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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 August 17, 2016, at 7:00 p.m. at the County Administrative Facility, Eureka, Nevada.

Members Present: Jim Baumann, Carl Slagowski, Paul Etzler, Leo Damele, Gary McCuin, Jim Wise, and Mike Protani (Via Phone conference),

Members Absent: Ken Conley and Mike Rebaleati

Others Present: Jake Tibbitts- Eureka County Natural Resources Manager, Jessica Santoyo- Natural Resources Secretary, and Dale Bugenig- Eureka County Hydrogeologist

Call to Order

The meeting was called to order by Chairman Baumann at 7:01 p.m., a quorum was determined to be present.

Public Comment

None.

Commission Business

Leo Damele moved to approve the minutes with corrections from the June 15, 2016 meeting. 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 resource issues.

- The Ely Bureau of Land Management (BLM) is re-organizing their field offices. They combined the Egan and Schell Field Offices into one and they are calling their new office the Bristlecone Field Office. Board members can expect to receive BLM material from the Bristlecone Field Office from here on out.
- Currently in Congress, the BLM is proposing the creation of a BLM Foundation, this foundation would allow the BLM to accept outside funding/monies from any organization and use that funding towards BLM programs. For example, a wild horse group wants to donate money towards fertility control and the BLM foundation allows the BLM to accept and use that money. The foundation will have a board of directors and it will be run similar to a non-profit organization but the money will go directly to the BLM. The proposal to create a BLM foundation is currently receiving support from both sides of the political aisle. The concern with this idea is that special interests groups who have the deepest pockets will begin to run the BLM agenda. Currently, the creation of the BLM foundation is only a proposal but if it continues to move forward they will have to weigh in at some point.
- Another legislative proposal in front of congress is the Hunting, Education, and Recreation Development (HEARD) Act which is co-signed by Amodei. The HEARD Act is a land transfer act which takes any lands that are currently identified in any Resource Management Plan (RMP) as lands marked for disposal, lands under leases or grants, and designates them to be sold. The proceeds obtained from those land sales will be split up as follows: 15% for the State Higher Education programs in Natural Resources and Agriculture, 15% for Land Grant Universities in Natural Resources related programs, 10%

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goes to the county involved, 10% goes into a special account for recreation and hunting, and 50% goes back to the Treasury to pay down the debt. The 10% that goes into the special account is to be used by the BLM to acquire or consolidate lands that are only to be used for recreational and hunting purposes. The HEARD Act is currently receiving support from both sides of the political aisle.

- The Government Accountability Office (GAO) was requested by Congressman Grijalva to put together a report regarding trespass grazing. Recently, the GAO released their report on trespass grazing and the report states that there is a lot of trespass grazing going on, on public lands. In the report, the GAO acknowledged that the large majority of trespass is unintentional because if an individual's grazing permit ends and they do everything possible to clear out, there is still a chance that some cows may have been left behind. The report is very well written but recently some of the anti-grazing groups got their hands on the report and they have been throwing it out there saying that the report shows that the ranchers don't have any respect for the land by consistently trespassing. One of the recommendations from the GAO is that the BLM and Forest Service (FS) offices need to formally/officially document all trespass whether its intentional or not. They need to document whether the trespass was addressed formally through the trespass process or informally by a phone call from the rangecon. The BLM stated that they are moving forward with creating a database that will document all trespass violations and the database will be made available to the public.

Agency Reports

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

None.

Water Resources Master Plan

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

Mr. Tibbitts stated during their last meeting the board was told to read the plan because it would be the last opportunity to weigh in and provide any new recommendations. The Planning Commission (PC) approved the plan as written.

Dale Bugeing stated that during the PC public meeting a handful of comments were received in writing and most of those comments were positive. The other comments that were received were answered to but those comments didn't require any changes in the plan itself.

Mr. Tibbitts stated the changes that did occur between the first draft and the most recent draft is the addition of coordination language which highlights BLM's obligations, the state's obligations with state water law, and it makes the plan consistent with the natural resources element.

