

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

The Eureka County Natural Resources Advisory Commission (NRAC) held a public meeting on July 19, 2017, at 7:00 p.m. at the County Administrative Facility, Eureka, Nevada.

Members Present: Jim Baumann, Carl Slagowski, Paul Etzler, Ken Conley, Jim Wise, Gary McCuin, and Mike Rebeleati (phone conference)

Others Present: Jake Tibbitts- Eureka County Natural Resources Manager, Jessica Santoyo- Natural Resources Secretary, Gracie Damele- Natural Resources Intern, and Ari Erikson- Gullsil

Call to Order

The meeting was called to order by Chairman Baumann at 7:00 p.m., a quorum was determined to be present.

Public Comment

Ari Erikson stated that the Diamond Mine has been robbed four times now, the robbers go down 20,000 feet in the mine, and steal the historic gold cars. He is currently working with the sheriff's office to try to catch this guys.

Commission Business

Review and approve minutes from the May 24 and June 20, 2017 meetings.

Carl Slagowski moved to approve the minutes from May 24 and June 20, 2017 meetings as written. Mike Rebaleati seconded, motion carried unanimously.

Member Updates and Reports.

None.

Consider making recommendation to County Commission for appointment to fill vacancies on NRAC.

Jake Tibbitts stated that there are currently two vacancies on the board, one is for mining and the other is for farming. Recently, he received a letter of interest from Ari Erikson stating his interest in the mining representative vacancy on the board. Mr. Tibbitts also spoke with Jerry Todd and he is interested in the farming representative vacancy on the board. Both interested parties will be brought forward to the Eureka Board of County Commissioners (BOCC) tomorrow in order to get them on the following agenda in August for appointment.

Ken Conley moved that the NRAC approve Ari Erikson to fill the mining vacancy and to also approve Jerry Todd to fill the farming vacancy. Mr. Slagowski seconded, motion carried unanimously.

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.

- The Eureka County Recreational Board (ECRB) and a few business owners approached Mr. Tibbitts and asked him if he would like to get involved with a Recreational Trails Initiative/Project. They also asked him who else should be involved and he said Paul Etzler because he is the recreation representative on the NRAC. If they pursue this initiative it would be very helpful with the RS-2477 issues because it would show public use on many roads. Mr. Tibbitts stated that Mr. Etzler is interested on the project and

working with the ECRB. They will provide an update at a later meeting on what the ECRB wants to do and what kind of grant funding is available for the initiative.

Agency Reports

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

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, 3-Bars Ecosystem and Landscape Restoration Project, Roadside Fuels, Sage Grouse, Right-of-Way (ROW) Fuel Breaks, ROW's, Wild Horses and Burros (WH&B), Argenta Settlement Agreement and the Roberts Mountain Allotment Management Plan (AMP). *A copy of the update is available upon request.

Mr. Tibbitts discussed the update with the board and a lot of the items on the update have to do with mining. The board members requested a more in depth update on WH&B to cover the most recent horse counts in Eureka County, more details on the Sulphur Springs cheat grass initiative, and the monitoring information on Willow and Frazier Creeks.

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 Barrick just completed their Water Modeling for the Deep South Project and they modeled the impacts from the Gold Rush project. The cumulative impact analysis shows the results of what will happen when Barrick begins mining at Horse Canyon. Therefore, Barrick provided the analysis to Eureka County and they are now requesting that they reengage in the conversation regarding Eureka County's protest of Barrick's water rights application.

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 push to undo the Waters of the U.S. (WOTUS) Rule that was put in place by the Obama Administration is still going on. The Environmental Protection Agency (EPA) requested the public's comment on what they would like to see on the WOTUS Rule and the overwhelming response and Eureka County's response was to revert back to the previous Supreme Court decision. Currently, EPA released a news article announcing the move back to the previous rule and that they would be rescinding the 2015 WOTUS Rule. Basically, the EPA reverted back to what all of the public comments were asking for by going back to the previous rule. Mr. Tibbitts stated that further down the agenda he will discuss why they have to go through rulemaking to undue a rule and why the president couldn't just say the WOTUS rule is no longer existent.

