



# Elko County Board of Commissioners

## Commissioners

Demar Dahl

Grant Gerber

Glen Guttry

Charlie Myers

R. Jeff Williams

Elko County Manager

Robert K. Stokes

STATE OF NEVADA )  
COUNTY OF ELKO ) ss.

APRIL 3, 2013

The Board of Elko County Commissioners met in regular session on Wednesday, April 3, 2013, at 1:30 a.m., in Suite 102 of the Nannini Administrative Building at 540 Court Street, Elko, Nevada.

There were present: County Commissioners Glen Guttry, Chair  
Demar Dahl  
Grant Gerber  
Charlie Myers  
R. Jeff Williams  
County Manager Robert Stokes  
CFO/Asst. Manager Cash Minor  
Planning/NRMAC/Asst. Mgr. Randy Brown  
Deputy District Attorney Kristin McQueary  
Deputy County Clerk Marilyn Tipton  
Sheriff James Pitts  
Deputy Comptroller Debbie Armuth

Chairman Guttry called the meeting to order at 1:30 a.m.  
Cash Minor led the meeting participants in the Pledge of Allegiance.

1:30:54 PM:

## **I. COMMENTS BY THE GENERAL PUBLIC:**

Hank Vogler, representing himself and sheep herders, voiced concern with the incrementalism on the Wendover Sheep Complex near the Utah Border on the Goshute Mountains. He stated there were several springs that were privately owned in that area but at this time NDOW and BLM want to redevelop the springs that possibly were owned by the State of Nevada. He stated people have filed previously for these springs in prior right. He noted NDOW and BLM filed for the reintroduction of big horn sheep. Hank Vogler questioned why they would want to introduce wild sheep in the County when there were already 93%

fewer sheep in the State of Nevada. He stated they constantly reduce the sheep and cattle throughout the State. Hank Vogler stated habitat was becoming nothing more than removal of livestock. He noted there had been wild sheep die offs all over the state that cannot be blamed on the domestic sheep. He stated the wild and domestic sheep do share common diseases such as shipping fever/stress. Hank Vogler stated they have 30,000 AUMS in the Wendover Sheep Complex. He commented Resource Concepts, John McClain, and John Falen had informed him that through a university study an AUM was worth \$100.00. Hank Vogler commented they were talking about \$3 million dollars with the multiplier effect for this county from November through April while the sheep were there. He stated they pay property tax here in the County for the time that the sheep were in Elko County. Hank Vogler stated 5 sheep equaled 1 AUM. He stated if they do reintroduce the wild sheep then there will be more lawsuits to limit the sheep industry. He commented he was not anti-wildlife and was a hunter. Hank Vogler had seen the incrementalism by building guzzlers in every canyon and denying people of their adjudicated feed or appropriating water that has already been appropriated or belongs to a multiple use. Hank Vogler stated wildlife already has vested water within the State. He stated for over 130 years the Wendover complex had been utilized by sheep. Hank Vogler stated even though they say it was for reintroduction there was no evidence anywhere in the State that there were rocky mountain bighorns. He stated there was desert big horn in the south but was almost hunted to extinction by the miners with hound dogs. He stated they hunted the herds down so far there was no genetic diversity left in the flock so they were more susceptible to diseases. Hank Vogler noted there had been sheep ran in Hells Canyon for numerous years and there were wild sheep in there. He stated they were now trying to eliminate the domestic sheep from that Canyon. Hank Vogler noted the Wendover Complex was huge and served two states for grazing. He noted NDOW now had an idea to introduce big horn sheep in the middle of the grazing complex. He stated there would be conflict because in the winter time the big horn sheep would come down where the domestic sheep were grazing. Hank Vogler stated at Wendover there were big horn sheep and there were sheep on Kinsley Mountain, on the Antelope, etc. He believed NDOW was using strange science because they can't kill the ravens whom were killing the sage grouse because other ravens may come in and they may not be native ravens. Hank Vogler noted NDOW did the studies and previously there were no ravens they caught more bob cats than they did coyotes. He stated big horn sheep were not native to the state and NDOW was proposing to transplant them right in the middle of the Wendover Sheep Complex, take water from people who have filed on adjudicated water rights and have it a single exclusive use. Hank Vogler stated if

he had a spring and fenced it off from wildlife the State of Nevada would be after him because wildlife had vested water. Hank Vogler questioned why NDOW would consider big horn sheep transplant to that location.