Carl Slagowski moved to approve the Water Resources Master Plan as written. Mr. Damele seconded, motion carried unanimously.

Mining

Discuss mining projects and activities in and affecting Eureka County, including but not limited to the Barrick Horse canyon/Cortez Unified Exploration Project (HCCUEP) Twin Exploration Declines, McEwen Mining Gold Bar Project and GRP Resources Gold Rock Project, and consider response to any related issues.

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Mr. Tibbitts stated currently Barrick has a Plan of Operations (PoO) Amendment in front of the BLM for the HCCUEP Twin Declines Environmental Assessment (EA). The amendment is for the underground exploration of where Barrick will be building the full size declines, the declines will begin at the old haul road at the north end of Grass Valley and will extend into Pine Valley. Mr. Tibbitts, Mr. Bugenig, and the Eureka County Commission provided comments on the Preliminary Environmental Assessment (PEA) of the project. Mr. Tibbitts read through the comment letter that will be sent to BLM supporting the Barrick PoO EA Amendment. The letter explains that Eureka County is supportive of the amendment and asks the BLM to move forward with a Decision Record granting approval as soon as possible. The letter also explains how Eureka County commented on issues in the PEA and those issues were not addressed by the BLM but Barrick did make the effort to meet with the county to make the changes necessary to address the county's comments and concerns. **A copy of the letter is available upon request.*

Mr. Bugenig stated Barrick spent a lot of time, money, and effort on their water resources investigation and the EA only contains one paragraph regarding water resources. The EA doesn't mention the inter-basin transfer but it does include 100's of pages regarding the baseline reports. The BLM took the water resources work and turned it into a 30 word paragraph which doesn't do it justice, the public shouldn't have to dig through references to find the reports, it should all be in full disclosure.

Mike Protani asked what's the nature of the water from Grass Valley to Pine Valley, what will that water be used for.

Mr. Tibbitts stated the water will be used for drill fluid, dust suppression, potable use, basically they will use the water for whatever they need up the declines.

Mr. McCuin asked what's the threshold of when the project changes from exploration to production.

Mr. Tibbitts stated it's only a three year project which limits them to produce only so many tons of ore per year. Barrick can do the bulk exploration but they can't do full blown production under this EA because it's only for 12 acres of disturbance. In order for Barrick to go into full blown production they would have to do a full-blown Environmental Impact Statement (EIS).

Mr. McCuin moved to support the comment letter regarding the Barrick HCCUEP Twin Declines EA. Paul Etzler seconded, motion carried unanimously.

Mr. Tibbitts stated the HCCUEP project references specific water rights from Buckhorn. Barrick is currently trying to transfer those applications in order to use them at the declines. The application is an underground water right, it hasn't been used in some time but looking over the records that water right has been used multiple times by Barrick for various projects. It's also a certificated water right, therefore it has gone through the proof of beneficial use and it insulates the water right from the forfeiture law. Basically, Barrick is in good standing and no legal action can be taken.

Mr. Tibbitts stated the EIS process for McEwen Mining' Gold Bar Project is proceeding pretty rapidly and their biggest hurdle is the Greater Sage Grouse (GSG) travel restrictions that the BLM and the NV Department of Wildlife (NDOW) are trying to impose on them. McEwen has looked at every route option available such as through Roberts Creek Road, 3-Bars Road, and over Henderson Pass. The GSG plan requires them to avoid where lekking takes place and each lek has to have a four mile buffer. The GSG plans also states that the road is subject to valid existing rights and that a Right-of-Way (ROW) is considered a valid existing right especially a RS 2477

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ROW. Roberts Creek Road, 3-Bars Road, and Henderson Pass are all valid RS 2477 ROW's and legally the BLM can't impose travel restrictions on McEwen Mining. The only way that could happen is if McEwen files for a ROW on those roads under a Federal Land Policy and Management Act (FLPMA) or if Eureka County files for the ROW. Mr. Tibbitts stated that Eureka County has been fighting this issue and has informed the BLM that Eureka County will not accept a ROW. Last week Ron Damele and Mr. Tibbitts attended a meeting at the NDOW Elko office with NDOW staff, BLM staff, McEwen Mining staff, and overall the meeting discussions went very well. By the end of the meeting some type of compromise was reached and McEwen mining agreed to include a proposed action in their PoO to educate their employees on Best Management Practices (BMP) regarding the GSG. McEwen Mining will still have some travel restrictions imposed on them but only on large deliveries.

