

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

The Eureka County Natural Resources Advisory Commission (NRAC) held a public meeting on February 19, 2020 at 6:00 p.m. at the County Administrative Facility, Eureka Nevada.

Members Present: Jim Baumann, Chairman, Carl Slagowski, Vice-Chair, Ken Conley, Chad Bliss, Paul Etzler, and Gary McCuin

Members Absent: Mike Rebaleati, Ari Erickson, and Jerry Todd

Others Present: Leroy Sestanovich, Local Rancher, Casey Jones, Local Ranch hand, J.J. Goicoechea, Eureka County Commissioner, Jake Tibbitts, Eureka County Natural Resource Manager, and Magee Braswell, Eureka County Natural Resources Department Assistant.

Call to Order

The meeting was called to order by Chairman Jim Baumann at 6:04 p.m., a quorum was determined to be present.

Public Comment

None.

Commission Business

Approval of agenda notice with addition of any emergency item and/or deletion of any item.

Carl Slagowski motioned to approve to agenda as written. Ken Conley seconded the motion. Motion passed unanimously.

Approval of minutes from January 8, 2020 Meeting.

Chad Bliss motioned to approve the minutes from January 8, 2020. Mr. Conley seconded the motion. Motion passed unanimously.

Member Updates and Reports.

None.

Discuss correspondence and natural resource issues affecting Eureka County and consider action items for the next agenda.

*The board members were sent a packet regarding support material for this meeting. The packet is on file at the Natural Resource Department and available upon request.

Jake Tibbitts noted that Fallon Naval Air Station Range Training Complex Modernization (FRTC) EIS Record of Decision (ROD) should be signed by the end of February. Governor Sisolak submitted a letter to the Navy titled "State Governor's Consolidated Request" on behalf of all state agencies, affected counties, and tribal governments. In the letter,

Eureka County's outstanding concerns and issues were included. Currently, one of the main concerns Eureka County has is that the airspace above the County will become active military airspace. The Navy did raise the proposed floor of the airspace in Diamond Valley to 1,200 feet above ground level (AGL). With that being said, the County still has a list of concerns/comments that were submitted including:

- Air exclusion request around Crescent Valley airport. The Final Environmental Impact Statement (FEIS) did not state the Crescent Valley airport is listed in the airport exclusion zones.
- Duckwater MOA floor is too low. Currently the Duckwater MOA floor is listed at 200 feet above ground level (AGL). The county submitted comment requesting the Navy to match the Diamond MOA floor of 1,200 feet AGL. A compromise was also suggested, stating that only helicopter flights will occur below 1,200 feet AGL.
- Radio communication improvements for civilian aircraft and provide better coordination on GPS jamming, especially for precision agriculture.
- Impacts to Eureka County Ranches on La Beau flat allotment and access to well and corrals on existing B-17.
- Impacts to vested water rights.

The County's letter also notes some less crucial points regarding fencing and incorrect facts/typos.

The board discussed supersonic activity (sonic booms) and it was noted that this is not generally permitted, however this rule is not strictly enforced. There is a hotline residents can call and notify the Navy of a supersonic boom. Residents will need to note what time of day they heard the sound.

Mr. Bliss and Mr. McCuin asked about the impact on emergencies for medical care flights and radio/cellular coverage. The board discussed their concerns with radio/cellular/GPS signal jamming that would occur. Mr. Tibbitts responded that Navy has stated that emergencies will take precedence and the airspace cleared if needed.

The next step for the Navy is for an Act of Congress to authorize the withdrawal and FRTC configuration.

It was discussed that at the last NRAC meeting (where Mr. Tibbitts was not in attendance), Ms. Braswell noted some questions and clarification requests from the board members on current issues and correspondence in Eureka County. Mr. Tibbitts clarified the following items:

- USGS Wells: These are monitoring wells that will determine the level of connection between Kobeh Valley and Diamond Valley. The USGS needed to have a right of way (ROW) established in order to do this. The wells are sited near Mud Spring.
- JD Fence: The fence on the North Side of the JD Ranch Road is within a BLM fiber optics ROW to Barrick/Nevada Gold Mines (NGM). No new NEPA would be required on the fence if it stays in the same footprint of the fiber optic ROW.

willing to go along with it for matters of public and livestock safety due to cows getting hit on the road.

- Barrick (NGM) Bank Enabling Agreement EIS: The board had previously approved a letter to comment on this item on the June 19, 2019 meeting. BLM released a statement saying they are going through the comments received during the comment period and the EIS is undergoing review prior to release.