Mr. Tibbitts stated the Humboldt River Basin Draft Preliminary Regulations have been released and the NV State Engineer is currently hosting meetings in various locations to discuss what the regulations mean. If the board recalls, this whole issue is from a curtailment lawsuit to the State Engineer from Pershing County. The lawsuit asks that the State Engineer do various things such as declare every over appropriated basin on the Humboldt River a Critical Management Area (CMA), it asks for curtailment of all junior rights, and it also asks for monetary award to Pershing

County farmers for damages of lost revenues during the drought. Recently, Pershing County has stepped back and said that no longer want all of the basins to be CMA's and they requested that the State Engineer address the appropriation of the basin and if to Pershing County's satisfaction then they would step back from the lawsuit. With all of this going on the State Engineer created a core working group of handpicked individuals to help develop the regulations. Therefore, he wants the board to review the regulations attend the meetings and then they will move forward with providing input to the State Engineer. In order for the State Engineer to adopt the regulations he will have to host public hearings and gather input, produce proposed regulations which can be protested, and finally he publishes final regulations which can be appealed. These regulations will go hand in hand with the capture model analysis that the State Engineer has been working on and the regulations are basically the management mitigation scheme behind it all. Mr. Tibbitts stated that his concern with the whole deal is that the State Engineer attended at least two Diamond Valley (DV) Groundwater Management Plan (GMP) meetings and said that the only tools available to address over appropriation and pumping conflicts is curtailment by priority or becoming CMA and developing a GMP within a 10 year timeframe. So basically the State Engineer is saying that the Humboldt River has all of the authority and they need to create regulations to address the issue but in DV he wouldn't even give them the option using regulations to find a solution. Mr. Tibbitts stated that the oral argument in front of Judge Furman for the Saddler Ranch and Veneratti is on August 1, 2017 at the Eureka Courthouse. The Supreme Court case with Eureka County and the State Engineer regarding the notification of individuals in DV regarding curtailment is still ongoing. The DV GMP is with the State Engineer and he hasn't reviewed it yet.

Naval Air Station 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 he continues to work with the Navy on their EIS. Recently, they made some progress on the controlled access alternative which covers hunting, special permitted recreational events, and Native American visits. The navy provided all of their justifications for all three alternatives and explained why they were allowed. During the meeting, the question came up regarding grazing and why that can't it be a controlled access alternative, the navy knows who can be there, when they can run cattle, and its permitted use. After discussing grazing as an alternative, the Navy agreed to add grazing as a controlled access alternative and that they would analyzes those impacts and determine if it can be controlled. Mr. Tibbitts stated that he had also pointed out the Zircon Airspace and that the Navy wanted to go clear to the ground in that airspace but when asked about the proposal the Navy said they are not proposing to go down to the ground. The Navy assured him that they are proposing to start at 1,200 feet above the ground in the Zircon Airspace. The Navy is moving rapidly through the EIS and more chapters will be available soon.

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 that he was just in Washington DC and he met with a lot of congressional individuals to discuss sage grouse. He met with the head of the Council of Environmental Quality over NEPA, the head of the Office of Management and Budget (OMB), and he also met with some Interior individuals. The reason for the meetings was to discuss the potential to overturn the sage grouse plans though the Congressional Review Act (CRA) which is how BLM Planning

2.0 got overturned. Until recently, congress didn't know that rules could be overturned through the CRA and this administration has used the CRA 15 times which it has been successful 14 times. When something is overturned by the CRA it is not appealable and the agency can't bring forward another rule that is substantially similar to the overturned rule. This is important because the only way to overturn a rule now is that they have to make a new rule and follow all of the required processes so with WOTUS they will have to go through more rulemaking to undo WOTUS. Therefore, there is a very large chance that they can undo the sage grouse plans through the CRA when they thought that was off the table. The individual that wrote the CRA was there and he informed them that the CRA allows for 60 legislative days after a rule is finalized to be undone which technically can mean a year. Its 60 legislative days after the rule was adopted or after the final report was sent up to Congress whichever is later. The BLM finalized the Sage Grouse Land Use Plan Amendments (LUPA's) but they never sent the rule up to congress. This administration's OMB can send up the report now to Congress which will trigger the 60 legislative days. Basically, the 60 legislative days haven't even started on the sage grouse plan and there is a good chance that it will be overturned by the CRA.

