

**Minutes of the
EUREKA COUNTY NATURAL RESOURCES ADVISORY COMMISSION**

The Eureka County Natural Resources Advisory Commission (NRAC) held a public meeting on January 18, 2018, at 6:00 p.m. at the County Administrative Facility, Eureka, Nevada.

Members Present: Jim Baumann, Carl Slagowski, Jerry Todd, Ari Erickson, Ken Conley, and Gary McCuin

Members Absent: Paul Etzler and Mike Rebaleati

Others Present: Jake Tibbitts- Eureka County Natural Resources Manager and Jessica Santoyo- Natural Resources Secretary

Call to Order

The meeting was called to order by Chairman Baumann at 6:03 p.m., a quorum was determined to be present.

Public Comment

None.

Election of Officers

Elect Officers—Chair and Vice-Chair—for 2018.

Gary McCuin moved that Jim Baumann continue to be the Chairman for 2018 and that Carl Slagowski continue to be the Vice-Chairman for 2018. Jerry Todd seconded, motion carried unanimously.

Commission Business

Review and approve minutes from the October 11, 2017 meeting.

Mr. Todd moved to approve the minutes from the October 11, 2017 meeting. Mr. Slagowski seconded, motion carried unanimously.

Member Updates and Reports.

Ari Erickson stated that he read an article from the Bureau of Mining Regulation and Reclamation (BMRR) where they are proposing to make changes to the regulation for underground mines. There proposed change is for underground mines and that they no longer get the small mine exemption. Traditionally, if an underground mine produced under a certain amount of tonnages they were exempt from the state mining regulations. If this proposed, change happens it will affect many people who have open mines, including himself. They should keep an eye on this issue because Eureka County could be affected as well as the small miners. Based on this new regulation if an individual has an open tunnel on private land then they have to go through the entire permitting process opposed to before when they didn't have to.

Discuss correspondence and natural resource issues affecting Eureka County and consider action items for the next agenda.

Jake Tibbitts covered the following correspondence and natural resources issues.

- The Eureka Board of County Commissioners (BOCC) provided comments on Newmont's Water Pollution Control Permit which they are seeking a renewal on. The renewal is for one of their Carlin Trend Mines because they recently had a cyanide leak on one of their leach pads and it was detected by their monitoring wells. Therefore, they now have to go in, fix everything and pump out all of that cyanide to get the situation contained.

