

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

The Eureka County Natural Resources Advisory Commission (NRAC) held a public meeting on March 15, 2017, at 6:00 p.m. at the County Administrative Facility, Eureka, Nevada.

Members Present: Jim Baumann, Carl Slagowski, Paul Etzler, Jim Wise, Ken Conley, and Mike Protani (via phone conference)

Members Absent: Mike Rebaleati, Gary McCuin, and Leo Damele

Others Present: Jake Tibbitts- Eureka County Natural Resources Manager, J.J. Goicoechea- Chairman Eureka County Board of Commissioners, Jessica Santoyo- Natural Resources Secretary, and Ari Erikson- Gullsil

Call to Order

The meeting was called to order by Chairman Baumann at 6:05 p.m., a quorum was determined to be present.

Public Comment

None.

Commission Business

Review and approve minutes from January 18, 2017 and February 15, 2017 meetings.

Carl Slagowski moved to approve the January 18, 2017 meeting minutes as written. Jim Wise seconded, motion carried unanimously.

Mr. Slagowski moved to approve the February 15, 2017 meeting minutes with corrections. Mr. Wise 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 resources issues.

- The NV State Engineer recently released proposed orders that are related to the Barrick Mining Operations Pipeline out of the Cortez Mine. The proposed orders are ordering Barrick to move water from Crescent Valley into Pine Valley and into Grass Valley to replace the water that is being removed from the bedrock aquifer because a drawdown has been seen in these basins. The orders are basically a water balance type of approach.
- Montana Congressman Zinke has been confirmed and he is now the Secretary of Interior.
- Congress repealed the Bureau of Land Management' (BLM) Planning 2.0 through the Congressional Review Act (CRA) and is awaiting the President's signature.
- The Hage' have been ordered to pay \$587,000.00 and they have to permanently remove all of their livestock within 30 days. The Hage' have also been blocked from having any livestock on public lands without written authorization from the BLM or the Forest Service (FS).
- The Trump Administrations' proposed budget is proposing to increase spending in defense by 54 million dollars. In order to pay for that budget they will be reducing domestic programs within the BLM and Forest Service (FS). The administration is also

looking at getting rid of the Land and Water Conservation Fund as a potential funding source for the proposed budget.

- The Trump Administration provided a directive to the Environmental Protection Agency (EPA) and the U.S. Corps of Engineers to re-write the Waters of the U.S. Rule. The administration also rolled back BLM's fracking rule.
- The BLM Elko District authorized emergency use for the permittees that got flooded out and had trapped cattle in the district. The BLM put the permittees in areas that they didn't have current permits for and where the permittees were out of their season of use. The BLM has provisions under their regulations that allow these emergency uses to happen. The BLM also released a statement to the public informing them of what they had done to help the permittees.
- The Argenta End of Season Monitoring Report is available to the public. The report basically states that the monitoring is working, the permittees are meeting all of the standards they need to meet, and there are still some issues that the permittees are working on.

Agency Reports

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

Kyle Hendrix provided his monthly update on the following: Mining, Oil and Gas Lease Sales, Noxious Weeds, 3-Bars Ecosystem and Landscape Restoration Project, Sage Grouse, Right-of-Way (ROW) Fuel Breaks, ROW's, Wild Horses and Burros (WH&B), and the Argenta Settlement Agreement. **A copy of the update is available upon request.*

2017 Nevada Legislative Session

Review and consider response on natural resources legislation for consideration at the 2017 NV Legislative currently underway.

Mr. Tibbitts stated that there has been a lot of hearings regarding the bills that they discussed at their last meeting and the message that they have been sending back is the message that the board voted on at their last meeting. A lot of bills have been heard but they haven't gone past their initial hearing and the bills have to make it to the work session in order to know in what direction the bill is going in. Assembly Bill (AB) 101 is related to the \$3.00 predator fee and that made it through the entire committee. AB298 from the Committee on Natural Resources, Agriculture, and Mining is a Southern NV Water Authority bill which is intended to overturn the Kobeh Valley Ranch deal, this bill still hasn't been scheduled for a hearing. Today, four bills with language from the Sub-Committee to Study Water were released. Senate Bill (SB) 269 has to do with Groundwater Management Plans and it applies to Diamond Valley (DV). SB270 is related to the filing of vested claims, this bill will start a timeframe to file vested claims in the next 10 years. SB 271 has to do with domestic wells, this is a State Engineer bill where the State Engineer would regulate by priority and domestic wells would be regulated to indoor use only. SB272 is related to Critical Management Area's (CMA's) and over pumped basins, this bill grandfathers in all current and existing wells.

