

EUREKA COUNTY BOARD OF COMMISSIONERS

September 5, 2014

STATE OF NEVADA)
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COUNTY OF EUREKA)

CALL TO ORDER

The Board of Eureka County Commissioners met pursuant to law on September 5, 2014. Present were Chairman J.J. Goicoechea; Vice Chairman Jim Ithurralde; Commissioner Michael Sharkozy; District Attorney Ted Beutel; and Executive Assistant, Jackie Berg. The meeting was called to order at 9:30 a.m. and began with the Pledge of Allegiance. The interactive video conferencing system was connected and utilized between Crescent Valley and Eureka for the entire meeting.

APPROVAL OF AGENDA

Commissioner Ithurralde motioned to approve the September 5th agenda as posted; Commissioner Sharkozy seconded the motion; motion carried 3-0.

PUBLIC COMMENT

Chairman Goicoechea opened the floor for public comments; there were none.

APPROVAL OF MINUTES

August 19, 2014, Commission Meeting: Commissioner Sharkozy motioned to approve the minutes of the August 19, 2014, Commission meeting; Commissioner Ithurralde seconded the motion; motion carried 3-0.

FINANCE

Payment of Expenditures: Expenditures were presented for approval by Recorder & Auditor, Mike Rebaleati. Commissioner Ithurralde motioned to approve expenditures in the amount of \$13,583.48 for Fiscal Year 2013-2014 accounts payable, \$1,666,590.32 for Fiscal Year 2014-2015 accounts payable, \$416,587.63 for payroll, and \$910,920.89 for a pass-through tax allocation to the School District, for a grand total of \$3,007,682.32; Commissioner Sharkozy seconded the motion; motion carried 3-0. Commissioner Sharkozy motioned to approve Yucca Mountain expenditures in the amount of \$6,179.95; Commissioner Ithurralde seconded the motion; motion carried 3-0.

Auditor's Report: Mr. Rebaleati noted that the Auditor's Report reflected the expenditures just approved. Even with a large payment to Legacy Construction & Development for the Robins Street Improvements & Utility Upgrades Project, he was pleased to report fund balances remained at \$48 million.

Certificate of Achievement for Excellence in Financial Reporting: Notification was received from GFOA (Government Finance Officers Association) that Eureka County and Recorder & Auditor, Mike Rebaleati, were recipients of the Certificate of Achievement for Excellence in Financial Reporting. The Commissioners publicly acknowledged and congratulated Mr. Rebaleati who has been recipient of this award for several years running.

Bill Draft Request – Net Proceeds: Mr. Rebaleati and the Board discussed a Bill Draft Request submitted by Nevada Association of Counties to change net proceeds of minerals payments from a pre-payment schedule to a post-payment schedule for counties. This proposed legislation is a step in the right direction, but it still allows for the State of Nevada to receive net proceeds on a pre-pay schedule from the mines. Everyone agreed that the change will not work unless the State also participates in a post-pay method, rather than simply holding the counties' distribution.

The mining industry favors returning to a post-payment schedule, but the Governor will have to advocate it as well because of the gap it will create in his budget. Mr. Rebaleati feels this might be addressed with a blended system, where a partial pre-payment is made in the interim so the State and counties aren't faced with a year of no payments whatsoever.

With the 2014 General Election ballot question related to net proceeds, which will likely remove net proceeds from the Nevada Constitution, multiple proposed legislation to address net proceeds can be expected during the 2015 Legislative Session.

COMMISSIONERS

Update Reports: Chairman Goicoechea attended a tour of Porter Canyon on August 20th; chaired the Sagebrush Ecosystem Council meeting in Carson City on August 21st; participated by phone in the Nevada Association of Counties meeting on August 21st to give an update on the 2014 Nevada Greater Sage-Grouse Conservation Plan; has participated in multiple phone calls with attorneys, mining companies, agricultural industry people, neighboring County Commissioners, etc., regarding a variety of issues including the Sage-Grouse Plan, US Fish & Wildlife Service's data call, the Reid/Heller proposed legislation, and the Nevada Land Management Task Force's recommendation to the Nevada Legislative Committee on Public Lands (this is discussed in more detail under Natural Resources); and has been working with Public Lands Council and Nevada Cattlemen's Association on some litigation issues. Chairman Goicoechea added that the Sagebrush Ecosystem Council is requesting comments back on the draft plan (2014 Nevada Greater Sage-Grouse Conservation Plan) by September 12th, prior to their October 1st meeting in which they plan to adopt the final plan; the content has been laboriously debated, so they are looking for comments that focus on clarification to circumvent future misinterpretation.

