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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 April 13, 2016, at 6:00 p.m. at the County Administrative Facility, Eureka, Nevada.

**Members Present:** Chairman Jim Baumann, Paul Etzler, Mike Protani, Leo Damele, Mike Rebaleati, Carl Slagowski, and Jim Wise

**Members Absent:** Gary McCuin and Ken Conley

**Others Present:** JJ Goicoechea- Eureka County Commissioner, Jake Tibbitts- Eureka County Natural Resources Manager, Jessica Santoyo- Natural Resources Secretary, and Ari Erikson- Diamond Mine

**Call to Order**

The meeting was called to order by Chairman Baumann at 7:05 p.m., a quorum was determined to be present.

**Public Comment**

None

**Commission Business**

*Review and approve minutes from the March 15, 2016 meeting.*

Carl Slagowski moved to approve the minutes from the February 10, 2016 meeting. Jim 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 resource issues.

- The State Engineer is hosting his Humboldt River workshops this week and he will be discussing what the expected management will look like on the river this year.
- The NV Land Management Taskforce put together the plan regarding the potential transfer of public lands. The plan consists of two phases, phase one discusses the lands marked suitable for disposal and phase two covers everything else. Congressman Amodei has put forward legislation that would do exactly what the NV Land Management Taskforce plan says. The House will have a hearing on the legislation soon and the board should be aware that discussions regarding the plan are going on.

**Pinyon-Juniper Biochar and Biomass Initiatives**

*Update and discussion on Eureka County related pinyon-juniper biochar and biomass related projects.*

Mr. Tibbitts provided a PowerPoint presentation on the Biochar Project in Eureka County.

- The Pinion-Juniper (PJ) Project:  
The PJ Removal Project is a continued effort to cut down PJ trees on privately owned lands. The project was focused on improving wildlife habitat, increasing water availability, and providing additional forage for livestock operations. The PJ removal project was primarily an effort to enhance private land to help benefit Greater Sage Grouse habitats within the private property. In the last three seasons, a total of 4,175

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acres of PJ on private land within sage grouse habitat were removed. The project still has a possibility of continuing on into the next fiscal year if more private land is made available or BLM authorizes work on public land. A portion of the overall project was funded through the Sage Grouse Habitat Grant Program. This part of the project removed additional downed trees to break up ground fuel continuity. Also, the biomass was used as feedstock for pyrolysis/biochar for associated but separate biochar projects. Downed trees near roads, primarily Simpson Creek Ranch Road, were selected for removal to leverage the use of the road as an extended fire break and trees removed were transported to a nearby area and chipped for use as feedstock in producing biochar.

### ➤ The Biochar Project:

Biochar has been shown to aid in moisture and nutrient holding capacity and shown to help absorption and efficient release of fertilizer and pesticides as it has a sponge like aptitude. Biochar is the product of cooking (not combusting) biomass at high temperatures with little oxygen resulting in a nearly pure carbon. This project continues to try to find uses for the PJ biomass that is removed for habitat projects. There is also a focus on the potential of using local sources of biochar to be used as a soil amendment to increase soil moisture holding capacity in Diamond Valley and for local mining reclamation in order to reduce irrigation needs and increase vegetation establishment. The project was created in order to look into different alternatives for water issues being faced in Diamond Valley as well as ways to increase mining reclamation success. The biochar was researched and was determined to be a possible alternative for water conservation. The biochar was made using the PJ wood chips that resulted from the PJ removal project. Working with Amaron Energy in June 2015, 13 tons of biochar were produced from local PJ. There is still continued interest to continue to produce biochar with the remaining PJ wood chips in the future. There are ongoing efforts to now apply this biochar to fields and mine reclamation.