Mining

Discuss mining projects and activities in and affecting Eureka County, including but not limited to the GRP Resources Gold Rock Project, Barrick Horse Canyon/Cortez Unified Exploration Project (HCCUEP) Twin Exploration Declines, Gullsil Prospect Project, McEwen Mining Gold Bar Project, Newmont Perry Pit Project, Barrick Cortez Deep South Expansion Project and all Carlin Trend operations and consider response to any related issues.

Mr. Tibbitts stated US Geological Survey (USGS) just published a Critical Minerals Report that has nothing to do with the Sage Grouse Mineral Potential Report. The report covers the non-fuel mineral needs in the U.S. which are currently imported from other countries. The Government Accountability Office (GAO) and USGS teamed up to look at why so many rare minerals have to be imported and they determined that permitting delays is a major factor. Based on this report two pieces of Legislation have been put forward, House Resolution (HR) 520 in Congress and Senate (S) 145 which will address this issue and place time deadlines on the permitting of critical minerals. Critical and strategic minerals are rare-earths such as melodium, vanadium, and fluorspar. These bills will not address mining permitting delays for gold and silver, the bills will only address the critical and strategic mineral mining delays. The EPA has also been pushing the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) which is superfund bill/act that would require a new bonding requirement for mines. Basically, if a mine project comes back as a superfund project, the mine would have to pay for this and there has been a lot of pushback from the mining industry and the county on this. This would be really duplicative to what is already being done by the mines and all of the projects that have been designated as superfund projects are legacy projects that happened well before all of the new regulations were put in place. Mr. Tibbitts stated that the McEwen Mining- Gold Bar Project Draft Environmental Impact Statement (EIS) is out for public comment with the comment deadline of April 17, 2017. The BLM Draft EIS Open House is scheduled for April 22, 2017. Eureka County provided 167 comments on the Draft EIS and by comparing the comments to the draft, they can see some changes have been made but they still have outstanding issues. The BLM did do a good job in addressing the county's issues but the credit doesn't go to BLM, it goes to Ron Espell with McEwen Mining because he bent over backwards to make sure that the BLM addressed the county's comments. Mr. Tibbitts recommended that the NRAC board support sending the same comments to reiterate what was previously submitted by Eureka County on the Draft EIS. *A copy of Eureka County's comments are available upon request.

Ken Conley moved to support sending the same comments to reiterate what was previously submitted by Eureka County on the McEwen Mining Gold Bar Project Draft EIS. Mr. Slagowski seconded motion carried unanimously.

Ari Erikson stated that they are still working through their air issues, they are looking for the best options to get the air quality analysis completed, and they will be including a bigger cumulative analysis that will include Mt. Hope Project.

3 Bars Ecosystem and Landscape Restoration Project

Discuss and consider response on BLM 3 Bars Ecosystem and Landscape Restoration Project Final EIS and/or Record of Decision, including potential request for a State Director Review.

Mr. Tibbitts stated that the board originally recommended that the Eureka County Board of County Commissioners (BOCC) pursue a State Director Review (SDR) on the 3-Bards Project but the Record of Decision (ROD) for that project still has not been released and the SDR hasn't been requested. This is all coming to a head such as with McEwen Mining and their entire Sage Grouse Mitigation Plan being based on the approval of the ROD. There are some major issues and he is hoping that they can get some clarification through the SDR on the ROD. The range science in the whole deal is very sloppy and they also need some clarification on that. Mr. Tibbitts stated that by asking for the SDR they can try to work things out on the ROD and if that doesn't work then they can appeal.

JJ Goicoechea stated he spoke with the BLM Battle Mountain District (BMD) about the SDR and the district manager said that a white paper has already been sent to the SDR regarding that

request. Mr. Goicoechea asked the district manager to allow him to see the white paper and they can have a conversation on what that entails but he never heard back after asking for the white paper. Eureka County has a scheduled meeting with the BMD, in which the BMD is just trying to pad the record but Eureka County will be asking about the SDR white paper.