Commissioner Sharkozy attended the Crescent Valley Volunteer Fire Department meeting on August 26th, and attended the Regional Transportation Commission meeting on the morning of September 5th.

Commissioner Ithurralde met with representatives of the Medical Clinics Advisory Committee and staff of the Recorder's office on August 21st regarding billing for mandatory drug testing; attended the Nevada Association of Counties meeting in Gerlach on August 21st, followed by a tour of Burning Man in the Black Rock Desert near Gerlach; and met with Bob Stephenson, Community Development Corporation board member, and the District Attorney on September 3rd to discuss dissolution of the CDC.

CEDS Resolution: The final Eureka County Comprehensive Economic Development Strategy was reviewed by the Board during their last meeting. The resolution adopting the CEDS and a transmittal letter for submission to the US Economic Development Administration were now before the Board for consideration. Commissioner Ithurralde motioned to adopt the resolution approving the 2014 Eureka County Comprehensive Economic Development Strategy and authorized the Chairman to sign the transmittal letter to the US Economic Development Administration; Commissioner Sharkozy seconded the motion; motion carried 3-0.

RESOLUTION
OF THE BOARD OF EUREKA COUNTY COMMISSIONERS APPROVING THE
EUREKA COUNTY COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS)
AND AUTHORIZING SUBMISSION OF THE CEDS TO THE
US ECONOMIC DEVELOPMENT ADMINISTRATION

WHEREAS, the Eureka County Economic Development Program Board of Directors, has completed the task of overseeing preparation of the Eureka County Comprehensive Economic Development Strategy (CEDS) for Eureka County; and

WHEREAS, economic and community development is important to the future of Eureka County; and

WHEREAS, the Eureka County Economic Development Program Board of Directors has reviewed the economic situation in Eureka County and has identified opportunities for economic growth and has set forth goals and strategies for achieving economic development in the County; and

WHEREAS, the strategies recommended by the Eureka County Economic Development Program Board of Directors are outlined within the August 2014 eureka County Comprehensive Economic Development Strategy (CEDS);

NOW, THEREFORE, BE IT RESOLVED that the Eureka County Board of Commissioners does hereby adopt the August 2014 Eureka County Comprehensive Economic Development Strategy and directs that the CEDS be transmitted to the US Economic Development Administration.

Adopted this 5th day of September, 2014.

BOARD OF EUREKA COUNTY COMMISSIONERS
Eureka County, State of Nevada

/s/ J.J. Goicoechea
J.J. Goicoechea, Chairman

Attest: /s/ Beverly Conley
Beverly Conley, Eureka County Clerk

Nevada 150 Proclamation: As part of Nevada’s Sesquicentennial celebration, White Pine County is coordinating an event with the three counties that make up the Great Basin Regional Development Authority. They would like each county to adopt a proclamation and plan to have a Pony Express rider pick up each proclamation on the respective courthouse steps to be subsequently delivered to the Governor at the State Capital in Carson City. Commissioner Ithurralde motioned to adopt the Nevada 150 Proclamation in recognition of Nevada’s Sesquicentennial celebration and in honor of the 150th anniversary of the Town of Eureka; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Eureka, Nevada

September 5, 2014

***NEVADA 150 PROCLAMATION
EUREKA COUNTY, NEVADA***

WHEREAS, on October 31, 1864, after thousands of years as a sacred home to indigenous people, Nevada became the 36th state to enter the Union of the United States of America.

WHEREAS, over the past 150 years, countless Nevadans have lived, worked, learned, and played in a state rich with history, culture, and the promise of opportunity.