*\*A copy of the PowerPoint Presentation is available upon request.*

## **Mining**

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

Mr. Tibbitts stated the McEwen Mining-Gold Bar Project will be hosting a site visit on May 17, 2016 and Mr. Tibbitts will be attending the site visit. Jim Smithson resigned from McEwen Mining due to family issues and has moved back to Montana. McEwen Mining hired Ron Aspell to take over Mr. Smithson's position. Mr. Tibbitts stated the Horse Canyon Cortez Unified Exploration Project (HCCUEP) is moving forward with their Deep South Decline and the Environmental Assessment (EA) for that process officially kicked off two weeks ago. Eureka County protested the water application in Pine Valley and finally some progress is being made to find a solution for everyone involved. If the County Commissioners come to a stipulated agreement regarding the protest, the commission will take action on the agreement at an open public meeting which will allow for public comment.

JJ Goicoechea stated the NRAC board will be brought up to date if any kind of agreement is made and County Commission will have a public meeting on the issue.

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Mr. Tibbitts stated during the last NRAC meeting, the board was informed that the District Court had begun moving forward on the Supreme Court remand, denied all of the applications and vacated the permits, and told General Moly and Kobeh Valley Ranches to start all over. Kobeh Valley Ranch petitioned the District Court to reconsider the decision to not remand the case back to the State Engineer. Shortly after, the State Engineer appealed to the District Court and filed a notice stating that they are appealing and will be going to the Supreme Court to clarify or amend the decision. Basically, the case just keeps going around in circles over and over again. Mr. Tibbitts stated he met with Ari Erikson from Diamond Mine and they have a good plan moving forward in order to remove Eureka County's protest from Mr. Erickson's water source.

Mr. Tibbitts asked Mr. Erikson, if the Bureau of Land Management (BLM) is requiring that the Diamond Mine have a water right secured before moving forward.

Ari Erikson stated it was implied by the BLM that having a water right secure would be a good thing. They are a mining company who is moving on the side of caution and they would like to have all of their ducks in a row.

Mr. Tibbitts stated General Moly continued forward without a secure water right and he just wants the Diamond Mine to be aware that they can move forward without a secure water right.

Mr. Erikson provided an update on Diamond Mine. Diamond Mine is currently working on their Plan of Operations, which will include a pipeline for the Newark Canyon. Diamond Mine continues to work with Eureka County to get the water protest issue resolved. They would like to begin using the Hurt Farm again as a farm, once the water protest gets resolved. Diamond Mine would like to have a water right in place just in case the BLM says this plan is going to work and if a short EA is administered, they are ready to go.

Leo Damele stated that he has some concerns regarding the Barrick Enabling Agreement. The mines are using the ranches as a leverage to continue mining but are they being taxed, should the tax exemption be changed.

Mr. Tibbitts stated what Mr. Damele is trying to say is that the mines are getting the Agricultural (Ag) Tax Exemption. The mines are getting the benefit of the Ag land but they are not running the ranch as Ag land. During their last meeting, the board discussed having someone from Barrick come in and discuss the enabling agreement which they will have someone come in at a future meeting to answer all of their questions regarding the agreement. Mr. Tibbitts stated that he agrees with Mr. Damele and is concerned that all of the Ag property is being bought by mines and they're running livestock at reduced permitted numbers. The mines buy the ranches for mitigation, for the water rights, and they still continue to get the Ag tax exemption.

Mr. Goicoechea stated the biggest concern he has is that the mines buy these ranches that used to have two to three families on them, they used to run a 1000 cows, and now they only run 300 cows. That is an economic hit to the county and to the machine that they rely on for sales and use tax. The Ag lands are only being used 40-50% and the agricultural base is being lost.

### 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.*

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Mr. Tibbitts stated the Conservation Credit System (CCS) projects that were selected from this area have decided to hold off until they see how everything shakes out, there are too many questions without answers. There is one project in Eureka County that is still moving forward through the Etcheverry family up on Roberts Creek. The Etcheverry's are working with private resource consultants to develop projects and credits. The Tumbling J.R. also has a substantial project that is moving forward as well, they will be preserving sage grouse habitat which will create them credits.