Mr. Tibbitts stated the Gold Rock Project got through their Draft EIS and they are now at the Final EIS stage but since permitting stopped going forward on the project and now the GSG plan has come into play, the BLM has to re-evaluate the Draft EIS. Currently, the BLM is doing their internal review of what changes the Administrative Final EIS needs in order to ensure that the EIS meets the standards of the GSG plan. Their next step is to have a meeting with all of the cooperating agencies, all the parties involved, and the public to review the Draft EIS and the Administrative Final EIS. They will go over the whole EIS page by page to show what changes were made in order to meet the GSG plan standards. Overall, they are moving forward and are on an aggressive schedule to get going.

Mr. Protani asked Mr. Tibbitts if he had heard anything on Waterton Mining.

Mr. Tibbitts answered that Waterton Mining still has plans to expand and begin looking for ore. Mr. Tibbitts stated that Waterton has been sending out their feelers throughout DV looking to purchase senior ground water rights and that's probably a precursor to whatever expansion they are looking for in the future. He received an email and a phone call from Waterton' attorney asking him if he had any recent sale numbers related to water right values in DV. Waterton Mining did retain an attorney and is filing for intervention in the curtailment order in DV.

Nevada Legislature

Discuss and consider items to promote, support, or oppose at upcoming work sessions of the Legislative Interim Committee on Public Lands on August 19 and the Legislative Commission Subcommittee to Study Water on August 26.

Mr. Tibbitts stated during their last meeting, they discussed what things the board would like to be brought forward to the Legislative Interim Committee on Public Lands. Based on the discussions had during their last meeting, Mr. Tibbitts created a document on Eureka County's issues and provided it to the Legislative Committee. The Legislative Committee received a lot of testimony from their meetings and they created a work session document. The meeting to review that document is scheduled for August 19, 2016. The work session document shows all of the issues that they propose to take action on which can be by writing a letter, creating a resolution, or including a statement in their final report. Mr. Tibbitts recommended that the board go through every proposed action in the work session document and determine if the board supports the proposed actions or not.

The board went through all the proposed actions in the Legislative Committee on Public lands work session document and provided their support, no support, or no comment. **A copy of the document is available upon request.*

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Mr. Tibbitts stated that the Legislative Commission Subcommittee to Study Water hasn't released their work session document yet but they will be meeting on August 26, 2016. Eureka County weighed in on that process by submitting the County's perspective on adaptive management and mitigation. The Humboldt River Basin Water Authority adopted Eureka County's perspective as their own statement at their last meeting and submitted it to the subcommittee as well. Mr. Tibbitts stated that he doesn't have any recommendations related to the subcommittee because they haven't released their work session document yet.

Grazing

Discuss, approve, or deny submitting response to BLM on Proposed Decision for Stone Cabin Allotment Water Hauls, which may set precedence for similar actions in Eureka County.

Mr. Tibbitts stated a proposed decision for the Stone Cabin Allotment water hauls was received from the BLM and Eureka County will be providing a comment letter. Mr. Tibbitts read through the comment letter that will be submitted to the BLM regarding the water hauls. The letter basically states that the Consultation, Coordination, and Cooperation (CCC) letter was never received and with Eureka County being a local government agency affected by precedent on this matter, Eureka County should have been involved in the decision making process. The letter is asking the BLM to rectify the issue by acknowledging that Eureka County should have been involved in the decision making process. Eureka County is also asking for the following: a copy of Katie Fite's questions and concerns that were addressed, a copy of BLM's analysis in the proposed decision regarding the need to impose the Drought EA, asking BLM to address the over population of horses and the reduction of grazing, asking the BLM to address the processing of water hauls, asking the BLM to address the placement of water hauls near GSG habitats, and asking the BLM to address the limitations on water hauls.