WHEREAS, Nevada’s Sesquicentennial, the 150th anniversary of Nevada’s admission to the Union, will provide opportunities for celebration and reflection as we come together statewide to commemorate our shared history and build a foundation of cultural appreciation for generations to come.

WHEREAS, the celebration commenced on Nevada Day 2013 and will conclude with a statewide Nevada Day celebration on October 31, 2014.

WHEREAS, the celebration includes community events, legacy projects, arts and cultural programming, educational resources, and much more for all Nevadans to participate in.

WHEREAS, the Nevada Sesquicentennial celebration is an opportunity for us to share our history, our culture, and our future with each other and with people from around the world.

WHEREAS, the Town of Eureka is proud to also be celebrating its 150th anniversary with its inception due to the major mining boom of 1864.

*NOW THEREFORE, the Eureka County Board of Commissioners does hereby proclaim **Eureka County to be Battle Born and Nevada Proud.** In and for Eureka County, we urge all citizens to give recognition and appreciation to the Nevada Sesquicentennial Celebration and encourage all citizens to get involved with this once in a lifetime celebration for our community and State.*

IN WITNESS WHEREOF, we have proudly set our hand to this Nevada 150 Proclamation on this 5th day of September, 2014.

*BOARD OF EUREKA COUNTY COMMISSIONERS
COUNTY OF EUREKA, STATE OF NEVADA*

/s/ J.J. Goicoechea

J.J. Goicoechea, Chairman

/s/ J.P. Ithurralde

J.P. "Jim" Ithurralde, Vice Chairman

/s/ Michael Sharkozy

Michael Sharkozy, Member

Attest: */s/ Beverly Conley*

Beverly Conley, Eureka County Clerk

SENIOR CENTERS

Update Report: Senior Center Site Directors, Millie Oram and Adell Panning reported on their respective centers. In August, Eureka served 1,055 meals and Crescent Valley served 723 meals. A total of \$9,508.32 was deposited for the month. The walk-in refrigerator at the Fannie Komp Senior Center failed again, but staff noticed it in time to move all food to the unit at the concession stand. Snyder Mechanical of Elko replaced the controller, which they suspect was burned up in a recent power bump.

The Fannie Komp Senior Center recently passed the random State Health Inspection with no deficiencies, resulting in a score of 100%. The Eureka Senior Center recently had an inspection conducted by Nevada Aging & Disability Services Division, and also passed with a high score. Both Directors will attend the Aging & Disability Resource Center Conference sponsored by Nevada Aging & Disability Services Division in Reno on September 10th-11th.

Crescent Valley Activities Program: Ms. Panning reported on recent events under the Crescent Valley Activities Program. The Back to School Party was a great success and backpacks were given to the approximately 50 children who attended. The next event is the Spook Walk. Ms. Panning notified the Board that the Social Activities Coordinator has submitted a letter of resignation. She will bring a request forward at the next meeting to fill this vacancy so the program events can continue.

ROAD DEPARTMENT

Report on Activities: Road Department Superintendent, Raymond Hodson, reported on Road Department projects and activities. Work continues on roads throughout the County with blading, hauling material, repairing washouts, mowing, etc. This included quite a few roads in Diamond Valley, as well as Mustang Road, Monitor Road, Roberts Creek Road, Sheep Creek

Road, Union Pass, JD Ranch Road, Rose Ranch Road, Geyser Road, Spa Road, Dann Road, and Mary's Mountain from Interstate-80 to the base of the hill. Hot mix patching was done in both towns – Eureka and Crescent Valley. Crews assisted during the Eureka County Fair setting up panels, filling the mud volleyball pits, and providing a tractor, but the Fair Board obtained their own water truck and provided equipment operators.

PUBLIC WORKS

Robins Street Improvements & Utility Upgrades Project: Public Works Director, Ron Damele, reported that a final walk-through for the Robins Street Project was conducted on August 28th and the Notice of Completion was filed on August 29th. Final work included installation of the asphalt cement curb, vacuuming of the sewer and storm drain, installation of signs, roadway striping, and construction cleanup. Installation of the fiber conduit will begin the next week to support a future radio repeater and provide connectivity between the School District's bus barn, the road shop, and the County warehouse.

