

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

The Eureka County Natural Resources Advisory Commission (NRAC) held a public meeting on April 11, 2018, at 6:00 p.m. at the County Administrative Facility, Eureka, Nevada.

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

Members Absent: Mike Rebaleati

Others Present: J.J. Goicoechea- Eureka County Commission Chairman, Jake Tibbitts- Eureka County Natural Resources Manager, Doug Furtado- Bureau of Land Management Battle Mountain District (BLM-BMD) District Manager, Sam Ault- BLM-BMD Range Specialist, Robert Briddick- BLM-BMD Range Specialist, Kyle Hendrix- BLM-BMD Public Affairs Officer, Chad Bliss- Public, and Jessica Santoyo- Natural Resources Secretary

Call to Order

The meeting was called to order by Chairman Baumann at 7:02 p.m., a quorum was determined to be present.

Public Comment

Chairman Baumann requested that all individuals in attendance introduce themselves.

**Agenda item removed at the chairman's discretion for this meeting only. The agenda item will be placed on the following agenda in May.*

Legislative

1. *Receive report on and consider response regarding trip to Washington, DC, March 19-23 where Eureka County met with Congressional representatives and land management agencies.*
2. *Discuss and consider priority items to address with the Nevada Legislative Interim Committee on Public Lands at one of their upcoming meetings.*

Commission Business

Review and approve minutes from the January 18 and February 13, 2018 meeting.

Carl Slagowski moved to approve the minutes from the January 18 and February 13, 2018 meetings as written. Gary 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 resources issues.

- The Bureau of Land Management (BLM) removed 1,294 wild horses off the range during the Triple B Gather. BLM treated 28 mares with PZP, released those treated mares and released 28 studs with the mares. The BLM ended up removing more wild horses from the range due to bad horse conditions and bad range conditions.
- The DC Circuit Court made a ruling on the Environmental Protection Agency's (EPA) ruling that puts an exemption in place for livestock producers and not having to report manure emissions. The federal court found that agricultural producers are not exempt and that the EPA has been doing this illegally. Therefore, they mandated that all livestock producers report their manure emissions by May 1, 2018. This is a requirement for any individual that has 300 head of livestock where they provide a manure emissions

report. This means that individuals have to hire a contractor to determine those emissions and file a report. Recently, an omnibus bill was passed that contains a rider that exempts livestock producers from this law and they do not have to provide a manure emission report anymore.

- The Forest Service (FS) sent out their proposal to stock a couple of streams with cutthroat trout in the Upper Reese River and Steward Creek. The proposal was received and there is an opportunity to provide comment if needed.
- Senator Heller introduced a bill related to the release of Wilderness Study Areas (WSAs). He is currently waiting on a resolution from the Washoe County Commission so it can be added to all of the other resolutions provided from all of the other counties that have WSAs within their boundaries. This bill has been drafted in a way that will put Congress on a timeframe to get those areas released back to the counties.
- Secretary Zinke recently announced that the Department of Interior re-organization will not include the BLM moving forward. The re-organization will be more aligned with US Geological Survey (USGS) and Fish and Wildlife Services (FWS) according to the ecosystem approach.

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

Agency Reports

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

Kyle Hendrix provided a BLM Battle Mountain District (BMD) 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 EISs, Right-of-Way (ROW) Fuel Breaks, ROW's, and Wild Horse and Burros, and Rangeland Management. He also included attachments such as the Deputy Secretary Sage Grouse cover letter, Outcome Based Grazing- News Release, and the BLM NV State Office Sage Grouse power point. **A copy of the update is available upon request.*

Grazing

Receive presentation by Battle Mountain BLM on Allotment Management Plan process being pursued to make adjustments to grazing management.

Doug Furtado, District Manager with the Bureau of Land Management Battle Mountain District (BLM-BMD) provided a presentation on the potential use of Allotment Management Plans (AMPs) to help streamline the grazing permit process. The AMPs are based on agreements with the landowner, they encourage collaboration by involving various entities that wish to participate, and they build relationships. The AMPs would make the overall grazing permit process move along faster and more efficiently. The AMP is defined as a documented program developed as an activity plan that focuses on and contains the necessary instructions for the management of livestock grazing on public lands to meet the resource condition objectives, sustained yield, multiple use, economic and other objectives. It's a document that would serve as the proposed action for the National Environmental Protection Agency (NEPA) process, it's based on reaching agreements, and if done right it is an expedited process for grazing permits.