Mr. Tibbitts stated that there are limited things that the State Director can do under the SDR such as telling the BLM that they have to go back and re-open the Environmental Impact Statement (EIS) to make adjustments, he can also try to address issues through the ROD but the director can operate solely outside of the EIS even though he is the director he has to stay within the framework.

Grazing

Discuss and consider response on recent grazing actions and decisions affecting Eureka County, including recent BLM grazing closures due to fire and the Targeted Grazing EA.

Mr. Tibbitts stated this is just to close the loop on items that the board commented on in previous meetings. Eureka County has had multiple meetings with the BLM districts to work on many of the recent grazing decisions. A lot of the districts have been really easy to work with and have made a lot of changes to their grazing decisions. The most recent grazing decisions due to fires that the Elko District has released have had substantial changes due to meetings with Eureka County, they aren't perfect decisions but they really worked hard in meeting the county halfway. Mr. Tibbitts stated that the Targeted Grazing EA for grazing cheat grass for the TS Ranch and Maggie Creek Ranch was released and Eureka County provided substantial comments. Eureka County met with the Elko District and had some successes but they were unwavering on the 2-3 inch stubble height for cheat grass within the firebreak. The results of the project will speak for themselves but this is a project that they should support because it is using grazing for fuels reduction.

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, NV Sagebrush Ecosystem Program and NV Greater Sage-Grouse Conservation Plan.

Mr. Tibbitts stated that there's been these Congressional Fixes on the Sage Grouse deal but there is a new push with the two bills, one bill keeps the Fish and Wildlife Services (FWS) form listing the bird and the other bill is to stop the BLM and FS from implementing their plans for the next 10 years to allow states to use their plans. Basically, this is a renewed effort through the new Congress and Administration that may just work. There's a lot of the sky is falling rhetoric from environmental groups saying that this will be devastating for the bird but it won't because there will still be management put forward for the bird, they are just saying let states implement their plans and see what happens. The Sage Grouse Litigation is still going on, there was oral argument hearing recently, and the judge held the argument to issues of harm and standing so that decision will be out any day.

Fuels Break Environmental Assessment (EA)

Discuss and consider response on the BLM Battle Mountain District Office Fuels Break Environmental Assessment (EA).

Mr. Tibbitts stated in the BLM's last report and in the minutes it should reflect that the BLM said that the EA would be out any day well it was released just a few days ago. Mr. Tibbitts just began reviewing the document for hot button issues but hasn't had time to review it carefully. The whole document is very similar to the Elko District EA but it is more broad scale because it allows for targeted grazing as an opportunity along roadsides, it has mowing, it has herbicide

treatment, it has seeding agreement, and it analyzes all of those for fuels reduction. Comment is due back by April 3, 2017, no action is required today.

2017 NRAC Priorities

Discuss and consider priorities for NRAC to address in 2017.

Mr. Tibbitts stated the board requested that he put together a list on the priorities for 2017. The first part covers what the DNR (Department of Natural resources is involved in currently)

Mr. Tibbitts covered the following items:

1. BLM Cooperation Agency Involvement: Gold Bar EIS, Gold Rock EIS, Deep South EIS, Sagebrush Ecosystem EA
2. BLM items involved in that have not yet finalized: 3-Bars EIS, Roadside Fuels Break EA, Targeted Grazing EA, O&G Lease EA, Fish Creek WH Gather and Fertility Control-Still at IBLA
3. BLM items formally identified: BMD RMP revision re-start, Roberts Mountain Allotment Management Plan (AMP)
4. Fallon Range Training Complex (FRTC) Modernization EIS
5. Nevada Legislature: Tracking over 60 pieces of legislation
6. Diamond Valley GMP development
7. Entity involvement – involved in nearly every meeting: County level - Firewise Committees, Wildlife Board, Eureka CD/DVWD, Non-Governmental Organizations (NGO) – NvACD, DNRPCA, NWMA, HRBWA, CNRWA, SLUPAC, NV Collaborative Conservation Network-For implementation of sage grouse LUPAs

Mr. Tibbitts went over the suggested 2017 NRAC Priorities:

1. Determine which items to Integrate with NACO priorities
 - Waters Of The US (WOTUS)
 - Better definition to meet Supreme Court standard that is as “friendly” as possible
 - Clarification in Clean Water Act (CWA)?
 - Increased local coordination and involvement in public land management
 - Full funding of PILT (not a lot of support)
 - Fire Borrowing (not a lot of support)
 - Emergency, rather than management, funding
 - Wild Horses and Burros
 - BLM compliance with Act
 - Removal of Congressional rider “roadblocks”
 - Sage Grouse LUPA
 - Rely on State Plan
 - BLM Planning 2.0
 - Repeal and bolster local coordination and consistency requirements
2. FRTC Modernization
 - Minimize land use impacts
 - Ensure mitigation of impacts
3. BMD RMP Offense
 - Get to BLM leadership at State and National Level about concerns with just “restarting” – need almost complete start-over. The BMD current RMP is from 1986.
4. RS 2477
 - Pass ordinance adopting all roads in Eureka County Road Atlas that do not have a specific road number.
 - Primarily roads maintained by users. Master plan and County Code already include these roads but we need a map depicting at least what we know is out there now.

- Retain attorney (e.g. Shawn Welch) to assist in development of a protocol to get all information together in case of Quiet Title Action or controversy. Include legal strategy as part of the protocol for future budgeting. This would not be a lawsuit this would be just to show that we are ready in case something does come out.
 - Develop and fly RFP for assistance with completing RS2477 protocol, short of court action
 - Gather historical evidence on existence, extent, and maintenance of roads pre-FLPMA
 - Use County Atlas as starting point
 - Hold workshops to have road users, landowners, etc. bring forward roads not on Atlas
 - Gather affidavits (and depositions?) from users of roads and those that maintained the roads
 - Field work to GPS road centerlines that are not already done, take various photos, document conditions, etc.
 - Enter all information into a geo-database for future use.
 - Develop budget and funding mechanism for future year(s) legal strategy to finalize title.
 - Support federal legislation seeking to streamline clarification of title. Congressional solutions proposed still require sufficient evidence to back up claims. This would avoid many legal costs.
5. Internal review and update of Natural Resources and State or Federal Land Use Element.
- Determine if outside help needed for update. Last update 2010. Missing a wild horse management section in master plan.
6. Sage Grouse– Challenges to BLM/USFS Land Use Plan Amendments and ESA listing; Proactive Habitat and Predator Projects
- Continue to support legal challenge of BLM/USFS LUP amendments.
 - Lobby for federal legislation allowing State to “prove itself” in managing sage grouse – S. 273 and HR 527
 - Develop projects for habitat, predator work, and rangeland improvement
 - Pursue contests or bounties?
 - Permitting implications (BLM recreational permit)?
 - Pursue getting a raven take permit and implement raven work.
 - Get data from NDOW on sage grouse and mule deer counts.
 - Pursue partnerships for funding.
 - Wildlife board
 - Grazing board
 - Silver State Sportsmen
 - Conservation District
 - Private landowners
 - Funding through conservation district, wildlife board, NRAC
 - Leverage through grants as has been done
 - Additional PJ work
 - Pine Valley
 - 3-Bars Project
7. Comment on and get involved in projects and proposals as the come forward (this is totally out of their control).
- Federal agency decisions
 - EAs and EISs
8. Other?
- Topics, issues, Boards/entities wanting closer involvement with

Mr. Tibbitts asked the board if there are any other items that they would like him to look into such as other boards or entities, or having presentations done by specific entities.

The board stated that all of the issues that Mr. Tibbitts went over are all issues that they need to prioritize and continue to work on.

*A copy of the 2017 NRAC Priorities is available upon request.

Next Meeting-

Items suggested for the agenda include: 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 April 12, 2017 at 7:00 P.M.

Public Comment

None.

Adjourn— The motion was made by Mr. Slagowski and seconded Mr. Wise to adjourn the meeting. There being no further discussion, the meeting was adjourned at 8:45 p.m.

Approved this _____ day of _____, 2017.

Respectfully submitted: _____

Jessica Santoyo, Secretary

Approved: _____

Jim Baumann, Chairman

DRAFT