- The North American Eagle group which is trying to break the land speed record all over the U.S. has identified the Diamond Valley (DV) playa as having a perfect surface for them to try to break that record. The BOCC commented on the Environmental Assessment (EA) because it's a huge deal and it had to be permitted by the Bureau of Land Management (BLM). This group will come out here, rope off the entire playa to keep people off of the track, and then they go through the entire 18 miles of uninterrupted track to pick up all of the rocks and pebbles. They will be conducting the event sometime in the fall when the playa is the driest.
- The Western Caucus Foundation which is made up of Congressman and Senators meet in December in Las Vegas and they discuss the current issues going on in the West. Mr. Tibbitts and Mr. Goicoechea were invited to participate in the round table meeting which was by invitation only. They participated in the discussion regarding the Endangered Species Act (ESA) reform and the definition of special status species that are not identified in the act but are still treated as if they were listed, an example being sage grouse. Those animals have never been listed and yet the agencies are pushing forward all of this special management.
- On December 29 2017, BLM rescinded their fracking rule, which imposed a rule on oil and gas for fracking on federal land. The argument was that the rule was duplicative to state measures because the state already has comprehensive fracking rules whether the fracking takes place on private or public lands. This is something that they supported and the Trump Administration just undid that rule.
- President Trump sent out a Critical Minerals Executive Order that states that the nation needs to start to break its dependency on foreign minerals. That same day, Secretary Zinke with the Department of Interior followed up with a Secretarial Order directing the USGS to define what critical minerals are and to identify the data that they currently have on critical minerals. The order also directs BLM to streamline efforts in order to collect this minerals faster and move the process along faster. All critical minerals are rare earth minerals and the nation is almost 100% dependent on those rare earths from other countries.
- Secretary Zinke is proposing a Department of Interior Re-Organization, where they are pushing to move all of the Department of Interior headquarters to the west rather than having them in DC. They haven't identified where the headquarters will be located but this is a big push from Secretary Zinke to have all of agencies fall within the same geo-political boundaries. Those agencies are USGS, Fish and Wildlife Services (FWS), Bureau of Indian Affairs, BLM, OSHA, NOAA. Recently, some maps were leaked and they show the re-organization by boundaries. The concern is that this would lump this region in with a lot of Oregon, a lot of the Boise, and Salt Lake City and they would be in one region. If this moves forward and they lump this region in with Salt Lake City and Boise then they will diminish the rural voice even more. Another concern is that if they set this up now during this administration, then they test it out, and then the administration changes and it fails. The other concern is that FLPMA requires the BLM to look at things at the state level and have consistency with local plans, so if they were to do a Resource Management Plan (RMP) for this whole region that includes four states then how would they ever come up with something that is consistent with all four states. They need to stay updated with the whole deal because there will be a formal proposal on this.
- The board provided comment on the Battle Mountain District (BMD) BLM Roadside Fuel Breaks EA and that covered BLM analyzing what they could do to reduce hazardous fuels along any roads. The EA analyzed everything such as mowing, grazing, disking, seeding, and anything else for fuels reduction. That EA was finally finalized and the decision was signed in December 2017. Mr. Tibbitts recently met with the BMD-BLM for an

implementation meeting regarding the EA and they want to begin partnering and coordinating with the local governments and local interests to identify where this can begin to take place. When the board commented on the EA they supported the process and they want to see this work. This will be important for cutting down some of the fires and it can also be an opportunity to get some crested wheat out there in many different places. The next steps by the BLM is to put maps together of the areas/roads that they want to see some work done on and they will send them over for review to provide comments/concerns.

- The BLM engaged Eureka, Lander, and Elko Counties to begin the scoping process on the Barrick EA for the public land treatments for the Banking Enabling Agreement (BEA). They will be doing various treatments, a lot of pinyon juniper work, some fuel breaks, and some seeding but it has to be authorized in the EA in order for them to be able to do it. The public process hasn't started yet but it will soon.
- Recently, there was a press release stating that the BLM is moving forward with a West Wide Programmatic EIS that will be similar to BMD-BLM Roadside Fuels Break EA and Elko District BLM Targeted Grazing EA. The EIS will be for hazardous fuels reductions and for habitat restoration but it doesn't authorize project specific things but it will analyze the general impact from seeding, grazing and things like that. When an individual wants to do a project specific thing they go through a checklist and as long as they have met all of the criteria analyzed in that EA then the BLM does a DNA (Determination NEPA Adequacy) and they give them the go ahead to do the project. The EIS' are being focused on regions so they will have one that is Great Basin specific which will include the western side of Utah, all of NV except for Las Vegas, and southern Idaho. The analysis portion will come out of the state office in Idaho and they are the one's taking the lead. Eureka County received a letter informing them that they are moving forward with this process and that they are inviting Eureka County to be a cooperating agency. The BOCC did submit the response letter stating that they want to be a cooperating agency. The BLM sent out a press release to the public stating that they are moving forward with the Fuels Break Restoration EISs and will host public scoping meetings in NV in February 2018.
- The Legislative Committee on Public Lands which meets during the interim every year, had their first meeting this year and they elected assemblywoman Heidi Swank to be the chairwoman. They will be hosting meetings every five weeks over the summer and those meetings will be all around the state to get recommendations and ideas regarding public lands. This committee can write and propose legislation to address certain issues and they can tackle very serious issues.

