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

The Eureka County Natural Resources Advisory Commission (NRAC) held a public meeting on January 19, 2016, at 6:00 p.m. at the County Administrative Facility, Eureka, Nevada.

Members Present: Chairman Jim Baumann, Carl Slagowski, Jim Wise (arrived 6:32 p.m.), Paul Etzler, Gary McCuin, and Mike Rebaleati (arrived 8:15 p.m.)

Members Absent: Ken Conley, Leo Damele, and Mike Protani

Others Present: Eureka County Commission Chairman-JJ Goicoechea, Eureka County Natural Resources Manager-Jake Tibbitts, Natural Resources Secretary-Jessica Santoyo, Eureka County Hydrogeologist-Dale Bugenig, Lander County Public Lands Use Advisory Commission-Frank Whitman, Diamond Mine-Ty Erikson, and Diamond Mine-Ari Erikson

Call to Order

The meeting was called to order by Chairman Baumann at 6:33 p.m., a quorum was determined to be present.

Public Comment

None

Election of Officers

Elect Officers – Chair and Vice-Chair – for 2016.

Gary McCuin moved that Jim Baumann continue as the Chairman for 2016. Jim Wise seconded, motion carried unanimously.

Mr. Baumann moved that Carl Slagowski continue as the Vice-Chairman for 2016. Mr. McCuin seconded motion carried unanimously.

Commission Business

Review and approve minutes from the December 9, 2015 meeting.

Paul Etzler moved to approve the minutes as written from the December 9, 2015 meeting. Mr. McCuin seconded, motion carried unanimously.

Member Updates and Reports.

None

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 resource issues.

- The Hage Case has been appealed to the 9th Circuit Court. The court vacated Judge Jones decision and remanded it back. They removed the contempt of court findings for both Steve Williams and Tom Seely. They also removed Judge Jones from the case because they found that he had a biased approach. The whole thing has been vacated and has been sent back with limited additional information for the new judge to consider.
- During the last meeting, Steve Williams from the Forest Service (FS) had informed the board about the new ranger that would be taking over his position. A letter was received shortly after that meeting stating that the new FS ranger will be working on the Travel Management Plan (TMP) and will address Eureka and Lander Counties concerns. *(A copy of the letter is available upon request).*

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- An article was published in the Los Angeles Times titled: Tension between Ranchers and Federal Officials is Dangerously High in NV. The article is an interview with a past Bureau of Land Management (BLM) District Manager. The article makes it seem like things are very dangerous here in the Battle Mountain BLM District. The article also discusses that the retired BLM District Manager fears for his life and for the life of the current BLM District Manager's life. There are a lot of fingerprints all over this and they are just trying to provoke things to happen. *(A copy of the article is available upon request).*

Coordination

Discuss, approve, or deny sending yearly notice to land resource management agencies outlining expectations for coordination and management consistent with County plans and policies.

Mr. Tibbitts stated the master plan, county code, and the natural resource element require that Eureka County provide a yearly notice to all land management agencies who have land or resources that are managed in or within Eureka County. The letter contains verbiage straight from the county code, it lets them know that the county's intentions haven't changed, and that Eureka County wants a good working relationship with the agencies. The letter is sent out to the BLM Battle Mountain District, the BLM Ely District, the FS, and to Fish and Wildlife Services (FWS). The letter will be in front of the commissioners at their next meeting. *(A copy of the letter is available upon request).*

Mr. Slagowski moved to send the yearly notice letter to the appropriate land resource management agencies regarding expectations for coordination and management consistent with Eureka County's plans and policies. Mr. Etzler seconded, motion carried unanimously.

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 current and potential litigation (including funding contributions), NV Sagebrush Ecosystem Program and NV Greater Sage-Grouse Conservation Plan.

Mr. Tibbitts stated the Greater Sage Grouse (GSG) lawsuit is still moving forward on the merits side. Judge Miranda Dew denied the motion for preliminary injunction but she did take additional briefing on the Baker Water Tank issue. The briefings took place and Judge Dew denied those as well. As they sit here today there isn't an injunction, the GSG plan is approved, adopted, and in full force and effect. The litigation is still moving forward, the judge outlined the briefing schedule from all of the parties involved, and that should be finished in July. Once that is finished she will release notification for the witness hearing to take place.

Mr. Slagowski stated he read a small piece on the grazing portion and if the bureau decides to force this forward, people will be out of their jobs.