Mr. Tibbitts stated Greater Sage Grouse (GSG) Land Use Plan Amendment lawsuit is still moving forward, a motion for summary judgment was filed. The motion for summary judgement basically briefs the judge on all of the evidence found and the judge can make a determination to remand or some type of determination. Throughout the lawsuit there were some high level BLM officials that dubbed themselves the "Grousekeepers" contrary to what the newspapers say about the attorneys calling them the "Grousekeepers" they called themselves that. Going through all of the evidence, there are many areas where BLM staff expressed concerns saying that the plan was not going to work in NV and the science was sloppy but those concerns were disregarded. The record is very shocking of what actually took place but the item that stands out is the 125 pages of comments that Eureka County submitted. Eureka County kept asking the BLM why they hadn't responded to their comments/concerns and finally somewhere in the process someone got fed up and sent only Eureka County's comments to the BLM attorney. The BLM attorney replied through an official email that they wouldn't be going through any of the counties or the state's comments line by line. That official email demonstrates that the BLM didn't even read any of the counties comments and just disregarded the comments/concerns regarding the plan. The whole point of the suit isn't to overturn the Fish and Wildlife Services (FWS) decision, it's to get the plan to do what it's supposed to do, include the right science, and that have the BLM coordinate accordingly with the counties.

Mr. Goicoechea stated a Memorandum of Understanding (MOU) was signed between the State the BLM, and the U.S. Forest Service (USFS). The MOU actually implements the CCS as a tool to use for enhancement restoration, keeping track of debits on mining interests, and other disturbances. Even though the State was told the plan wasn't good, BLM accepted the skeleton that the plan was built on and the State will be using that. The MOU was signed last week and it will be good for the GSG and the Bi-State Sage Grouse.

Mr. Tibbitts stated the BLM will be hosting implementation meetings on what the plans mean and the BLM will host meetings for the general public as well.

### **BLM Planning 2.0**

*Discuss and consider commenting on the Bureau of Land Management's Proposed 2.0 Planning Regulations.*

Mr. Tibbitts stated that the BLM extended the comment deadline to May 24, 2016 and he suggests to table the BLM planning 2.0 agenda item until the next meeting.

The board agreed to table the BLM Planning 2.0 agenda item until the next meeting.

### **Grazing**

*Discuss and consider action on recent BLM grazing decisions in and/or affecting Eureka County.*

Mr. Tibbitts stated this agenda item is usually kept on the agenda because during this time of year they receive a lot of annual authorizations. This decision isn't a grazing decision but it's an exclosure decision for the Curry Allotment from the BLM Wells Field Office which isn't in Eureka

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County but they look at other decisions often for precedent. What’s interesting about the decision is that the BLM will be creating an additional exclosure of a meadow through a categorical exclusion. Eureka County has been told over and over that the BLM is no longer using categorical exclusions but the Elko District BLM is still allowed to use categorical exclusions.

**Water Resources Master Plan**

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

Mr. Tibbitts suggested to table the Water Resources Master Plan agenda item until the next meeting.

The board agreed to table the Water Resources Master Plan agenda item until the next meeting.

**Next Meeting-**

Agenda items for the following meeting include BLM Planning 2.0 and the 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 May 18, 2016 at 7:00 P.M.

**Public Comment**

Paul Etzler asked the methodology for the RS-2477 roads program is basically asking who used the roads to help prove that use but most of those people are either dead or have moved away. Mr. Etzler suggested that they that they use aerial photography during that time to show the existence of the roads.

Mr. Tibbitts stated in Utah the existence of a road doesn’t determine public use and they have to keep that in mind. When the Eureka County pursues RS-2477 roads, they have to determine if the road existed before 1976 and they also have to determine the extent of the use. In Utah a bunch of roads were thrown out because they weren’t public use roads. Permissive uses do not count either, they count but they are not that important.

**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 9:20 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Respectfully submitted: \_\_\_\_\_

Jessica Santoyo, Secretary

Approved: \_\_\_\_\_

Jim Baumann, Chairman