Mr. Slagowski moved to support the letter and mail it out to the appropriate individuals. Jim Wise seconded, motion carried unanimously.

Wild Horses

Discuss and consider response on wild horse issues in or affecting Eureka County including but not limited to water hauls, over-population, hoses outside of designated areas, and requirement being imposed upon ranches and mines to offset impacts.

Mr. Tibbitts stated that he recently received a tip that water was being hauled for wild horses over by JD Ranch and based on that tip he submitted a request to Shawna Richardson asking her to provide all and any information regarding water hauls that were currently taking place. Ms. Richardson responded that, that information had statewide implications which the BLM has to send to the BLM attorneys for direction and that Mr. Tibbitts would need to submit a formal request. Mr. Tibbitts then invoked the Freedom of Information Act (FOIA) and replied in accordance with FOIA please send all information related to all water hauls that have taken place in the last 12 months, information on water hauls which are currently taking place, and information on water hauls that are planned to take place within the next 30 days. Mr. Tibbitts didn't receive any replies after invoking FOIA and wrote another email on August 17, 2016 asking Ms. Richardson to please provide the requested information in order to report it to the NRAC board and the Eureka County Commissioners. Within a few minutes of that email, Doug Furtado called and informed Mr. Tibbitts that there had been two water hauls, one of which Mr. Tibbitts already knew about which happened last year in Antelope Valley at the sleuth and the other just happened recently with Barrick hauling water to the Cadet troughs at JD on the Rocky Hills Herd Management Area (HMA). Mr. Tibbitts asked Mr. Furtado why was Barrick hauling water out there for wild horses and Mr. Furtado couldn't give him a straight answer. Mr. Furtado's first story was that it was an emergency and there wasn't any water out there, the

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second story was that Barrick was hauling water out there for their livestock, and the final story was that BLM has an agreement with Barrick to replace the trough, clean some stuff up, and get some piping done out there. Eventually, Mr. Furtado admitted that the reason that water was being hauled out there was to keep the wild horses from leaving the location because they plan to fertilize them and start working on the wild horse management plan. Mr. Tibbitts told Mr. Furtado that the BLM really needs to hold themselves to the same standard as they do every permittee and abide by the water law. Mr. Tibbitts stated that he started writing a letter regarding this specific water haul and many other issues regarding water hauls, wild horses, and mismanagement. The letter highlights every complex and the issues that exist on each one of those complexes due to wild horses. This letter should be a high level letter that goes to the Secretary of Interior, the BLM State Director, BLM Battle Mountain staff, and Barrick to inform them of their concerns. **A copy of the letter is available upon request.*

Mr. Damele moved to send a high level letter to BLM, send a letter to Barrick outlining Eureka County’s concerns with the water haul, and to send a separate letter to the State BLM office and local BLM office asking them specifically about their relationship with Wild Horse Specialist Interests Groups and their leverage with the BLM decision making process. Mr. Slagowski 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, NV Sagebrush Ecosystem Program and NV Greater Sage-Grouse Conservation Plan.

Mr. Tibbitts stated the final response from the mining companies, the state, and the counties was just completed. They are now waiting for the judge to rule on whether she will allow oral argument or if she will just make her decision based on the briefs. They are hoping that the judge allows oral arguments, so people who have been affected by the GSG plan can come to the stand, explain how this has affected them and their businesses’.

Next Meeting-

The board should get any other desired agenda items to Mr. Tibbitts for the next meeting. The next meeting is tentatively scheduled for September 28, 2016 at 7:00 P.M.

Public Comment

None.

Adjourn– The motion was made by Mr. Damele and seconded Mr. Etzler to adjourn the meeting. There being no further discussion, the meeting was adjourned at 9:23 p.m.

Approved this _____ day of _____, 2016.

Respectfully submitted: _____

Jessica Santoyo, Secretary

Approved: _____

Jim Baumann, Chairman