Commissioner Dahl inquired how many of the springs were filed upon.

Hank Vogler stated after visiting the BLM office he was told there was one spring that has not been filed upon, all the others were filed upon since 1980's. He stated the right had been granted unless the title had not been brought forward then title needs to be brought forward to the current owner's name.

Commissioner Williams stated this subject was discussed at the last NRMAC meeting. He stated they discussed the BLM reclamation of those springs and doing some fencing. He believed Commissioner Heston Johns questioned reintroduction of sheep and believed there would be an issue.

Hank Vogler stated there was value having wildlife and noted previously hunting was big business for the County. He noted there was no migration now from Idaho through this country. He stated when they turn loose a small group of animals and there was no transfer of blood then they lack genetic diversity. He commented even if they have a hunt and issue a few tags would not correct the genetic problem.

Commissioner Myers asked this issue go on the next wildlife agenda under Wendover Sheep Complex. He suggested they draft a letter to support the AUM's use on the Wendover Sheep Complex and that they continue to support domestic sheep at the Wendover Sheep Complex. He requested that they invite NDOW to give them an overview on what was happening with big horn sheep. He noted they have transplanted the sheep to multiple relocations and they seem to all die off. Commissioner Myers stated that was a huge cost. He did not support pulling more domestic sheep off the range.

Commissioner Williams voiced concern that this came into NRMAC from the BLM so that meant there was some discussion between BLM and NDOW that the County was unaware of.

Hank Vogler commented upon a hunting trip to Canada wherein his guide informed him they shoot the wolves to protect their sheep. He asked why the Americans do not use the same philosophy. He noted bull trout was in every stream in Canada but on the Endangered Species listing here.

Commissioner Gerber asked that when they put the issue on the next agenda they also list the water issue.

Hank Vogler noted that was the number one issue at this time because they put the guzzlers in a series. He stated now they were talking about appropriation of other people's water. He stated there was an agreement signed with Brian Fuell BLM Wells Resource Manager for the reintroduction of big horn

sheep. He noted the County had cooperating agency status with the federal agencies.

Hank Vogler stated there had to be some sanity to wildlife. He noted in Colorado there were no sheep to blame now so they were blaming shipping fever for the big horn sheep die off on cattle. He stated a desert big horn tag in Mexico was \$70,000. He commented there was a campaign to get big horn sheep in the States and it was gathering support. Hank Vogler stated today it was just a request for the water. He stated guzzlers were exclusive use and when there was redundant guzzler installation they receive BLM notices of reduction of permits because of overuse.

Commissioner Myers stated they had testified on AB 345 and they spoke about sportsmen dollars. He understood someone last year paid \$408,000 for one desert big horn sheep tag. He stated you good see why NDOW wanted to introduce the wild sheep because cattle and domestic sheep did not contribute to NDOW.

Hank Vogler stated after they eliminate sheep then they would come after cattlemen.

Randy Brown stated during the NRMAC meeting they discussed the introduction of desert big horn rather than the rocky mountain big horn. He commented there was no evidence that desert big horn was ever indigenous to this area.

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## **II. ELKO COUNTY FIRE PROTECTION DISTRICT:**

A. Recognition of Ruby Valley Volunteer Fire Department members that has obtained their EMT Certificates: Logan Sampson, Tyler Livingstone, Neal Mansfield, Brian Gale, Kaylyn Neff, Jared Morris.

Tim Woolever, NDF Fire Management Officer, reported six people completed their 200 hour EMT course in Ruby Valley for early access and transport on behalf of the community, County and visitors of the County.

Commissioner Guttry read the certificate of appreciation verbiage into the record.

**MOTION: Commissioner Myers moved to approve the certificates of appreciation to Logan Sampson, Tyler Livingstone, Neal Mansfield, Brian Gale, Kaylyn Neff, Jared Morris. Commissioners Williams and Dahl seconded the motion. The motion passed unanimously.**

Logan Sampson and Tyler Livingstone were present to receive their certificates.

Tim Woolever stated they also completed a Firefighter 1 course. He stated there was an on-line version for the rural firefighters. He stated five Spring Creek volunteers and four Ryndon fire fighters were enrolled in the Firefighter 1 course.