J.J. Goicoechea stated it will all depend on implementation. They need to look over Table 2.2 for grazing, for mining interests, and for energy interests. They need to look at what's open and what's closed because of disturbance, it can basically put them out of business.

Mr. Slagowski stated reading through the document it talks about the credit system and nowhere in there is there a dollar value on anything.

Mr. Tibbitts stated FWS stated that one of the reasons they weren't going to list the GSG was because they now have regulatory assurances in place with this plan. When someone asks the BLM what things mean or how will they implement the plan, the BLM says that they are not

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sure, and that they are trying to figure it out themselves. If the local BLM offices don't know what it means, then how are they providing regulatory assurances to FWS. The whole thing has very hard language and there is a lot of open-endedness, they can only plan for the worst. Eureka and Elko County were among the first to join the lawsuit. After joining the lawsuit they received a lot of phone calls asking them, why can't they just be happy that the bird didn't get listed. By joining the lawsuit they will make the Department of Interior list the bird. Mr. Tibbitts stated they need to read the lawsuit, they are painting Eureka County as wanting free reign to do whatever they want and that is not what the lawsuit is about. They just want to have a plan that everyone can live with and currently that is not the way it is. Mr. Tibbitts stated the Conservation Credit System (CCS) is going to be a private party free market deal and that is why there isn't any value to anything that is listed. The CCS system is currently unproven, it is just in the manual stage, and that's why the State Legislature appropriated some funding in order to generate credits. There are already interests that are developing debits because they are disturbing habitat, so they need to start off-setting those debits through the CCS. Currently, there is an open announcement from the State of NV saying that they are taking letters of interest regarding the CCS. The letter is basically for anyone who is interested in learning more about the CCS, it isn't a commitment to sign up it is just to receive information. The deadline for the letter is February 8, 2016. Mr. Tibbitts stated that if anyone on the board is interested in receiving more information, he will be submitting a letter of interest on behalf of the Eureka Conservation District (ECD), and he can list their properties as interested project locations.

Mr. McCuin stated that he is interested because of Frenchie Flat; it is beat up out there, the horses have taken over, and now they are looking at invasive species. Something needs to get done out there to control fire and if he could get some kind of crested wheat seeding done it would be good. Mr. McCuin stated he has been authorized to write a letter of interest for the Frenchie Flat outside of the Bank Enabling Agreement (BEA) mitigation area and he would like to work through the ECD.

Mr. Tibbitts stated he will be submitting a letter of interest through the ECD and he will be listing all of the private properties that are interested. He will include Frenchie Flat (the area outside the BEA), Mr. Wise's property, and Slagowski ranches.

Grazing

Discuss and consider action on recent BLM grazing decisions in and/or affecting Eureka County. Mr. Tibbitts stated in the last week there have been four different grazing decisions released. The first one is the grazing closure and rehabilitation plan for the Squaw Valley, Dixie, and Boulder Fires from the Elko BLM District. One of the issues is that they call the decisions emergency stabilization and rehabilitation but they are releasing them six to eight months after the fire took place. The first objective is as follows: they will not be seeding the area, they want to see what will grow back naturally, and they want three perennial grasses per square meter. The problem with that is the type of grasses they are counting because it doesn't say anything about what used to grow there. The second objective is a qualitative assessment using the 17 Indicators for Rangeland Health with a result in ratings of none to slight departure from that expected from the same ecological site considered to be in stable condition. The 17 Indicators for Rangeland Health document clearly states that it shall not be used to make determinations for livestock grazing. Mr. Tibbitts stated they also received two grazing decisions from the BLM Battle Mountain District. One is dated December 28, 2015 and the other is dated December 30, 2015 which is implementing changes through the Drought Environmental Assessment (EA). The concern with these decisions is that the BLM is releasing grazing determinations in December