Mr. Tibbitts also noted that last year Western Watersheds Project (WWP) joined forces with American Wild Horse Campaign (AWHC) to appeal the Caliente horse gather in federal court. Their main argument to the court was that before BLM could remove any horses from the HMA, all cattle must be removed first. The decision from the federal judge (in Washington D.C.) came out a few days ago rejecting the appeal and siding with BLM's decision to remove the excess horses.

The Nevada Interim Legislative Committee of Public Lands is planning on holding one of their meetings in Eureka on July 17, 2020. They are looking into potentially putting together a tour the day before the meeting to see public land issues. Mr. Tibbitts requested that between now and July this should be an agenda item to discuss possible presentation topics.

Mr. Tibbitts brought to the board to the board's attention that the Dingell Act has recently been reauthorized by Congress. Part of the Dingell Act calls for increasing public access to public land. Based on the act mandated, all federal agencies must look at ways to increase public access on otherwise inaccessible public land. BLM is currently taking nominations from the public for parcels identified for inclusion in a priority list. From there the BLM can then help provide legal and easier access to identified parcels. The BLM is taking the nominations now through March 12, 2020. This topic should be placed on a future agenda.

Agency Reports

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

The board was provided a BLM report sent in from Jess Harvey, BLM Battle Mountain District Public Affairs Officer. The BLM update covered mining, Sage Grouse, Weed Control, as well as a few mining items. There were no new updates for the Wild Horses. The board discussed various points on the handout but did not deliberate on anything. *The BLM update provided by Mr. Harvey is on file at the Natural Resource office and available upon request.

Mr. Tibbitts did add that the BLM may be doing a gather of around 500 horses off of the Diamond Complex HMA. There is a gather in Wyoming for 500 horses that is currently tied up in litigation and the BLM is looking for another priority HMA, which the Diamond Complex fits. The gather on the Diamond Complex HMA is not guaranteed but does look promising.

Mining

Discuss other mining projects and activities in and affecting Eureka County, including but not limited to the Barrick/Newmont Nevada Joint Venture, McEwen Mining Gold Bar Project, Barrick Deep South Expansion, Prophecy Development Corp Gibellini Project, Gullsil Prospect Project, General Moly Mt. Hope Project, all Carlin Trend operations, and consider response to any related issues or comment periods.

The board discussed the recent jump in gold prices to \$1,600/ounce. This is the highest gold prices have been since 2013 and noted that with the jump in prices, there will likely be more notice level exploration (less than 5 acres of disturbance) happening.

Mr. Tibbitts informed the board that Nevada Gold Mines (NGM) is currently looking for conservation partners to take over their mitigation programs that are currently managed in house. NGM reached out to the Eureka Conservation District about possibly partnering on one or more roles of their mitigation program or weed control efforts.

Mr. Bliss asked if BLM inspects the notice level exploration pads and how long can they be explored. Mr. Tibbitts explained that as long as a notice is in place, it is open ended. The 5 acres of authorized disturbance does have to have a reclamation bond through BLM however. As far as BLM inspecting the parcels, the BLM's review and acceptance of the Notice is part of its program to ensure the operators are complying with their legal responsibility to prevent unnecessary degradation. From there, the BLM can determine if on-site visits are necessary.

Grazing

Discuss and consider response on recent grazing actions, decisions, and proposals affecting Eureka County. Discuss and consider response to BLM Targeted Grazing of Annual Grasses in Great Basin Ecoregions in Nevada EA and related documents and matters. Discuss and consider scoping response to BLM on Horseshoe and Scotts Gulch Outcome Based Grazing Permit Renewal and related matters. Discuss and consider response to BLM proposal to update its grazing regulations (43 CFR 4100). Discuss and consider response to H.R. 5737, Voluntary Grazing Permit Retirement Act.