Discuss and consider response on recent grazing action, decisions, and proposals affecting Eureka County. This includes but is not limited to:

- *BLM Elko District scoping for proposed Dormant Season of Use Programmatic EA:*
Mr. Tibbitts stated that this was on the agenda last time but due to the cancellation of their last meeting and the comment due date, he went ahead and submitted a comment letter. The Eureka County Board of Commissioners (BOCC) ratified the letter during their last meeting. **A*

copy of the letter is available. The letter is essentially full of scoping comments and their input on the Environmental Assessment (EA). They provided comments on all of the livestock closures, the blanket objectives and various other things. They did receive a response from the BLM Elko District regarding Eureka County's comments and wanting to meet with Eureka County to discuss their comments. If anyone is interested in joining the meeting, please let him know. The EA is essentially covering all of the fires that took place last summer.

**Agenda item taken out of order at the chairman's discretion.*

Roadside Fuels Breaks EA

Discuss and consider identifying priorities and proposals for fuels breaks treatments under the Roadside Fuels Breaks EA.

Mr. Tibbitts stated that he has been providing this board with updates on this specific EA at every one of their meetings. Recently, he met with the BLM to discuss some of the issues surrounding the EA. As Mr. Furtado has stated here tonight, that once BLM and NV Division of Wildlife (NDOW) put together a prioritized areas list it will get sent over to the county for comments and input. Mr. Tibbitts stated that this board has looked over the preliminary maps and looking at the identified areas they noticed that there isn't anything identified in the south-end of the Diamonds. This is something that they can provide comment on when the maps are sent out and it would be something that they would like the BLM to consider because there are a lot of private land owners that have completed various treatments on that specific area. BLM should consider this since it is the main sage grouse habitat area they have in Eureka County.

Mr. Furtado stated that the good news is that they want a grass roots effort and he doesn't just want BLM to dictate what roads they will be using. During their meeting with NDOW it was decided that BLM will take the first stab at the maps based on previous fires, sage grouse priority habitat, private property, etc. Then it will be sent to the county for review and whatever the county submits, the BLM will go with.

Mr. Tibbitts stated that the board can hold off on any action until the maps are received for review and input.

Grazing

Discuss and consider response on recent grazing action, decisions, and proposals affecting Eureka County. This includes but is not limited to:

- *Various recent livestock trailing permits*

Mr. Tibbitts stated that the BLM Elko District has been processing many trailing permits and they have been seeing a lot of those being released as well. This has all been brought forward due to a Western Watershed decision that says that if someone crosses a corner of any place they are required to have a trailing permit. The Little Paris decision on the Brown Allotment was sent out this week and they shouldn't be surprised to see more decisions coming out soon. This affects anyone who simply cuts across a corner to save time but they can no longer do that, they need a trailing permit in order to cut across that area.

Mr. Slagowski stated that what really bothers him is the question of where they allocated Animal Unit Month's (AUM's) from for this, where did those come from.

Mr. Tibbitts stated that he has been looking into all of this as well and from what he understands, they don't have any AUM's allocated. Little Paris Sheep Company did not allocate any AUM's for this. The trailing permits are now law and are required because a court said they have to do them after losing to Western Watersheds.

Mr. Etzler moved to find out where the AUM's came from for the trailing permits. Mr. McCuin seconded, motion carried unanimously.

- *AMP Process discussed above;*

Mr. Tibbitts stated that in his perspective he thinks that the BLM is onto something good with the AMP but he also thought BLM had a good idea with the Drought EA's. Mr. Furtado is receiving a lot of pushback from his superiors and he doesn't think it has to do with the AMP idea. The BLM superiors aren't against the AMP idea but they are against the individual trying to get it accomplished and his ulterior motives. The AMP process will probably not happen until someone else picks it up and gets it going. They will just have to see how it all plays out.

The board stated that they will continue to support the concept and get as much information that is available on the idea moving forward.