**A copy of all correspondence is available upon request.*

Discuss, approve, or deny formal recognition for former NRAC member Jim Wise recognizing his many years of service to NRAC and Eureka County.

Ken Conley moved to send the appreciation letter to Mr. Wise as written. Mr. McCuin seconded motion carried unanimously.

Agency Reports

Reports and updates from various natural resources and land management agencies in attendance.

Kyle Hendrix (not in attendance) provided a Battle Mountain District- Bureau of Land Management (BMD-BLM) monthly update on the following: Mining, Oil and Gas Lease Sales, Noxious Weeds, and 3-Bars Ecosystem and Landscape Restoration Project, Roadside Fuels, sage

Grouse Programmatic EIS's, Right-of-Way (ROW) Fuel Breaks, ROW, and Wild Horse and Burros.
**A copy of the update is available upon request.*

Mr. Tibbitts stated that McEwen got their Record of Decision (ROD) in November and they had all of their construction crew here ready to go and as soon as the ROD was signed they started breaking ground. They are all set up with their temporary offices up there and they are working on laying the water pipeline in the road right now. The issue with the pipeline is that the EIS stated that the pipeline would be co-located with existing disturbance in the road but Roberts Creek Road is just a big road with drainage ditches and the only disturbance is the road. McEwen wanted to simply lay the pipeline in the road and cover it with dirt but they had multiple meetings with the county to try to find a solution. They eventually determined that they will put the two pipelines in the ground. This whole deal goes back to the dispute over roads and BLM originally asking McEwen to file for a Right-of-Way (ROW) on Roberts Creek Road but Eureka County already has the ROW. They have continued to move forward and they have already had issues come up such as with their access route that they identified in their EIS. The mine itself took on seasonal restrictions because of sage grouse and the access road to the mine is mandated to be Roberts Creek Road for light trucks and all heavy trucks/deliveries would use 3-Bar Road. McEwen also said in their plan that they wouldn't use Henderson Pass Road because of all of the sage grouse concerns. Recently, all of the contractors found that road on google and said it's a shortcut coming from Henderson therefore that road is getting destroyed. The problem is that they are using an un-authorized road and causing issues with the road department as well as BLM, they are currently working through that issue. The Barrick Cortez-Deep South Expansion EIS is going on and there is a cooperating agency call every two weeks.

Mr. Erickson stated that they got through the bat issue and then the cultural issue cropped its head because they were telling people that they weren't going to any affect cultural resources which BLM then classified the three structures in the town of prospect as. They assumed that since his grandfather had substantially modified those structures in 1980, that the BLM would not classify them as cultural resources but then BLM decided that the entire town of prospect was now eligible for national registry. This is now an issue and he recently met with BLM, their cultural consultants, and they are now looking at saying that they will disturb all of the cultural resources in the area because they all tie in together as the prospect town site. Now they are looking at doing another modification of the town site which is basically leveling everything to the ground to make sure they are covered. They are now looking at 30 more days to get that into the BLM and then BLM has 35 days for review so then they can keep moving and maybe have a Final EIS in March.

Mr. Tibbitts stated American Vanadium Resources went bankrupt, Prophecy came in and bought out all that and now they are essentially saying that they want to cut and paste everything that American vanadium wanted to do and move forward with that. The baseline is pretty much done, the plan of operations is done, so rather than re-inventing everything they are just going to scratch the American Vanadium name and put their name on top of the documents. There is currently a big push for oil and gas from the administration and they will see a lot of oil and gas lease sales coming up. The BLM has determined that the laws and regulations that are over oil and gas, allows BLM to go back and make surgical amendments on the RMP to address oil and gas without having to go through the whole blown RMP update. BLM is wanting to open up the RMP again which would affect most of the Battle Mountain District and the last time the RMP was updated was 1986. 3-Bars Project is still held up in DC and once BLM gets the ROD they will move forward on that. McEwen and Barrick are both hoping the 3-Bars Project passes so they can do some sage grouse mitigation through this plan. McEwen was appealed by Katie Fite and

Laura Lee and the BLM is working through all of that as well. Eureka County provided a letter of support regarding the project and to show that they are aware of the appeal. Eureka County is arguing that if the Interior Board of Appeals grants a stay it wouldn't be in the public interests.

