

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

The Eureka County Natural Resources Advisory Commission (NRAC) held a public meeting on September 13, 2017, at 7:00 p.m. at the County Administrative Facility, Eureka, Nevada.

**Members Present:** Jim Baumann, Carl Slagowski, Paul Etzler, Jerry Todd, and Ari Erickson

**Members Absent:** Ken Conley, Jim Wise, Mike Rebaleati, and Gary McCuin

**Others Present:** Jake Tibbitts- Eureka County Natural Resources Manager, Jessica Santoyo- Natural Resources Secretary, and Melanie Peterson-Field Manager, Tuscarora Field Office Elko District Bureau of Land Management (BLM)

**Call to Order**

The meeting was called to order by Chairman Baumann at 7:04 p.m., a quorum was determined to be present.

**Public Comment**

None.

**Commission Business**

*Review and approve minutes from the July 19, 2017 meetings.*

Carl Slagowski moved to approve the minutes from the July 19, 2017 meeting as corrected. Jerry Todd 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.*

Mr. Tibbitts covered the following correspondence and natural resources issues.

- Secretary Zinke recently sent out a memorandum titled the Wildland Fire Directive. The memorandum provides directive to all of the Interior Departments and it asks them to look at various strategies related to wildland fires. The memorandum asks them to focus on fuel reduction, roadside fuel breaks, work with state and local entities, private land owners, and work with Firewise Communities (where available). Basically, the memorandum is asking them to be proactive with pre-fire suppression activities.
- Congressman Amodei is now looking at a strategic approach for the transfer of public lands. This is where they look at the lands that are already marked for disposal in the Bureau of Land Management (BLM) Resource Management Plans (RMP), lands that have an existent RMP on them, lands with certain rights-of-way, and a direct sale deal with mining companies and geothermal companies. Recently, Congressman Amodei reached out to the NV Wildlife Commission (NVWC) and asked them to weigh in on the areas that are marked suitable for disposal and identify if there are any crucial habitats in those areas. The NVWC then drafted a letter, in their letter they talk about CHAT (Critical Habitat Assessment Tool) which is a modeling tool, and in the letter they specifically say that they will oppose any lands from being transferred that intersect with CHAT. The issue is that the letter has some very strong statements opposing any lands from being transferred and basically they will oppose any request made by Eureka County to acquire any of the lands already marked suitable for disposal. Therefore, the Eureka County Wildlife Advisory Board wrote a letter to the NVWC telling them their

concerns regarding their opposition. Thanks to that letter the NVWC made some language changes to their original letter.

- Leo Damele recently resigned from the board after 11 years of service and it would be a nice gesture to get him some kind of recognition gift. The board all agreed to get Mr. Damele some type or recognition gift.

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

### **Agency Reports**

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

Melanie Peterson Field Manager for the Tuscarora Field Office Elko District BLM. Ms. Peterson stated that the Rossi Mine is moving forward and all of their comments should be done by the end of month in order to prepare for the Draft Environmental Impact Statement (DEIS). This is a Halliburton Project and the Rossi Mine is a barite mine that will be sending all of their mine material to Dunphy which is located in Eureka County. This project is currently on hold, they aren't planning on doing anything but they want to have the EIS ready to go. Ms. Peterson stated that the Elko District BLM is working on a noxious weeds plan with Barrick and Newmont to target medusahead and ventenata.

Kyle Hendrix (not in attendance) provided a Battle Mountain District- Bureau of Land Management (BMD-BLM) monthly update on the following: Mining, Oil and Gas Lease Sales, Noxious Weeds, and 3-Bars Ecosystem and Landscape Restoration Project, *\*A copy of the update is available upon request.*

### **Mining**

*Discuss other mining projects and activities in and affecting Eureka County, including but not limited to the Barrick Deep South Expansion, McEwen Mining Gold Bar Project, 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.*

Mr. Tibbitts stated that McEwen Mining is waiting for their Final EIS to come back from the Federal Register Process in Washington D.C. McEwen Mining selected BRAHMA Group, Inc. as their contractor to build the infrastructure and as soon as they receive their Record of Decision (ROD) they will break ground which will be this fall. Their goal is to have their first pour by the end of 2018. Mr. Tibbitts stated that Eureka Moly is proceeding with drafting their supplemental EIS and that is due to a remand from the Ninth Circuit Court. Eureka County is a cooperating agency, they will see the administrative draft version before it goes to the public and they will have an opportunity to comment. The supplemental EIS will be very narrow and will address questions regarding the air impacts and public water reserves. Mr. Tibbitts stated that the Barrick Cortez Mine continues to work out their alternatives and Eureka County is still a cooperating agency on that project.