BLM Planning

Discuss and consider response on effort to update BLM planning regulations including providing comment during public comment period.

Mr. Tibbitts stated BLM Planning 2.0 was undone and Secretary Zinke sent out a memo that was directed at the BLM informing them that they had 60 days to provide recommendations on how they can improve their planning and NEPA processes. His memo outlines seven items that were to guide BLM's review and since then the BLM created a core county group which Mr. Tibbitts is part of. Secretary Zinke explicitly stated in his memo that BLM should not develop their recommendations in a vacuum and that they had to develop them with the state and local government. Therefore, the BLM is doing pretty good job at trying to get input/comments and they also opened the whole thing up for public comment which is due by August 24, 2017. During their last meeting they made it clear that the counties comments were due at a later time but Mr. Tibbitts is suggesting that they submit their first set of comments in by the August 24, 2017 deadline. Mr. Tibbitts would like to submit comment by the deadline because if this ever comes to any type of judicial review it will show that Eureka County has standing and not get kicked out of litigation due to standing. Mr. Tibbitts wrote a letter to the Michael Nedd, BLM Acting Director and it basically states that there is no need for a new planning rule and that they should consider the input that was provided during the original Planning 2.0 process. **A copy of the letter is available upon request.* Mr. Tibbitts stated this isn't the last comment deadline and there will be more comments moving forward, this is just a good idea to submit what they have and then continue submitting comments. Eureka County will be paring with the National Association of Counties (NACO), the conservation districts, and work on a consorted package that they will all bring forward as this process continues. Mr. Tibbitts stated that if something is missing in the letter, there will be plenty of opportunities to submit those comments in the future.

Mr. McCuin suggested adding a NEPA review, NEPA isn't a bad thing but it's warped over time and he thinks they need to go back to review it. NEPA can be a good thing but with litigation and what not and the agencies have evolved it to what it shouldn't be.

Ari Erikson suggested having some type publicly available milestone marker for projects that way any individual could log on and see the status of that project. It could go under better public management to show people where to find specific projects.

Mr. McCuin moved to approve the letter directed to Michael Nedd, BLM Acting Director as written and to get it to the BOCC for approval to submit by July 24, 2017. Mr. Rebaleati seconded, motion carried unanimously.

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 that BLM is moving forward with an Allotment Management Plan (AMP) on the Roberts Mountain Allotment. Recently, the Etcheverry's contacted Eureka County and they requested that the county be involved with the process so the AMP doesn't get side tracked. BLM had also sent out their report informing Eureka County of the project and if they were interested in being involved to let BLM know. Mr. Tibbitts suggested that they get the request on the record through a formal letter that says that Eureka County would like to be involved and that they include Eureka County in the development of the Roberts Mountain Allotment AMP and acknowledge in the letter that they have discussed this with the Etcheverry's as well.

Mr. Etzler moved to send a letter to the BLM thanking them for that opportunity in their report to be involved and that Eureka County discussed the AMP with Etcheverry's and that Eureka County would like to be involved with the AMP. Mr. Conley seconded, motion carried unanimously.

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 August 8, 2017 at 7:00 P.M.

Public Comment

Gary McCuin stated that the CABNR will be hosting a meet and greet event on August 10, 2017 from 11:00 a.m. to 2:00 p.m. during the Eureka Fair Week. They should come out and learn about current CABNR research and communicate local research needs directly to specialists, lunch will be provided.

Adjourn— The motion was made by Mr. Slagowski and seconded Mr. McCuin to adjourn the meeting. There being no further discussion, the meeting was adjourned at 9:15 p.m.

Approved this _____ day of _____, 2017.

Respectfully submitted: _____

Jessica Santoyo, Secretary

Approved: _____

Jim Baumann, Chairman