Mining

Discuss other mining projects and activities in and affecting Eureka County, including but not limited to the McEwen Mining Gold Bar Project, Barrick Deep South Expansion, GRP Resources Gold Rock Project, Gullsil Prospect Project, Halliburton Ann Barite Project, all Carlin Trend operations and consider response to any related issues or comment periods.

Mr. Erickson stated that he meet with Mike Worley, the environmental manager from McEwen Mining and he invited him out to one of the NRAC meetings. They may see McEwen staff soon at a meeting to inform them of what McEwen is doing and what their plans are.

Mr. Tibbitts stated the Pan Mine and the Gold Rock Mine were bought out by Fiore Resources and they are keeping the name GRP Gold Rock and GRP Pan Mine. The Final EIS for the Gold Rock is done and it has been submitted back to D.C. for that multi-step, multi-month review and they are expecting their ROD sometime this spring. Therefore, there will be another permitted mine in the area soon.

Sage Grouse

Discuss and consider response to recent activities and issues related to sage grouse including, but not limited to federal Land Use Plan Amendments and associated litigation (and funding) and scoping for Supplemental EISs, NV Sagebrush Ecosystem Program and NV Greater Sage-Grouse Conservation Plan.

Mr. Tibbitts stated that this is a very dynamic issue there is so much going on, if they remember they won in Federal District Court and Judge Miranda Dew remanded the EIS back to the BLM and Forest Service (FS) to address the issues with the habitat mapping. Habitat mapping is one of the biggest concerns because according to those maps they are all currently sitting in critical sage grouse habitat right now. BLM and FS have to address the issues because of the court order but on the other side the administration is saying regardless of that court order out of NV they need to look at the whole thing to review everything. Therefore, the BLM put out a notice in the Federal Registry saying that they intend to prepare a Supplemental EIS and basically re-do the whole thing. It then went to public scoping for everybody from the counties, the state, the general public to put in their issues and that they think they needs to addressed. There are individuals now saying leave the plans exactly how they are don't change anything, or make them stringent, and others saying they need to make wholesale changes. The comment period has already passed and the BOCC submitted comments on December 1, 2017, the submitted comment letter included legal counsel. The issues that the BOCC focused on and wants addressed are as follows: sage grouse focal areas need to be removed or adjusted, address the habitat objectives table to reflect reality and true ecological potential, eliminate the net conservation gain requirement, address the inflexible use of landscape scale mapping, include a proper socioeconomic analysis, rely on the best available information, and incorporate newly available science regarding impacts to Eureka County. The letter highlights the impacts to Eureka County, all of the specific concerns or issues they have, and they summarized a lot more throughout the letter with various footnotes that cover the most current science including stubble height and how that isn't as important as they make it out to be. Shortly after the BLM publicized all of this, the FS moved forward with the same thing by putting in their notice in the Federal Registry and their comment period ends January 19, 2017. The BOCC submitted similar comments to the FS with FS language on January 5, 2017. Through all of that comes the invitation to be a cooperating agency and the BOCC sent their letter stating that Eureka County

wants to be a cooperating agency. The BLM tried to go through NACo to get a blanket Memorandum of Understanding (MOU) to cover all of the counties in NV but Eureka County said that that wouldn't work for them and that they would like an MOU specifically between BLM and Eureka County in place.