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even though they are having a record year with snowfall. In February 2014, Doug Furtado sent out a letter stating that in consultation with the Deputy Director and Regional Climatologist of the Western Region Climate Center, BLM had concluded that in NV the month of May is the appropriate time to make drought determinations for the current year. Mr. Tibbitts recommended to address those issues and cite the letter from Mr. Furtado from February 2014. Mr. Tibbitts stated the fourth decision is for Mr. Goicoechea' allotment regarding the Diamond Fire. Out of all of the grazing decisions this is the best one. The first objective is three perennial plant species per square meter and it doesn't say if they need to be native or non-native. The second objective is that the seeding will result in greater abundance density of seeded species when compared to unseeded controls and one more plant in the square meter than the unseeded is considered a success. The third objective is the seeded area will have lower abundance cover of evasive annual grasses than the unseeded. The issue is that they will be doing drill seeding and broadcast seeding in some areas. It doesn't matter what type of seed mix they have for the broadcast seeding because every seed is on their own. For drill seeding, they can't mix the seed types because different seeds need to be drilled down at different depths. Mr. Tibbitts recommended that they write a letter to the BLM giving compliments on the decision and then provide their comments regarding the seed drilling.

Mr. Goicoechea stated a letter from the NRAC board with comments would help. If they do comment on the decision they should add something about the wild horses up there and the drilling deal.

Mr. McCuin moved to send letters to the appropriate BLM districts with the concerns/issues regarding the four grazing decisions that were discussed by Mr. Tibbitts. Mr. Slagowski seconded motion carried unanimously.

Mr. Tibbitts stated Richie McKay has reached out to Eureka County so they could weigh in on what is going on over at the Snowball Ranch. The BLM is fencing off some springs and they didn't provide any consideration on the water rights. They are fencing them off and not piping it out so there isn't going to be any access. Mr. Tibbitts stated that he wanted the board to be aware of what is going on over there.

Mining

Discuss mining projects and activities in and affecting Eureka County and consider response to any related issues.

Diamond Mine Owners-Ty and Ari Erikson. Mr. Erikson gave the board an overview of their plans for the future of Diamond Mine.

Mr. Tibbitts stated that Waterton Mining Investing will be at their next meeting to present what their plans are for Ruby Hill.

Water Resources Master Plan

Discuss Draft Water Resources Master Plan and consider items and language to add, delete, or augment.

Mr. Tibbitts stated at the last meeting, the water resource master plan was handed out for review.

Mr. Baumann stated that he read most of it and it was very well written.

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Dale Bugenig stated that he appreciated that some of the board members have taken the time to read the plan and the goal is for them to make it their plan not his plan. The plan is in front of the Planning Commission also and they are currently reviewing it. The overall goal is to incorporate comments and input from both boards into the plan. Mr. Bugenig stated that there are 16 water basins that the footprint of Eureka County sits in and only four of those basins have un-appropriated water. Where does water for growth come from, it comes from conservation if someone isn't using all of their water they may be able to use it somewhere else and it can also come from people buying a ranch out just for water. Mr. Bugenig stated that he hopes that the plan will make people think about doing something locally and give them a feel of how water will be managed in the future.

Mr. Slagowski stated if they remember there was an individual who had the idea that the county should manage the water and he spoke out against that. Why would they encourage another layer of bureaucracy, more red tape to accomplish a goal that was defined in a NV Revised Statute (NRS). Mr. Slagowski stated that he doesn't appreciate the government getting further in, so he will have to think about it for a while before he agrees.

Mr. Tibbitts stated this plan doesn't take over the management of the water. Per NRS 278, which is not water law mandates the resource planning which is a power of the county. The state has informed the counties that they need to plan for their own resource and this will not take over management in any way. Mr. Tibbitts stated section eight in the plan outlines the management alternatives and those are at a high level right now. This is the area where they would really like input from the NRAC board and the Planning Commission moving forward. This section is where they can say what they want to in the future.

Mike Rebaleati stated when they are doing the planning there is always a plan and then there is what actually gets done. What actually gets done will have precedent in law, that is what it comes down to. What he would like to see in the plan is include what they will actually do and continue to do in the future.

Mr. McCuin stated moving ahead this plan will be a dynamic document. What are their plans in updating the plan.

Mr. Tibbitts stated maybe chapter nine can be called "plan maintenance" and every three years or if there are substantial changes the plan can be updated. Mr. Tibbitts will work with Mr. Bugenig to flush out some language for chapter nine. The Planning Commission is currently reviewing the document and they will be providing feedback soon. At some point, they should merge both boards together to go over both of the board's recommendations. He suggested having the document to the commissioners by May and they can adopt it by June. This item will continue on the agenda until it's flushed out.

Next Meeting-

Agenda items for the following meeting include Waterton Mining Investing, Water Resources Master Plan. The board should get any other desired agenda items to Mr. Tibbitts for the next meeting.