He stated the career staff was doing the hands on training and practical application of the course on the weekends. He stated most of the wildland fire refreshers were completed.

Commissioner Williams noted it was one and one-half hours from the hospital in Ruby Valley so the EMTs were the first medical assistance in that community due to the remoteness of the location.

B. Discussion, consideration and update report of Fire District actions and activities.

There was no discussion.

[1:57:24 PM:](#)

### **III. CITY OF ELKO UPDATE:**

Discussion, consideration and update report regarding issues and activities affecting the City of Elko with City Councilman John Rice.

Councilman Rice reported they had completed their preliminary budget process and had a tentative budget drafted. He stated the City was considering a lobbyist at the federal level for acquisition of Union Pacific lands in the downtown corridor. He stated they were close to receiving right of way from the Union Pacific for those lands but had to acquire title from the Congress. Councilman Rice stated it could take many years without lobbyist assistance. He stated they were looking to acquire lands in Section 18 north east of the City by I-80 Exit 298. He stated that would mean they would have to move sewage uphill to the waste water plant which would require a huge amount of infrastructure. Councilman Rice stated the City, County, School District, the College and Northeastern Redevelopment Authority had been working upon a project called, "Connect Nevada", to do an assessment of their broadband capacities within the County. He stated they may become a designated connected community which would qualify them for grant funding for internet in rural areas in the County at a discount price. Councilman Rice stated they were doing the renovation and expansion of the sewer system but work was delayed due to the concrete mix. He stated they would begin enhancing the geothermal system and there was discussion with the Desert Research Institute to look at some of the geothermal water to be used for growing algae to be used in the production of bio fuels.

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### **IV. COMMUNITIES IN SCHOOL NORTHEAST NEVADA:**

Discussion, presentation and consideration of issues and activities regarding the Communities in School Northeast Nevada current programs in Elko County.

Commissioner Williams commended the Communities in Schools program and noted they had brought a student with them.

Melissa Aguirre, Executive Director, of Communities in Schools in Northeastern Nevada, reviewed their mission and their four initiatives. She

stated they have comprehensive sites with staff at Adobe Middle School, Elko High School, Southside Elementary and Spring Creek High School. She stated they were in the process of developing sites at Flag View Intermediate School and North Side Elementary. Melissa Aguirre stated there were special project sites wherein there may only be specific programs offered. She gave an overview of their hunger prevention program wherein they served 36,876 breakfasts and snacks last year. Melissa Aguirre stated their weekend food packs were given to children that were referred to them and last year they handed out 5,454 backpacks to 250 children in Elko County. She gave a presentation upon their health and wellness program inclusive of immunizations, flu vaccines, hygiene packs, clothing and counseling services at school site or on-line. Melissa Aguirre stated the main support for the hunger prevention program was through Nevada State Bank, Department of Human Services and local based organizations. She stated their early childhood education program was at the Little Red Caboose Preschool in Carlin and was in the fourth year. She stated Barrick, Newmont, and other community businesses support the preschool which normally had 20 children each year.

Amy Martindale, Director of the CIS Academy, explained an in-class program called "Code of Honor". She stated they focus upon academic development through credit redemption under the a+ program. She stated their case managers help the students with setting goals, college career exploration, life skills and resiliency training. Amy Martindale stated their students learn through service learning projects through entrepreneur curriculum. She reported they had 6 classes at Spring Creek High School, 2 at Elko High School and 2 at Adobe Middle School and opened a workforce ready academy in the Spring Creek area where students could obtain their GID and work-type skills. Amy Martindale stated in the 2001-2012 year they had a 63% increase in attendance with 79% of their students increasing their GPAs. She reported that 97% of their students graduate from high school or earn an adult diploma/GID. She stated their academy was largely sponsored by Nevadaworks and the workforce training was being used to reintroduce the students back into the school setting. She thanked their sponsors: Nevada Works, Barrick Gold Mine, AT&T, and Newmont Legacy Fund.

Stacy Nye, former CIS student who graduated in 2011, commented Coach Alisa Pirtle encouraged her to join CIS after failing classes her junior year. She commented CIS during her senior year motivated her to do her homework, helped her with college applications and showed her support whether in school or with family problems. Stacy Nye was attending University of Nevada Reno next fall. She has kept in contact with the teachers and other CIS students through Facebook.