Ari Erickson stated that Gullsil is working through their bat issues, they didn't think that the bat issues would come up so early in the process. They're working through the problem and making sure that the bats are taken care of as well as their employees.

Mr. Tibbitts stated that the Gibellini Project, Prophecy has begun their process to transfer the BLM file from American Vanadium to Prophecy. BLM recently met with Prophecy to outline BLM's permitting requirements, introduced them to a potential baseline, and what they will need to update on the baseline. Eureka County will most likely continue to be a cooperating

agency since they were a cooperating agency with American Vanadium. The consultant for the project is out of Utah and he recently contacted Mr. Tibbitts to discuss the project, their plans, and it would be nice for them to present to the NRAC on the project at a future meeting. Mr. Tibbitts stated that Eureka County provided comments to the Ely BLM regarding the GRP Resources, Gold Rock Project Draft Final Administrative EIS.

### **BLM Oil and Gas Leasing**

*Discuss and consider response on upcoming BLM Ely District December 2017 Competitive Oil and Gas Lease Sale and associated EA.*

Mr. Tibbitts stated that comment on this is due September 18, 2017 and he put together a draft letter for the board to review and possibly approve. The Eureka County Board of County Commissioners (BOCC) already approved the letter at their last meeting but they wanted to give the NRAC a chance to provide input or changes. The letter covers Eureka County's concerns regarding the Oil and Gas Lease Sale Environmental Assessment (EA). The first comment discusses how the EA does not reference any relationship to any local laws and local regulations and that should be included. The second comment asks the BLM to double check the boundary lines especially north and south between Eureka and White Pine County because the GIS data that BLM uses always follows the section line and it turns out that that is not always true. The third comment asks BLM to analyze every resource that could be impacted should the parcels be leased. The fourth comment requests that the BLM include water rights applications that have been filed but not yet acted on by the State Engineer. The fifth comment asks BLM to show the potential impacts to fish and other water dependent wildlife and plant species due to groundwater pumping for oil and gas development. The sixth comment asks BLM to include an analysis of potential impacts to all land-use on the parcels currently authorized through the Federal Land Policy and Management Act (FLPMA) and Pre-FLPMA rights that exist and that are not BLM authorizations including RS 2477 and RS 2339 roads. The seventh comment asks BLM to include a map in the EA showing all known range improvements and stock watering features on all parcels offered up for lease. The eighth comment asks BLM to remove the analysis regarding Lands with Wilderness Characteristics (LWC), it should not be in the EA. The ninth comment asks BLM to acknowledge and include the Diamond Valley Weed District (DVWD) as a local government entity that must be coordinated with for weed control efforts. \* A copy of the letter is available upon request.

Mr. Todd moved to accept the Eureka County comment letter for the BLM Competitive Oil and Gas Lease Sale EA as written. Mr. Slagowski seconded, motion carried unanimously.

### **Water Resources**

*Update on and consider response to water resource issues including but not limited to Diamond Valley water monitoring, curtailment, and Groundwater Management Plan and the Humboldt River Basin Conjunctive Management Regulations and potential curtailment.*

Mr. Tibbitts stated that the hearing in front of the district court judge regarding the Saddler Ranch and Venturacci appeal of the State Engineer's decision regarding their mitigation rights happened in August. The judge said that he will review all of the argument and provide them with a decision soon. The NV Rancher newspaper, recently published an article regarding Doug Frazier, Daniel Venturacci and Levi Shoda and how they traveled to Lovelock to talk to the farmers about water. Unfortunately, some of the things in the article are really far off base regarding what is truly going on. Mr. Tibbitts has copies of the article if anyone is interested in reading it. The Central NV Regional Water Authority recently hired Jeff Fontaine, who is the Executive Director of National Association of Counties (NACo) to replace Steve Bradhurst who recently retired. The Environmental Protection Agency (EPA) and the U.S. Corps of Engineers

are moving forward with rulemaking to undue the rulemaking around the Waters of the US (WOTUS) Rule. The BOCC provided comment to the EPA regarding the WOTUS Rule and the BOCC said that they support the EPA's effort in coming back to the table to find a definition that works for everyone. The Diamond Valley Groundwater Management Plan (DVGMP) has been with the State Engineer for review since May 30, 2017. The plan review has been held up due to the Humboldt River Regulations and Workshops that the State Engineer hosted and now that those are over, they have been concentrating on reviewing the plan. The State Engineer's office has informed them that they will have the review back the week of September 18, 2017. They will have an entire group meeting at the Eureka Opera House on October 9, 2017 to review the comments from the State Engineer.