Mr. Tibbitts stated that they need to pay attention to the six Instructional Memorandums (IM) that the BLM released in December 2017 because it is Interim guidance on how they are supposed to implement things in the sage grouse plans. Even though BLM is going through all of this effort to fix the plans they still have a plan in place and are mandated to follow it. One of the IM's has to do with evaluating sage grouse adaptive management hard and soft triggers; one is for incorporating thresholds and responses into grazing permits and leases, one is for setting priority to review of processing of grazing authorizations that are related to livestock grazing and monitoring, one is for implementation of habitat improvement objectives table 2-2, and one is for implementation of oil and gas. They are all on the BLM website and they should look them over especially if they are moving forward with a permit renewal because this will all apply to them. Mr. Tibbitts stated that when they read them they will say that this doesn't go far enough to provide any clarity but every one of these makes improvements to what they have in place now. BLM has very little space to work in, they are trying to make as much room for interpretation as possible and everything in here is in our favor for multiple use.

Wild Horses

Discuss and consider response regarding BLM wild horse management actions and excess horse populations affecting Eureka County.

Mr. Tibbitts stated that back in August 2017 they commented on the Triple B Complex gather which is being done by the Elko and Ely BLM districts through a joint EA. The EA analyzed a gather for the Triple B and Antelope complexes because those two complexes alone have an excess of 6,337 horses. When the EA was released, BLM listed their alternatives and Alternative A said that they will gather and remove to low-end Appropriate Management Level (AML), implement fertility, and return a few treated mares and Eureka County supported them choosing Alternative A because that's how fertility control should be implemented. BLM released their decision in December and they approved alternative A but they did a bait and switch type of deal with it. What BLM approved isn't what was in the first EA. What BLM did approve is gathering to low-end AML, gelding a bunch of studs, releasing a breeding population at low-end AML, then they releasing another non-breeding population to stay somewhere within AML. So now they are turning out all of these geldings that live longer and they will still be within AML but it negates the propose and that wasn't in the first EA. The BOCC provided comments back on the decision and said that they have proof that the that some of the horses on the east slope of the Diamonds are from the Triple B. The BLM responded by saying that there may be minimal levels of interchange within Herd Management Areas (HMA) and there is no data showing significant interchange there. The next comment was about socioeconomics, on why BLM didn't include it all, they asked them to include that and to quantify the impacts of 6,000 excess horses and the other adjudication uses out there, such as wildlife, grazing etc. BLM responded by saying that that is outside the scope of analysis. The last comment was based on the section that BLM included regarding the horses and how they are using all of the water. The BOCC's comments stated that the BLM cannot separate discussions about water from that of water rights and if the horses are using the entire water resource there likely using someone's water right so please acknowledge that in the EA. BLM responded again by saying that this is outside of the EA's scope of analysis. They are picking and choosing what they want in the EA because in every other EA they include the socioeconomics and a section on water rights. The decision is signed and BLM will move forward with the gather and the only thing that they can

do is to change a decision, is to appeal it. Mr. Tibbitts stated that he is not recommending that they appeal the decision because this isn't something that's worth appealing since they will still do the gather but the letter is to keep the record going.

Mr. McCuin moved to support the letter as written and to send it to the BLM Elko and Ely Districts. Mr. Conley seconded, motion carried unanimously.

Grazing

Discuss and consider response on recent grazing actions and decisions affecting Eureka County, including involvement on Roberts Mountain Allotment Management Plan, and BLM results based grazing initiative.