Residential Water & Sewer Application: A residential water and sewer application was submitted to Public Works and Mr. Damele confirmed that the utilities have the capacity to support these connections. Commissioner Ithurralde motioned to approve the water and sewer application submitted by Dennis Cunningham for new service located at 300 O'Neil Avenue in the Town of Eureka; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Update on School District Parcel Map: To answer an inquiry by the Board, Mr. Damele reported that the parcel map submitted by the School District is still awaiting necessary signatures and will be placed on a future agenda.

EUREKA COUNTY SHERIFF

Hiring Freeze Waiver Justification: Sheriff Ken Jones and Undersheriff Keith Logan submitted a Hiring Freeze Waiver Justification form. This form was adopted with the Board's resolution of June 20th declaring revenue shortfalls and implementing a hiring freeze. The form is to be submitted to the Commissioners for consideration before hiring any vacant positions. The Sheriff's Office request was to fill a vacant Deputy Sheriff position in detentions. Of the five Deputies assigned to the jail, two vacancies currently exist and another staff member is off on medical leave. Patrol Deputies have been utilized to cover shifts in the jail, but this has resulted in excessive overtime.

The option of filling this position in light of the recently reinforced attrition policy was debated at length. The Sheriff and Undersheriff cited statutory requirements and liability issues associated with staffing the Detention Center. Staffing levels and patrol schedules were reviewed. Between patrol and detentions, there are currently three detention officers, three patrol officers, a Sergeant, and a Lieutenant, plus the Undersheriff and Sheriff. Chairman Goicoechea offered that if the Sheriff's Office felt detention coverage was a significant liability, they may have to determine whether patrol coverage should be diminished. Commissioner Ithurralde agreed, noting that he has received unfavorable comments from constituents when multiple deputies are seen patrolling an area simultaneously.

Commissioner Sharkozy stated he was in favor of granting the hiring request since this position was budgeted. Chairman Goicoechea and Commissioner Ithurralde commented that they were reluctant to authorize hiring this position, but felt it might be cost effective due to the large amount of overtime being paid to patrol staff temporarily assigned to the jail. Mr. Rebaleati provided information that over the past four months, the Sheriff's Office had 541 hours of overtime at a cost of approximately \$24,000.00.

Chairman Goicoechea suggested the fifth detention position (currently vacant) should be relinquished as a condition of authorizing the current request. Undersheriff Logan offered to rework scheduling in the jail, on a trial basis, in order to provide coverage with four staff

members rather than the budgeted five positions. Commissioner Sharkozy motioned to waive the hiring freeze and authorize filling the vacant Deputy Sheriff-Detention position and to leave the remaining detention position vacant. With some reservation, Commissioner Ithurrealde seconded the motion. Motion carried 3-0.

Notice of Class Action: A notice was received announcing pricing litigation class action against US Foodservice, Inc. During the period under review (1998 to 2005), Eureka County purchased nearly \$16,000.00 in food from this company for the Detention Center and the Senior Centers. The County has payment records, but no longer has itemized invoices for these purchases. Commissioner Ithurrealde motioned to authorize the Sheriff's Office to move forward with entering Eureka County's information on the associated website to determine eligibility for participating in the class action litigation against US Foodservice, Inc.; Commissioner Sharkozy seconded the motion; motion carried 3-0.

CLERK & TREASURER

Amended Treasurer's Report: Clerk & Treasurer, Beverly Conley, presented an amended Treasurer's Report for July. She explained that the overall ending balance for the County was unchanged, but at the request of Mr. Rebaleati, some fund balance adjustments were made which affected the ending balance for June and the beginning balance for July.

Election Worker Resolution: The Election Worker Resolution sets the rate of pay for pollworkers, Counting Board members, and other election workers. Ms. Conley considered updating the resolution due to the difference in the amount paid to election workers versus County workers (who typically receive their overtime rate when working elections). Ms. Conley spoke with election workers and most prefer to donate their time. Also, the department heads are willing to donate staff hours to elections, whereby staff would receive their regular hourly rate paid by the department rather than their overtime rate paid from the election budget. Due to this, Ms. Conley and the Board agreed there was no need to update the resolution at this time.