### **Sage Grouse**

*Discuss and consider response to recent activities and issues related to sage grouse including, but not limited to Secretarial Order 3353, Federal Land Use Plan Amendments, and current and potential litigation, NV Sagebrush Ecosystem Program and NV Greater Sage-Grouse Conservation Plan.*

Mr. Tibbitts stated Secretary Zinke submitted a memorandum on August 4, 2017 to the Deputy Secretary of the Interior, David Burnheart. The memorandum directs all of the interior agencies to implement their sage grouse plan amendments recommendations. This is all happening due to another memorandum that Secretary Zinke sent out in June requesting all interior agencies to review the sage grouse plan amendments and put together a report with recommendations. Basically, Secretary Zinke is now telling all of the interior agencies that they have to implement the recommendations that they submitted to him. Mr. Tibbitts stated that he heard through the grape vine that the BLM will be publishing their Notice of Intent in the federal registry based on a remand from Judge Miranda Dew to address habitat issues in the sage grouse plan.

### **BLM Planning**

*Discuss and consider additional response on effort to streamline BLM planning and NEPA processes.*

Mr. Tibbitts stated a secretarial memorandum was sent to the BLM in March 2017 that gave them 90 days to look at various criteria to streamline the BLM planning and National Environmental Policy Act (NEPA) processes. The report is due back to the Interior by September 27, 2017 and they can weigh in on that during their next meeting. Basically, Secretary Zinke is telling BLM that Planning 2.0 was undone due to the Congressional Review Act (CRA) and that they should come to the table and work with the state and local governments to find a solution moving forward. Therefore, the National BLM led by Cynthia Moses-Nedd created the core counties group and selected various counties from across the west to join in on the strategies calls. Eureka County was selected to be part of core counties group and has been participating on the calls. There was also a big consorted effort through the NV Association of Counties (NACO), the Governor's Office, and many other entities to put together a huge packet listing all of the issues with streamlining the BLM planning processes. Eureka County approved various talking points regarding the planning process and stated that BLM doesn't need a new rule they just need to update the old planning process.

### **Wild Horses**

*Discuss and consider response regarding BLM wild horse management actions affecting Eureka County including emerging issues around lack of water and the Antelope and Triple B Complexes Gather Plan EA.*

Mr. Tibbitts asked Melanie Peterson, if the BLM will be able to do the gather on the Antelope and Triple B Complexes, is there space for the 7,000 horses they want to remove.

Ms. Peterson stated that if they get approved to do the gather then BLM will gather the 7,000 horses. This gather will not happen this year but when it does it will be a phased removal approach. Ms. Peterson stated that she is not sure if the EA will get approved right now but they are pushing forward with it so when it is approved they are ready to move.

Mr. Tibbitts stated that the EA public comment period is over and the BOCC did provide comments. The comments provided support the population reduction of wild horses on the Triple B Complex and they support proposed action Alternative A (which is what the BLM is proposing with the removal and then fertility control treatments). Their one concern is that the Triple B Complex is connected to the Diamond Complex and horses from the Triple B Complex are coming over onto the Diamond Complex all the time. Therefore, Eureka County is requesting that the Triple B project area be expanded outside of the Triple B Complex in order to gather all of the horses that may have migrated off of the Triple B Complex onto the Diamond Complex. Eureka County is also asking to include the socioeconomic analysis that shows the impact on wildlife and tag reductions, grazing reductions due to wild horses, and to also include an additional water analysis.

