

**Eureka County Planning Commission
Meeting Minutes
August 1, 2016**

Call to Order

The meeting was called to order at 1:31 p.m. on August 1, 2016 by Chair Russell Conley.

Roll Call

Roll call was conducted and members present were: Chair Russell Conley; Vice Chair Robin Hicks; Members Hollon Moll; Tony Rowley; Craig Benson; and Alternates Jim Ithurralde and Jim Evans. Secretary/Treasurer Cecil Wright and Member Brown were absent.

Also present was Natural Resources Manager, Jake Tibbitts, and Consulting Hydrogeologist to Eureka County, Dale Bugenig.

Public Comment

None

Approval of Minutes

Vice Chair Robin Hicks made a motion to approve the minutes of the June 15, 2016 meeting as presented. Member Moll seconded the motion. A vote was taken and the motion carried 6-0.

Correspondence

Correspondence was reviewed and included a letter of resignation from Department Assistant, Anne Kriefel. This item would be on the next agenda for approval.

Chair Russell Conley called a recess at 1:35 p.m. until the scheduled public hearing at 2:00 p.m.

Public Hearing - Eureka County Water Resources Master Plan

Chair Russell Conley called the meeting back into order at 2:00 p.m. Natural Resources Manager, Jake Tibbitts, and Consulting Hydrogeologist for Eureka County, Dale Bugenig, came forward for the public hearing scheduled for 2:00 p.m. to receive opinions and comments from members of the public on the draft Water Resources Master Plan. No public was present for this hearing, however, comment was received from Diamond Valley resident, Carolyn Bailey. The Planning Commission Board proceeded to review her comments as well as create responses to those comments which would be forwarded to the Board of County Commissioners as an appendix to the draft Water Resources Master Plan. Her comments and the Planning Commission's responses were as follows:

Written comments provided by Carol Bailey via email to the Eureka County Planning Commission	
Comment	Response
The Water Master Plan accurately depicts some of the concerns of the residents regarding mining issues such as Temporary Use of the resource (p.2-17) and Open Pit Mining (p. 2-18).	Thank you for your comment. Comment noted.
Page 4-50 states that the deep aquifer in South West Pine Valley is declining by 50 feet/year from mine dewatering in an adjacent basin. Large groundwater withdraws may take decades to understand long-term implications (p.8-3). Mines receive Temporary Permits, even in excess of perennial yield (p. 1-7, 2-17).	Thank you for your comment. Comment noted.

Comment	Response
The Water Master Plan say [sic] that irrigation is the largest user in the county by far, with wells declining 1-3 feet/per year. If the mine permits and temporary mine permits were calculated, would mining be the largest user with 50 foot declines recorded from dewatering?	Current information regarding water use in Eureka County in part was obtained from a presentation given by the Nevada State Engineer in the Town of Eureka. This presentation illustrated irrigation pumpage to be approximately three times the pumpage by mines in Eureka County. The Plan includes the water pumped by the mines in the discussions of current water use for each of the hydrographic basins within the Plan study area where the mines pump groundwater. The 1-3 feet/year water level decline referenced in the comment relates to observed declines in the alluvial aquifer in Diamond Valley. The 50 foot declines referenced in the comment refer to the deep bedrock aquifer in southwest Pine Valley and no effect has yet to be observed in the overlying alluvial aquifer. Groundwater pumping in each basin underlying Eureka County is summarized in the Plan and mine pumping and irrigation pumping varies depending on each specific basin. However, based on the best available data, the Plan is accurate in summarizing irrigation as the largest water user in Eureka County.
The Water Master Plan does not address "Projected Future Water Demand for Mines" in chapter 1.6. The Water Master Plan does not address Future Demand for Mines in chapter 6.2.	The Plan does not attempt to predict future pumping by mining operations because it is impossible to predict water usage by projects that have not publicly announced their future plans. Where estimates of future usage are available and applications for water rights for future uses have been filed with the Nevada Division of Water Resources, such as Barrick's project in Pine Valley or General Moly's Mt. Hope Project, these are incorporated into the Plan. The Plan acknowledges that circumstances change and specifically includes language to update or amend the Plan if conditions warrant a change (see Section 8.5).
The plan to designate Diamond Valley a CMA using Assemblyman Goicoechea's Bill 419, NRS 534.110, and then create a GMP scheme to avoid curtailment of junior appropriators will create a water market, but it will not solve the water budget problem if large groundwater withdraws are allowed in the Diamond Valley Hydrographic [sic] Area for mining.	Diamond Valley was designated as a Critical Management Area (CMA) in August 2015. Designation as a CMA allows water rights holders to develop a Groundwater Management Plan (GMP) to systematically reduce groundwater use in Diamond Valley. The GMP is required by law to address the "water budget problem" and mining is one of the uses in the valley that will be subject to the GMP. Eureka County, although a participant in the GMP process, has no authority with respect to a Critical Management Area or the GMP. The GMP is developed by the water rights holders and must be approved by the State Engineer.
It is true that Eureka County can decrease agriculture by 66% or 100% while increasing the tax base, or GDP, temporarily, with large mining, industrial, military or high security projects. Current water law would necessarily have to be replaced because those projects will cause harm to current water rights.	Thank you for your comment. The Water Resources Master Plan must be considered in tandem with other County plans, policies, and laws. For example, Eureka County Code 9.30.060.F states that: "Eureka County recognizes (1) the importance of agriculture to the stability of the local economy and (2) the historic and contemporary influence of agriculture on the community's custom and culture. Farms and ranches have played and continue to play a fundamental role in the social and economic well-being of our County. Eureka County recognizes that increasing regulatory pressures are reducing the viability of farms and ranches. In order to reverse such trends, Eureka County supports, encourages and promotes policies that will lead to the long-term economic strength of family farming and ranching."
Eureka County cannot effectively manage the water resource unless it can effectively manage water for mining and other uses besides irrigation. Large water withdraws from Diamond Valley or in adjacent basins will negate the conservation efforts of the agricultural sector	The comment places an exclamation point to the Plan's Goal and Objectives. The Eureka County Planning Commission agrees with the need to protect water resources within the County from over-development. At present, neither the Eureka County Planning Commission nor the Board of County Commissioners has any legal authority to manage water resources within the county. The County's plans, policies and ordinances, however, require that it be actively involved in the review of large projects that have the potential to affect resources within Eureka County and dictate the best available science to be employed in this review. The Plan proposes management alternatives available to the County, including continued review of projects and all water uses.

Member Benson made a motion to accept the Eureka County Water Resources Master Plan along with responses formulated to Mrs. Bailey's comments and forward to the Board of County Commissioners for their approval. Alternate Ithurralde seconded the motion. A vote was taken and the motion was adopted 6-0.

Board Member Comments

None

Next Meeting Date

The next meeting was tentatively scheduled for August 15, 2016 at 1:00 p.m.

Public Comment

None

Adjournment

Alternate Jim Ithurralde made a motion to adjourn the meeting at 2:34 p.m. Member Benson seconded the motion. A vote was taken and the motion carried 6-0.

Respectfully submitted by:

Anne Kriefel, Department Assistant

Board Approved on August 15, 2016, by:

Russell Conley, Chair