BLM Mount Lewis Field Office Argenta, Copper Canyon and North Buffalo Preliminary Rangeland Health Assessment and Evaluation Report;

No discussion.

BLM Elko District 2017 Wildland Fires resulting in livestock grazing closures; and

No discussion.

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 including proposed regulations through the Nevada Bureau of Mining Regulation and Reclamation.

Mr. Tibbitts stated that the Bureau of Mining Regulation and Reclamation (BMRR) proposed regulations are trying to change what the small miner exception means. It will not matter how small a mine is, that mine will not be allowed to claim the small mine exception any longer. Mr. Tibbitts stated that he reached out to the NV Mining Association and they said that when the draft is released to the public they are willing to work with them on it. The draft was released on March 1, 2018 and a lot of draft has been changed but Ari Erickson's one major concern is still in the draft. The BMRR has also released public workshops dates for the public to attend and listen to what they have to say, one of the workshops is in Elko on April 25, 2018. Overall, the regulations are saying that no matter what kind of best management practices they use, they will never get the small mine exemption, they will always have to bond. The reason that they are putting this in place is because someone received the small mine exemption and then walked away from the project that was located on private land. Then the private landowner ended up with all of the responsibility, he had to dispose of chemicals that were abandoned and the mining entity wasn't properly bonded. The BMRR has decided that for one bad person, everyone has to be affected and no one can claim the small miner exception anymore. Written comments on the regulations are due by May 3, 2018.

Mr. Erickson stated that the fear is that if an individual has an underground portal on private land while the regulations are being written, then they will be asked to bond immediately without any proposed action. They are now saying that the proposed modifications include the revision to the small miner regulation that allows for mining without bonding on small mines (under five acres) on private lands that use chemicals. They are really trying to close the door

just because they were spooked by one bad individual. Mr. Erickson stated that he will attend one of the workshops and provide an update at the next meeting.

Mr. Tibbitts stated that they could provide a comment letter from Eureka County saying that they can't lump all small mines into this category, if they want to update the regulations there needs to be a stop-go screening to determine where a small mine falls in the scheme of things. He thinks reaching out to Rich Perry, who is over all of this, discussing the issues and explaining to him that they want to better understand in order to provide a good comments.

Mr. Tibbitts stated that Barrick will be hosting their official kick-off meeting next week for the Gold Rush Project. During that meeting Barrick will talk about all of the baseline needs and everything that they need to accomplish for the project. Barrick recently attended a BOCC meeting to explain their timelines and that they are on an accelerated schedule with this project.

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 Supplemental EISs, Interim Guidance and Instructional Memoranda, NV Sagebrush Ecosystem Program and NV Greater Sage-Grouse Conservation Plan.

Mr. Tibbitts stated that as they sit here today they are under a Cooperating Agency Review of the Environmental Impact Statement (EIS) under 3355. They now have a signed Memorandum of Understanding (MOU) between Eureka County and BLM. They just received the Cooperating Agency Review EIS, they only have five days to review it and provide comments back by 5:00 p.m. on Sunday. The public Draft EIS will go out in May for public comment. They can expect a Record of Decision (ROD) on this by the end of the year which means a new Land Use Plan Amendment but so far all of the changes BLM is looking to make are in the right direction. Eureka County's main issues and what they would like to see addressed are as follows: habitat objectives table, sage grouse mapping, and the lek buffer issue. All three of these issues are made very clear in the EIS that they are general screening tools and that BLM will not make decisions based on those objectives or buffers, they have to ground truth it. Technically, this is a win in this whole process because they are including the suggestions that were previously made. The one item that is still not included in the EIS is the socio-economics and how that would impact the area but with such a short time frame, they probably won't get that at all. The EIS is just framing the alternatives, the no action alternative is the current plan and the other alternative is analyzing exceptions of various things in the EIS.

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 May 9, 2018 at 6:00 P.M.

Public Comment

None.

Adjourn— The motion was made by Mr. Conley and seconded by Mr. Rebaleati to adjourn the meeting. There being no further discussion, the meeting was adjourned at 9:47 p.m.

Approved this _____ day of _____, 2018.

Respectfully submitted: _____
Jessica Santoyo, Secretary

Approved: _____
Jim Baumann, Chairman

DRAFT