Mr. Tibbitts stated that there is currently a big push through the Trump Administration's budget that is asking Congress to remove the riders/restrictions that do not allow horses to be sold without limitation or to humanely euthanize horses. These two items are both allowed under the Wild Horse and Burro Act (WHB) but since 2004 Congress has placed riders on the funding. Basically, the administration is asking for the tools back in order to get something accomplished on the ground. The riders were taken off in the committee, the House did vote to allow the removal of the riders but then it got tangled up in the Senate. Last week a resolution was passed, the resolution will continue to fund all of the agencies at the same levels from the past through December 8, 2017. This means that those restriction are still in place until December 8, 2017 and then the government will have to make a decision. Mr. Tibbitts stated that he attended a Wild Horse Summit, which ended up being called the Slaughter Summit by advocacy groups. The summit was by invitation only, it was to get all of the facts on the table, and what are the next steps in getting something done. Currently, there are 80,000 horses on the range and the west wide Appropriate Management Level (AML) is 26,000 horses so they have 50,000 excess horses on the range right now. There is also 100,000 excess horses under BLM's jurisdiction so they can see there is a problem and something needs to be done. Recently, there was a big push because the Senate was going to vote on this but there was a last minute amendment that derailed the vote. Dina Titus from NV was able to derail the vote with her amendment and that is disappointing because she should understand the issues especially being from NV. The BOCC provided a letter to the NV Congressional Delegation asking them to support the Stewart amendment which allows the WHB tools to be used which include sales authority and humane euthanasia. Something will have to be done between now and December, Congress will have to step up and make the hard choice or the range lands will be gone. The Eureka Conservation District also sent a letter to the Congressional Delegation asking them to support the Stewart Amendment as well. Mr. Tibbitts stated that the board does not need to take action today but in the future they will have to continue pushing the subject and each member could write a letter to the delegation.

Mr. Baumann stated there's another thing related to this, the N-4 Grazing District has hired Resource Concepts to come up with a study on how many horses are in the N-4 Grazing District and he thinks that the N-6 Grazing District will also have this study done. There pushing all of the grazing districts to hire Resource Concepts and have them conduct this study.

## **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 they need to discuss the Roberts Mountain Allotment Management Plan (AMP) because BLM is moving forward quickly with that and they are pushing to have it done before Etcheverry's next turnout. Mr. Tibbitts recommended that they hold off on the Roberts Mountain AMP discussion until their next meeting.

## **Recreation**

*Discuss and consider response on effort to promote recreational roads and trails in Eureka County.*

Mr. Tibbitts stated that there is an effort through the Eureka Restoration Enterprise to look at a three phase approach regarding a Eureka Trail Bike Initiative. The first phase will be to create an inventory of all of the roads and trails that Eureka County already has in place. They will look at those roads, decide if they want to have a mountain bike trail, and stick with the non-motorized aspect of the trails. They're only focusing their efforts on trails around town and the E Hill trail, they aren't looking at the far reaches of the county. The whole point of this initiative is to promote Eureka so maybe a biker who is driving through town maybe interested in riding the trail, staying a night, and spending money in town. There is a state grant that is available called the Recreational Trails Program and they will be applying for that grant. Mr. Tibbitts wanted to bring this to NRAC for their support because they haven't done much with recreation and at this point it is just to support the initiative, no funding is required.

Mr. Etzler stated that he thinks this is a good idea but they have to think of reasons why someone would come here to ride a bicycle when they can go next door to Utah where this is more popular.

Mr. Erickson stated that he likes the concept but he would like that the private entity that is leading up the initiative respect the other natural resources such as cattle, farms, and the mines. If they do create publications they need to make sure to include things like "Don't Shoot Cattle" and "Stay Out, Stay Alive".

Mr. Tibbitts stated that the NRAC will be involved every step of the way and right now it's just a grant proposal. They will do the inventory using GIS data and then have a small kick-off event.

Mr. Etzler moved to support the Eureka Trail Bike Initiative process and that the NRAC be involved in the process as they move forward. Mr. Slagowski seconded, motion carried unanimously.

## **Fallon Range Training Complex (FRTC) Modernization EIS**

*Update on and consider response regarding FRTC Modernization EIS including response to any comment periods.*

Mr. Tibbitts stated that the DEIS is moving along quickly and probably will be made available to the cooperating agencies by December. He has an upcoming meeting with the Navy and the affected permittees to discuss grazing impacts. Mr. Tibbitts has taken the lead on grazing at the meetings, explaining the concerns and impacts because the Navy representatives at the meetings have no idea how grazing impacts an individual. Therefore, they're having this meeting on Friday with a lot more Navy folks to try to get something figured and discuss all of the issues. Mr. Tibbitts stated that he will have an update from that meeting at their next meeting.

**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 October 11, 2017 at 6:00 P.M.

**Public Comment**

Melanie Peterson stated that the Cottonwood Fire that is burning over by Cortez Mine is a little over 10,000 acres and 0% contained. Right now BLM is ordering a type three team into the location because of the remoteness and it's not easily accessible.

**Adjourn**— The motion was made by Mr. Slagowski and seconded Mr. Etzler to adjourn the meeting. There being no further discussion, the meeting was adjourned at 9:30 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

Jessica Santoyo, Secretary

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

Jim Baumann, Chairman