MEDICAL CLINICS ADVISORY COMMITTEE

Medical Clinic Service Request Form: In June the Board approved a Medical Clinic Service Request form to be utilized when requesting services for employees or volunteers from the local medical clinics administered by Nevada Health Centers. Medical Clinics Advisory Committee Chair, Garney Damele, and Vice Chair, Maureen Torres, were in attendance to present an updated form as well as the final form for inmate services which will be utilized by the Sheriff's Office. Commissioner Ithurrealde motioned to accept the revised Medical Clinic Service Request form and the Inmate Medical Service Request form; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Employee Drug Screening: The Recorder's office has agreed to initiate the form when ordering random drug tests for employees. The form will then be forwarded to the appropriate department. The Recorder's office will complete the payment vouchers for drug testing fees.

Mid-Level Provider for Eureka Medical Clinic: Nevada Health Centers sent notification that Jason Rusk, Physician Assistant, and his family will be relocating to Eureka. Mr. Rusk currently works in one of their Las Vegas clinics and should begin work in Eureka on October 13th. NVHC continues to recruit for the vacant physician position.

CDL Physicals: The contract with NVHC requires provision of physical examinations for commercial vehicle drivers. NVHC is pleased to announce that both Mr. Rusk and Laurel Kleinman, APN, are certified to conduct physical examinations for commercial drivers.

PRIVATE ACTIVITY BOND CAP ALLOCATION

2014 Allocation: The Private Activity Bond is a funding mechanism to finance specific projects including certain construction, utility, or transportation projects. The allocation is based

on the population of each county. Nevada Department of Business & Industry notified Eureka County that their 2014 allocation is \$107,244.04. The County may utilize this amount to issue private activity bonds or may transfer the allocation to a qualifying entity. In past years, Eureka County has transferred this to Nevada Rural Housing Authority. Recently notification was received from NRHA that they have met their program goals for this year and have no need for this provision. Any portion not used reverts back to the State for similar programs.

Commissioner Ithurralde motioned to allow the Private Activity Bond Cap allocation to revert back to the Director of the Nevada Department of Business & Industry; Commissioner Sharkozy seconded the motion; motion carried 3-0.

NATURAL RESOURCES

Report on Activities: Natural Resources Manager, Jake Tibbitts, reported on recent activities. Mr. Tibbitts attended the Porter Canyon tour on August 20th; attended the Nevada Legislative Committee on Public Lands workshop on August 28th; participated in a conference call with the Nevada Weed Management Association on August 29th; met with Marsha Gipson, Northern Nevada Field Office Chief with the US Geological Survey, on September 4th; and attended a County Advisory Board to Manage Wildlife meeting on the evening of September 4th.

Upcoming Meetings: Upcoming meetings include the Natural Resources Advisory Commission meeting on September 10th; a meeting at the Dean Ranch on September 11th to review the medusahead infestation; a State Land Use Planning Advisory Council meeting in Ely on September 12th; and a Central Nevada Regional Water Authority meeting in Lovelock on September 12th.

Porter Canyon Tour: The Porter Canyon tour in Smith Creek Valley had 40 to 50 people in attendance including politicians, agency representatives, and a few industry people. Pinyon-juniper thinning was done in Porter Canyon in 2009 and the tour was very informative in showing the beneficial effects. The University of Nevada is working with USDA Agricultural Research Service to continue detailed monitoring of the watershed. Testing includes rain simulation which has shown that 90% of rainfall is intercepted by the trees and either directed via stemflow to the root of the tree or it evaporates and never reaches the ground. Desert Research Institute gave a presentation on drought and echoed Eureka County's claims that the US Drought Monitor is not an effective tool for identifying drought on a specified level.

US Geological Survey: The meeting with US Geological Survey on September 4th was in Eureka with Marsha Gipson, Northern Nevada Field Office Chief. Ms. Gipson is overseeing the water monitoring portion of the Diamond Valley Flow System Study. Real time data from monitoring can be accessed through NWIS (National Water Information System). In addition to studies funded by the County and USGS, NWIS shows data from studies funded by mines, the Division of Water Resources, and other sources.