The board discussed the recent BLM Grazing Regulations meeting in Elko. The meeting had a great turn out mixed with grazing supporters, anti-grazers, reporters, and agencies. The series of meetings the BLM is hosting essentially a kick off for their EIS. The draft regulations will be analyzed through NEPA. There will be many opportunities for community and entity involvement throughout the coming process. Mr. Tibbitts went over general comments that Eureka County may consider submitting to BLM. He asked the board that if there are any changes or additions to the comments that they would like to see, to please let him know. The scoping issues and comments discussed included:

- Grazing regulations should be geared towards flexibility and adaptive management with a focus on outcome-based grazing.
- Regulations should include a streamlined and workable process for allocation and use of grazing forage, when it is available to be used in a responsible way, even if outside of grazing permit dates, terms, and conditions.
- It is crucial for the regulations to mandate reliance on current rangeland science-Ecological Site Descriptions (ESD) and their associated State and Transition Models/Disturbance Response Groups to inform objectives and differing levels of grazing allowed.
- The regulations should include clarification that if a permitted use for a grazing permit is to be reduced due to another permitted multiple use, mainly mining, any reduction would be based on field work and monitoring to quantify the actual forage lost.
- The regulations should include wholesale changes from “permittee” to “preference holder”.
- Ensure that base property requirements, land and/or water, are retained. But, it should be clarified that base property is to support a ranching operation when livestock are not grazing BLM-administered land but is not required to fully sustain, on its own, the ranching operation (e.g., a ranch buys and feeds hay to fully sustain the herd when not grazing under the permit).
- Revise the provisions regarding Exchange of Use Agreements to clarify that Exchange of Use will be linked to the respective state law regarding “fence out” and “open range.” This issue is primarily focused on railroad “checkerboard” where the ownership of the various parcels are complicated and involve many different landowners.
- Clarify the trailing/crossing permits process.
- Regulations should require, in coordination with ranchers, management decisions are based upon the best rangeland science, that flexibility is built into grazing permits to allow for adaptive management as issues and concerns arise, and that that quality and quantity of data collected can support all decisions made. The regulations should ensure that every feasible option is pursued before any restrictive actions is taken against grazing.
- Streamline the ability to implement range improvement projects, primarily water developments.

J.J Goicoechea noted that when dealing with “preference holders”, it should be clarified in that statement that any suspend AUMs stay on the books and in the preference holder’s name.

Mr. Tibbitts informed the board that the request for qualifications for the NGM Hay Ranch lease is due this coming Monday, February 24, 2020 at 2 p.m.

Mr. Tibbitts relayed and the board discussed the BLM Horse Fire Decision was released. The Horse Fire burned within three different allotments: Grass Valley, JD, and South Buckhorn. Currently there are livestock closures and the allotments require the seeded area be rested from livestock grazing for a minimum of two growing seasons or until objectives have been met. BLM will be drill seeding the allotments as well putting up a temporary fence around affected areas. A loss of AUMs occurred, but only for NGM.

The board discussed the BLM Targeted Grazing of Annual Grasses in Great Basin Ecoregions in Nevada EA. At the last meeting Chairman Baumann asked when the comment period ends for the EA. There is no comment period yet for the EA, however Eureka County did ask BLM to be a cooperating agency. BLM is not required to include cooperating agencies on EAs, but they did accept Eureka County's request. Eureka County did provide scoping comments. The county will be able to view the draft EA before it is released publicly. Kathryn Dyer, Nevada State Range Lead, is heading the EA. Ms. Dyer recently sent out an email to all cooperating agencies stating that the BLM is no longer in line with the original schedule. The Nevada State Office is in the process of negotiating through the contracting process and has yet to award a contract for the NEPA writing component. Once the contract is awarded the process will move forward.

The BLM recently released the Horseshoe and Scotts Gulch Outcome Based Grazing Permit Renewal. The BLM sent out a letter requesting scoping comments on the Grazing Permit Renewal. The timeline between when the County received the letter to when the scoping comments were due did not line up well and the County Commissioners were not able to submit their comments by the deadline. Mr. Tibbitts reached out to Melanie Peterson, Tuscarora FO Manager, and asked for an extension so that the County would be able to submit comments. However, she said she was unable to extend the due date but would still accept any comments submitted. The board and Mr. Tibbitts went over the comments that would be submitted to BLM in response to the Horseshoe and Scotts Gulch Allotments Grazing Permit Renewal. An overview of the comments are as follows:

1. Eureka County is supportive of ranching within the county and grazing upon BLM administered land is an essential element needed for successful ranching and livestock operations within the county. Over the years livestock grazing restrictions have taken place in some areas due to subjective determinations of adverse impacts. The county asks that the permit renewal process avoid arbitrary and subjective restrictions.