Commissioner Williams stated last month Amy Nye and Melissa Aguirre were on the radio program with two other students. He noted CIS has changed the students' lives. He inquired if Amy felt that CIS changed her life with regards to career or mom.

Amy Nye replied she did not think about being a Mom at this age but wanted to get a career to support future children.

Amy Martindale introduced Jeff Zander, Elko County School District Superintendent.

Jeff Zander stated they were fortunate to have the relationship they have with Communities in Schools in Elko County. He commented upon the benefit of the CIS programs. Jeff Zander stated they were not far from a Title 1 District but they have a lot of non-effluent families which was approaching thirty percent. He stated the CIS backpack program illustrated the private/public relationship within the schools.

Melissa Aguirre thanked them for the support of their program.

Commissioner Myers stated the County contributed to the School District for the immunization program and inquired if they benefit from the County contribution.

Melissa Aguirre replied no, but they have sponsored immunization clinics which were harder now since the Nevada Health Centers were more like a medical home and public health nurses from other counties no longer want to come into our County to help us with those types of clinics. She stated they work with Carol Banghart at the School District to assist them with the immunizations and health screening.

Commissioner Myers inquired if her students benefited from the County contribution.

Melissa Aguirre replied yes.

Commissioner Myers believed the County contributed \$10,000 per year for immunization to the School District. He questioned whether that was in the budget.

Commissioner Williams stated they had previously discussed Nevadaworks and inquired how much Nevadaworks contributed to the Communities in School since 2009.

Melissa Aguirre stated this year Nevadaworks will fund approximately \$450,000 this year for this program to be available to the students at Elko and Spring Creek High Schools and ninety-five percent funding for the CIS Workforce Academy. She stated they work with Nevadaworks to provide for the children's basic needs and they have a case manager assigned to the students. She stated CIS was committed to watch over those students for one year after their graduation. Melissa Aguirre stated CIS was a support system and a service

provider for Nevadaworks. She stated they work with the troubled kids or who have parents that were upon drug or alcohol.

Commissioner Myers inquired if their program replaced JOIN.

Melissa Aguirre understood JOIN provided training services to students after school.

Commissioner Myers stated JOIN has an in-school and out-of-school training program.

Melissa Aguirre stated CIS was only an in-school program. She stated Terry Clark worked with Michael Pedersen in the Juvenile Detention Center to develop this program prior to the School District enabling them to do an in-school program. The program was originally designed to give ongoing support for the children through the evening detention center program. She stated Joe DeBraga helped them to implement this program in-school for the students to receive credits.

Commissioner Myers explained JOINS programs.

Melissa Aguirre introduced Jerri Richardson, Nevada State Bank, member of the CIS Advisory Board, and Sarah Goicoechea, Program Manager for the CSI Academy.

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## **V. ELKO COUNTY LIBRARY BOARD OF TRUSTEES:**

### **A. National Library Week:**

Consideration of **Proclamation 2013-A**, entitled: **A PROCLAMATION BY THE ELKO COUNTY BOARD OF COMMISSIONERS CELEBRATING THE WEEK OF APRIL 14-20, 2013 AS NATIONAL LIBRARY WEEK.**

Jeanette Hammonds reported this was fine free week and they could return their books without paying any fines.

Commissioner Guttry inquired how much of their material they lose a year. Jeanette Hammonds had not prepared a report for that.

**MOTION: Commissioner Williams moved to approve Proclamation 2013-A, entitled: A PROCLAMATION BY THE ELKO COUNTY BOARD OF COMMISSIONERS CELEBRATING THE WEEK OF APRIL 14-20, 2013 AS NATIONAL LIBRARY WEEK. Commissioner Myers seconded the motion. The motion passed unanimously.**

### **B. National Bookmobile Day:**

Consideration of **Proclamation 2013-B**, entitled: **A PROCLAMATION BY THE ELKO COUNTY BOARD OF COMMISSIONERS CELEBRATING APRIL 17, 2013 AS NATIONAL BOOKMOBILE DAY.**

Jeanette Hammons commented the Bookmobile was established since 1976. She stated Laura Oki had been in charge of it since 1976. She introduced their bookmobile driver, Kelvin Selders.

Commissioner Williams inquired if that was the longest bookmobile route in the United States. Jeanette Hammonds replied yes.

Laura Oki stated the bookmobile was established in 1976 when Governor Michael O'Callaghan sought funding for the first book mobile through legislature and now they were upon the third bookmobile.