McEwen Mining: Consulting Hydrogeologist, Dale Bugenig, met with representatives of McEwen Mining in Reno to review their water analysis reports. Changes suggested by Mr. Bugenig and Eureka County were incorporated and Mr. Bugenig feels confident in the final reports.

Biochar Field Study & Demonstration Project: Amaron Energy was in Diamond Valley on September 4th to scout the site for their pyrolysis unit. They will return around September 15th to begin processing the pinyon-juniper chips through the pyrolysis unit which will produce the biochar. A demonstration video will be filmed on this study.

A crew from Nevada Conservation Corps (a nonprofit group through Great Basin Institute) spent a week in Diamond Valley chipping the pinyon-juniper in preparation for the pyrolysis. Eureka County was able to borrow a chipper from the US Forest Service. After some initial mechanical mishaps with the chipper, 40 tons of chips were produced.

Medusahead Inventory & Treatment Plan: The noxious weed inventory and treatment plan for Crescent Valley is complete. This was done by Jim Evans of Basin & Range Resources, LLC, and was funded by the Diamond Valley Weed Control District with 50% reimbursed with a grant from the Humboldt Watershed Cooperative Weed Management Area. The primary outbreak of medusahead (an annual rye grass) is in the Frenchie Flat area, so work will begin with the Dean Ranch to develop treatments. The Humboldt Watershed Cooperative Weed Management Area has committed to assisting with funding of the treatment once a plan is submitted.

Grazing Decisions by BLM: BLM Districts throughout the State have issued Drought Management Environmental Assessments, beginning with the Battle Mountain District in 2012. The County provided comment (with no resulting change to the document) and voiced concern whether this document and an additional NEPA (National Environmental Policy Act) process was necessary, since the BLM already has tools available to work with permittees to make necessary grazing changes.

EAs are done to determine whether impacts are significant enough to require an Environmental Impact Statement and, if not, a Finding of No Significant Impact is done. As outlined in the BLM NEPA Handbook, a FONSI should be followed by a Decision Record. The handbook directs that, "... a decision may not be implemented until a FONSI and DR have been signed." Yet, when the FONSI was issued, it included a statement from District Manager, Doug Furtado, that said, "At this time no Decision Record is being issued, however, if drought conditions worsen I will, as appropriate, implement drought response actions," and continues, "I'll implement them through Full Force and Effect decisions." By not issuing a DR, the BLM will move forward with actions without ever having issued a decision that can be challenged or commented on by permittees, Eureka County, or other interested parties.

Argenta Allotment: Recently a Full Force and Effect decision was issued on the Argenta Allotment, largely utilizing the Drought Management EA to justify the action. The Drought Management EA offers multiple drought response actions, many of which are positive and cooperative, but the BLM leans heavily on livestock reductions and grazing closures. Steps are being taken by affected parties to pursue legal action against this Full Force and Effect decision. Eureka County has no standing as a litigant, but Mr. Tibbitts recommends that Eureka County provide support in some fashion, whether political, informational, or whatever manner the Commission feels appropriate. This is justified because a decision on the Argenta Allotment will set precedent for all grazing allotments in Eureka County, which lies completely within the Battle Mountain District.

Chairman Goicoechea agreed, but would like the Natural Resources Advisory Commission to provide input on what type and level of support should be given. For full disclosure, he noted that the livestock industry is looking into appealing this decision as well, and he suspects other groups will come forward and challenge portions of the decision. Commissioners Ithurralde and Sharkozy agreed to hear input from NRAC (which meets September 10th) and to discuss this further at the September 19th meeting.

2014 Nevada Greater Sage-Grouse Conservation Plan: The draft 2014 Nevada Greater Sage-Grouse Conservation Plan, prepared by the Sagebrush Ecosystem Council, was released on August 21st with comments requested by September 12th. As Chair of the SEC, Chairman Goicoechea has been very involved in this process and comments may be submitted directly to him. Chairman Goicoechea explained that the draft has been debated thoroughly considering input from vast interests, so comments should focus on clarification to avoid future misinterpretation of the plan's intent.