2. The county supports efforts that support flexibility in grazing permits, however ask that BLM focus on positive ecological based outcomes and not on rigid outputs such as stubble height, utilization, dates of use, etc.
3. The permit should outline clear methodologies so BLM, ranches, and others understand and be “on the same page” about when grazing would occur, and how- when using outcome based grazing.
4. The County supports efforts to move forward with common-sense grazing methods that benefit the land, protect from fire, and makes sense for ranchers.
5. Ask for close coordination in this effort with Eureka County.
6. The county asks BLM rely on ESD to inform objectives and differing levels of grazing.
7. Dormant season use couples with moderate summer use and should be recognized in the permit renewal.
8. Reentry for grazing in most areas (spring/summer and fall grazing in the same year) will be required in order to meet objectives, especially where cheatgrass is present.
9. Recognize that water distribution and use of supplements are primary to success in any grazing strategy.

Mr. McCuin motioned to approve the letter to BLM. Mr. Conley seconded the motion. Motion passed unanimously.

The board discussed the H.R 5737, Voluntary Grazing Permit Retirement Act. This act would essentially amend the Taylor Grazing Act. The board received the drafted letter for the BOCC meeting in their packet, and discussed various points within the letter.

Commissioner Goicoechea asked that Congressman Steven Horsford be sent a copy of the letter rather than carbon copied in an email. The board discussed and had consensus on the entire Congressional delegation getting the letter as primary rather than copies.

Mr. Conley motioned to approve the letter with the above discussed change. Mr. Slagowski seconded the motion. Motion passed unanimously.

Sage Grouse

Discuss and consider response to recent activities and issues related to sage grouse including but not limited to the State Plan and associated mitigation regulations and adaptive management strategy and federal Plan Amendments, including objections, litigation and injunction and requesting cooperating agency status and close coordination on BLM supplemental EIS.

Mr. Tibbitts noted that just today BLM had a press pre-release about the supplemental EIS that BLM has been working on and will be published in the Federal Register. Originally, Eureka County was a cooperating agency with BLM. However, when doing a supplemental EIS, cooperating agencies are supposed to be involved and Eureka County (nor any other cooperating agencies) has not been included in the process.

Commissioner Goicoechea has a State Sagebrush Ecosystem Council Meeting next Tuesday and was asked by the board to put on record that local governments and cooperating agencies would appreciate more active involvement than what is happening currently. It was also discussed that retained legal counsel, Laura Granier, could assist in a process or formal request to BLM for active involvement and cooperation from this point forward. The board was in consensus with moving forward with these paths for better coordination and cooperation from the BLM.

National Environmental Policy Act Regulations

Discuss and consider response to Council of Environmental Quality Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act.

The board discussed the changes that are being proposed in the National Environmental Policy Act (NEPA) Regulations. NEPA has not been updated since the 1970s and the view by the board was that this update was necessary and needed to fit current times and NEPA challenges.

There are many positive changes noted, although the one main concern in the updated regulations is that with the change of wording there is a possibility to potentially limit coordination with cooperating agencies. The board would like the updated regulations to reflect the goal of strengthening relationships with cooperating agencies rather than diluting them.

The comment period ends on March 10, 2020.

Mr. McCuin motioned to support the updated NEPA regulations with noted changes. Mr. Slagowski seconded the motion. Motion passed unanimously.

Strategies and Initiatives for 2020

Discuss and consider natural resources issues, strategies and initiatives to prioritize for action in 2020.

Mr. Tibbitts stated this item is more for a check-in for him to make sure the board is content with the work being pursued and accomplished by the Natural Resources Department and to see if there were any other issues, strategies, or initiatives the board would like to pursue.

Mr. McCuin stated that he liked the current things being done but would like to see more of a push for pinyon-juniper removal along the Diamond and Whistler ranges, and if possible get more agency involvement in this process.

Commissioner Goicoechea noted to the board that if there is anything that the commissioners are working on that they either want more of a push or less of a push to please let him or Mr. Tibbitts to know.

Mr. Bliss thanked both Mr. Tibbitts and Commissioner Goicoechea for all the time and effort spent for betterment of the County's natural resources uses and industries.

Next Meeting-

Items suggested by the board for the next agenda include any updates on any 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 March 11, 2020 at 6 P.M.

Public Comment

None.

Adjourn– The motion was made by Mr. Conley to adjourn the meeting and seconded by Mr. Slagowski. There being no further discussion, the meeting was adjourned at 8:26 p.m.

Approved this _____ day of _____, 2020.

Respectfully submitted: _____

Magee Braswell, Secretary

Approved: _____

Jim Baumann, Chairman