Mr. Tibbitts stated the BLM was recently sending out a lot of fire rehab decisions and all of them reference not having anything to do with any livestock closures and this agenda item was on here to discuss those closures but none of those have been received yet. Mr. Tibbitts stated that he is aware that a lot of the board members are involved with their annual turnout meetings with their range cons and he hasn't heard any issues or bad news. It's starting look like there will be another Drought Management EA push this year because they are at 50% of normal so they all need to keep that in mind. Mr. Tibbitts stated that he is currently working on a project that is not related to Eureka County but is related to Hicks Station and Snowball. They may already be aware of what is going on and of the multi-decade dispute between McKay's and Rowley's out there. Recently, there was a letter from the State Engineer to McKay's saying that they couldn't identify any misuse of the water but if McKay's are misusing the water they need seize and desist. The BLM is also involved in all of this because it's become a trespass horse issue, cattle issue, and a riparian issue because of the meadow. Therefore, BLM went in and put in a fence around the spring but the issue is that that is the only water McKay's have access too. The BLM is claiming that as a public water reserve but they are fencing out cattle and that's what public water reserves are for in that area. They recently had a meeting with the Battle Mountain BLM and they finally worked out a solution, Doug Furtado agreed to authorize a stock water well down there for McKay's. This is probably the only stock water well that has been authorized out of that district in the last 20 years. Hopefully, this removes some conflict over there and McKay's will get a range improvement as well. The BLM has agreed to do everything in house and McKay's will pay for the well. BLM has that commitment out there and it's a good move on the BLM's side.

Wildfire

Discuss and consider response on recent wildfires affecting Eureka County, including associated Emergency Stabilization and Rehabilitation (ES&R) treatments and grazing closures.

No discussion at this time.

Water Resources

Update on and consider response to water resources issues including but not limited to the Humboldt River Basin conjunctive management, curtailment, and Groundwater Management Plan in Diamond Valley.

Mr. Tibbitts stated that the Central NV Regional Water Authority, Steve Bradhurst retired and Jeff Fontiane has filled that seat who was the executive director of NACO for many years and was the director of NDOW as well. The Humboldt River Basin Water Authority executive director also retired and Jeff Fontaine got that job as well. Rick Felling, who works for the State Engineers Office, who was the mastermind behind the Humboldt River Regulations, and who was involved in the Diamond Valley Groundwater Management Plan (DV-GMP) recently retired. The Environmental Protection Agency (EPA) and the Corps of Engineers recently moved forward to

re-codify the regulations that were in place before and based on President Trump' Executive Order they will craft a new rule to meet Justice Scalia's opinion, so all of that will be coming down eventually. Winnemucca Farms owns half of the water on the Humboldt River and they created a subsidiary called NV Land and Water, LLC who recently filed an application for a new water right to State Engineer for 300,000 acre feet of water for flood waters off of the Humboldt river. They measured all of the water that goes out on the Humboldt sink and determined that 350,000 acre foot of water went waste out on the sink last year. Therefore, these individuals are saying that they shouldn't let all of this water go to waste so they are proposing that in the years when there is excess flood water and everyone is fully satisfied, that they take the water out of the sink and do an Aquaphor Storage and Recovery (ASR). They would take the water out and pump it back into the ground and in years when there is a drought they use the stored water and discharge it back into the river. Winnemucca Farms has a big bull's eye on them as being one of the main contributors to declines in the Humboldt River and they are the main water user in that area. This proposal will be a big issue and all kinds of people are already lining up to protest it. The Humboldt Water River Basin is meeting is on February 9, 2018 and these individuals will be presenting their proposal during the meeting. This is creating a lot of buzz throughout the state because 300,000 acres is a lot of water. The DV-GMP is still moving along and the meeting is on January 22, 2018 in the Commission Chambers.

Next Meeting-

Items suggested for the agenda include: NRAC budget, Department of Interior Re-Organization, BMMR regulation change, Doug Furtado-presentation on Allotment Management Plans, updates on motions made and ongoing agenda items. The board should get any other desired agenda items to Mr. Tibbitts for the next meeting.

The next meeting is scheduled for February 13, 2018 at 6:00 P.M.

Public Comment

None.

Adjourn- The motion was made by Chairman Baumann and seconded by Mr. Conley to adjourn the meeting. There being no further discussion, the meeting was adjourned at 8:05 p.m.

Approved this _____ day of _____, 2018.

Respectfully submitted: _____

Jessica Santoyo, Secretary

Approved: _____

Jim Baumann, Chairman