Diamond Valley Flow System Study: The US Geological Survey has requested to extend the period of performance on the Diamond Valley Flow System study. To fund this, the Commissioners authorized a Joint Funding Agreement to add \$26,397.00 of Federal matching

funds from the Cooperative Water Program with no additional funds required of Eureka County. Representatives of USGS will attend the September 19th meeting and will provide a courtesy copy of the report on the Diamond Valley Flow System. Commissioner Ithurralde motioned to sign the modified Joint Funding Agreement with US Geological Survey for the Diamond Valley Flow System Program to add \$26,397.00 of Federal matching funds with no additional funds from Eureka County; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Response to US Fish & Wildlife Service: The US Fish & Wildlife Service issued a data call as part of their process in evaluating the need for potential listing of the Greater Sage-Grouse as a threatened or endangered species under the Endangered Species Act. Eureka County did not receive the letter directly; it was forwarded by Nevada Association of Counties. The USFWS is asking that pertinent information about population status and threats be provided by October 31st, but their website will be open for data entry through December 31st.

Mr. Tibbitts plans to document substantive data on efforts in Eureka County to benefit sage grouse. He will include work done by ranchers, Eureka Conservation District, Diamond Valley Weed District, Natural Resources Advisory Commission, and the County Advisory Board to Manage Wildlife. This will include range improvements, riparian fencing, riparian monitoring, stockwater improvements, private land improvements, pinyon-juniper thinning, fire fuels reduction, landfill cover, weed spraying, predator work, and even County crews who work to avoid areas when there is bird activity.

Commissioner Ithurralde motioned for the Natural Resources Manager to move forward with gathering data and entering it onto the US Fish & Wildlife Service website, in response to the US Fish & Wildlife Service's data call, in order to document work done in Eureka County to benefit sage grouse; Commissioner Sharkozy seconded the motion; motion carried 3-0.

Nevada Legislative Committee on Public Lands: The Nevada Land Management Task Force was appointed to prepare a report to the Nevada Legislative Committee on Public Lands regarding the transfer of public lands from the Federal Government to the State of Nevada. The report was completed and a resolution prepared for adoption by the Committee to be submitted to the Nevada Legislature. At the August 28th meeting of the Nevada Legislative Committee on Public Lands, their Chairman (Assemblyman Paul Aizley) announced that the report would be removed from the agenda. Besides being a slap in the face to the Task Force, this was controversial since many believed that Chairman Aizley knew there was a majority present who approved of and would adopt the resolution.

The Task Force, which was established legislatively and funded by NACO and the respective counties, had representation from all 17 Nevada counties, heard input from diverse interests, considered a host of concessions and compromises, and spent many hours preparing this report and resolution which offered a very practical phased approach for transfer of lands. Had the resolution been adopted by the Committee, it would still need to go before the full Legislative body and then on to the US Congress.

Immediately following the Committee meeting, Senator Pete Goicoechea filed the resolution that was crafted by the Task Force as a BDR (bill draft request) to go before the Nevada Legislature in the upcoming session.

BLM Protest of Stockwater Application 83902: Mr. Tibbitts was contacted by Fred Bailey of Diamond Valley regarding the BLM protest of a stockwater application filed by the Bailey Family Trust. The BLM erroneously stated in their protest that the stockwater is not located within the applicant's grazing allotment. Mr. Tibbitts was able to locate (in his office files) copies of BLM paperwork and documentation negating this assertion by the BLM. In fact, the Baileys have exclusive use on the western portion of the Corta Allotment where this stockwater lies. Mr. Tibbitts drafted a letter to the Battle Mountain District BLM, utilizing the BLM's own documentation to refute the protest points filed against Application 83902. Mr. Tibbitts has already emailed these BLM documents to the State Engineer's office.

Commissioner Ithurralde motioned to authorize the Chairman to sign the letter to the BLM, Mount Lewis Field Office, regarding the protest points filed by the BLM against Stockwater Application 83902; Commissioner Sharkozy seconded the motion; motion carried 3-0.