The next meeting is scheduled for February 10, 2016 at 6:00 P.M.

Public Comment

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Frank Whitman stated they had a horse seminar with Shawna Richardson and they questioned her methodology. They asked her questions regarding her protocols and why they differ from the NV Department of Wildlife's (NDOW's) protocols. By the end of the day she was very clear that horses are way over and that there will be no gathers for several years. What she did have to say is that there is another drug out that they may not be aware of for horse fertility control. They can actually go out with this drug and dart the horses in the wild instead of having to have a gather. Lander County and the Public Lands Use Advisory Commission (PLUAC) is going to ask to have some test cases done in the Lander County District to see how those might be effective in controlling the wild horse population. They have also heard that the buzz word in Washington DC is horse sanctuaries.

Mr. Tibbitts stated Tom Allen is part of the Public Lands Foundation (PLF) which is the group of retired BLM guys and he was at the meeting in Elko last week. Mr. Allen stated that the PLF has been promoting establishing wild horse ranges. The Wild Horse and Burro Act allows the secretary to designate ranges that are primarily managed for single use for wild horses. It's basically high visibility herds along a highway, where they have a designated mountain range or area for wild horses.

Mr. Whitman stated they just went up on another round of oil and gas leases. Lander County originally came out strong against fracking and they have backed off since then. They got high jacked by certain crowd, the other crowd didn't have enough information, and there was a lawyer in that crowd who is pretty active in anti-oil and gas leases. NV is defined by basin and range which means faults, generally when they frack they go down to some level, the fracking fluid is pretty much stable, and it stays there. The concern is that sometimes there are some poorly done wells and the fluid migrates to the surface. They have written letters to the BLM regarding their concerns especially around hot springs. Hot springs generate their heat sources from 20,000 to 25,000 feet which is often in same strata as fracking. All they are asking is for the BLM to get some better science regarding water migration. He isn't against fracking but in some places it may not be the smartest thing to do. On the GSG, Lander County is like Eureka County by not being able to get anything out of the BLM including getting information on their Resource Management Plan (RMP). They haven't met the new FS ranger but they would like to continue working with FS to get the road deal done. There seems to be some shift in the Lander County Commissioners and he doesn't understand why but wants them to be aware. When the GSG lawsuit came about, the Lander County Commissioners motioned to be the 17th county to support if and when all of the other 16 counties supported the lawsuit. He doesn't know where this came from, Lander County has been out in front and if not they are usually behind Elko or Eureka County but always there. Suddenly, they are talking about pulling away from National Association of Counties (NACO) and the American Land Council (ALC) because it is a waste of time and money. One of the famous quotes going around is that they don't want to upset the governor. The PLUAC board is nervous about getting too far in front of the commissioners on what they think the commission should be doing. Once the weather gets better maybe they can have a joint meeting between Nye, Lander, and Eureka County to go over the roads with the new FS ranger.

Mr. McCuin asked Mr. Whitman did they provide any data or research on the sterilization drug for the wild horses. The reason he is asking is because they were approached to allow Laura Leigh to come out to one of their Herd Management Area's (HMA) and dart horses. Mr. McCuin stated that he doesn't want any part of that in any way shape or form. They also claim that darting a horse three consecutive seasons would make them sterile for 10 years.

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Mr. Whitman stated she didn't say that, she did say that two years running gives them an 80% chance, and there would be a decrease. If they can dart them for two or three years running it can have a residual effect on the horses.

Mr. Tibbitts stated the Fish Creek gather was the first in NV where the BLM implemented this process. One of his recommendations for the board is that they support the process because they all have reservations that it will never work. John Ruhs stated on the tour that it has worked on smaller herds but he went on the record saying that he didn't think it would work in NV. If they don't support them moving forward with their process, then they have nothing on the back-end to say whether it worked or not.

Mr. Goicoechea stated until Eureka County's appeal is settled in Washington DC, they can't support it. They have a formal appeal out there on that EA, in front of an administrative law judge, and he hasn't acted on it.

Adjourn— The motion was made by Mr. Slagowski and seconded by Mr. McCuin to adjourn the meeting. There being no further discussion, the meeting was adjourned at 8:51 p.m.

Approved this _____ day of _____, 2016.

Respectfully submitted: _____
Jessica Santoyo, Secretary

Approved: _____
Jim Baumann, Chairman