RECESS FOR LUNCH

The Board recessed for lunch from 12:08 p.m. to 1:00 p.m.

PUBLIC HEARING – EUREKA COUNTY CODE, TITLE 4

2014 Fictitious Business Names Ordinance: Notice was given that the Board of Eureka County Commissioners would hold a hearing on September 5th to invite public comments and take action on a proposed ordinance amending the 2014 Eureka County Code, Title 4, Licenses, Permits, and Taxes, by adding Chapter 80, Filing Fictitious Business Names, to appropriately regulate Fictitious Business Names within Eureka County. Currently there is no expiration for Fictitious Firm Names in Eureka County, resulting in an accumulation of obsolete filings in the County Clerk's office.

Chairman Goicoechea opened the public hearing and invited comments on the proposed ordinance. Eureka resident and business owner, Christine Smith, understood the need to clean up the business name listing, but was opposed to charging a \$20.00 filing fee every five years. It was explained that Nevada Revised Statutes (see NRS Chapters 19 and 602) allows counties to assess a \$20.00 fee and sets the expiration period at five years.

Crescent Valley resident, Nona Kellerman, asked if business owners will receive notification when their filing is due to expire. Clerk & Treasurer, Bev Conley, confirmed that notices will be mailed from her office. There were no further comments.

Commissioner Ithurralde motioned to adopt the 2014 Fictitious Business Name Ordinance to appropriately regulate business and firm names within Eureka County; Commissioner Sharkozy seconded the motion; motion carried 3-0. This ordinance will become effective September 26th following the statutory advertising period.

CORRESPONDENCE

Correspondence was received from: William & Robin Hicks; District Attorney, Ted Beutel (4); Clerk & Treasurer, Bev Conley; Public Works Director, Ron Damele; Executive Assistant, Jackie Berg; Medical Clinics Advisory Committee (2); Beowawe Justice Court; Crescent Valley Town Advisory Board (2); McMullen McPhee & Co., LLC; White Pine Community & Economic Development; White Pine County Board of Commissioners; Nye County Board of Commissioners; Nevada Assoc. of Counties (3); Central Nevada Regional Water Authority; Lumos & Assoc.; Nevada Rural Housing Authority (2); Nevada Supreme Court; Nevada Div. of Water Resources; Nevada Div. of Environmental Protection; Nevada Land Management Task Force; Nevada Attorney General; Nevada State Controller; University of Nevada, Fred Steinmann; Nevada Connections; The Advocate Newsletter (2); California-Nevada Climate Applications Program; Department of Business & Industry (2); Western Counties Alliance; Government Finance Officers Assoc.; US Foodservice, Inc.; US Geological Survey; US Fish & Wildlife Service; and US Army Corps of Engineers.

Chairman Goicoechea received an email from State Engineer, Jason King, regarding questions raised by the Chairman on interbasin transfers and inventories and private property access. Mr. King stated his office will continue the practice of not inventorying mountain block springs when considering interbasin water transfers, even though statute references 'all' waters stating they 'shall be' inventoried under these circumstances. Mr. King's email also assured the Division of Water Resources will continue working on obtaining written permission for private property access.

PUBLIC COMMENT

Chairman Goicoechea called for public comments; there were none.

ADJOURNMENT

The meeting was adjourned at 1:26 p.m.

Approved by vote of the Board this 19th day of September, 2014.

/s/ J.J. Goicoechea
J.J. Goicoechea, Chairman

I, Jackie Berg, Executive Assistant to the Board of Eureka County Commissioners, attest that these are a true, correct, and duly approved minutes of the September 5, 2014, meeting of the Board of Eureka County Commissioners.

/s/ Jackie Berg
Jackie Berg, Executive Assistant

I, Beverly Conley, Clerk & Treasurer of Eureka County, acknowledge and accept the attached minutes as approved by the Board of Eureka County Commissioners and attested to by the Executive Assistant of the Board.

/s/ Beverly Conley
Beverly Conley, Clerk & Treasurer