Kelvin Selders stated he had been the driver since 2006. They had recently changed out all the books and he attempted to keep the bookmobile operable. He stated tires would be an issue coming up this summer. Kelvin Selders stated most repairs were done by him and the County shop. He stated it was a team effort with restocking the shelves, new cards, etc. He stated the bookmobile clerk, Jennifer, works part-time with the bookmobile.

Commissioner Guttry inquired about their budget for new tires.

Laura Oki stated that funding would come from federal, state monies or the community donations.

Commissioner Williams noted they hold fund raisers throughout the year and asked where that funding went.

Jeanette stated Friends of the Library allocate that funding and for the last several years it was general operation and the bookmobile.

**MOTION: Commissioner Myers moved to approve Proclamation 2013-B, entitled: A PROCLAMATION BY THE ELKO COUNTY BOARD OF COMMISSIONERS CELEBRATING APRIL 17, 2013 AS NATIONAL BOOKMOBILE DAY. Commissioner Dahl seconded the motion. The motion passed unanimously.**

Jeanette Hammons noted the following Library staff was present: Lori, Rose Mary, Memory, Mary Jo, Peggy, Athena, Patrick, Mildred, and Laura Oki. She gave an overview of the remodeling within the Library for easier patron accessibility. She commented the majority of the library had been repainted with a majority of that completed by staff.

**C. Report and review of Board of Trustees activities** and minutes including issues related to the operation of the County Library.

Law Library Minutes and Library Minutes were previously submitted.

Jeanette Hammons stated there was nothing to report for the law library. She reported there were twelve story times conducted in the Children's Library during the month of March with 594 participants. She explained this program was more for preschoolers. She stated there were four school groups of ninety

children coming in that participated. Jeanette Hammonds stated Mary Jo did an outreach program at Grammar School No. 2 and 48 participated. She stated during the craft sessions there were 69 participants. Jeannette Hammonds stated there were 350 participants in the Spring Eggstravaganza. She stated two young adult authors come in for book signing with twenty people getting their books signed. She stated there were two Job Connect Workshops held last month on preparation of resumes, etc. Jeannette Hammonds stated next month the board meeting will be held on April 23<sup>rd</sup> because of Nevada Library Legislative Day. She and Laura Oki will discuss the collection development monies and the bookmobile funding that the State Librarian had put in for special consideration in her budget. Jeanette Hammonds stated the Carlin Branch opening was on April 18<sup>th</sup> at 2:00 p.m. on 330 Memory Lane.

Commissioner Williams inquired if Laura Oki was retiring.

Jeanette Hammonds replied yes, after 37 years.

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## **VI. ELKO COUNTY LIQUOR BOARD:**

Chairman Guttry called the Elko County Liquor Board to order at 2:58 p.m.

Discussion and consideration of the approval of a Liquor License for Madeleine Anne Pickens / Saving America's Mustangs doing business as Mustang Monument.

Sheriff Pitts reported a background check had been performed and he recommended approval of the license.

Commissioner Gerber inquired if it was within a correctly zoned location.

Sheriff Harris stated it was correctly zoned and it was located at the ranch.

Commissioner Gerber inquired if this would increase traffic or create traffic issues.

Randy Brown stated that would be NDOT requirements.

Commissioner Dahl inquired if they had to dispense liquor at a specific building.

Sheriff Pitts stated at the Mustang Resort at the main bunkhouse. He stated a Health Certificate has been approved. He stated they would be selling liquor to their guests.

Commissioner Dahl noted people in Wells had told him there would be a lodge, hotel, etc.

Commissioner Gerber inquired who would be the servers.

Sheriff Pitts stated the servers would have to apply for bar cards.

Commissioner Gerber thanked him for the explanation because he was new on the board.

**MOTION: Commissioner Williams moved to approve a Liquor License for Madeleine Anne Pickens/Saving America's Mustangs doing business as Mustang Monument. Commissioner Myers seconded the motion.**

Commissioner Myers inquired why there was less documentation in the application.

Sheriff Pitts stated they had discussed changing it due to personal information gathered.

Robert Stokes stated sometimes there was sensitive information within the investigation.

**The motion passed unanimously.**

#### **LIQUOR BOARD ADJOURNMENT:**

Chairman Guttry adjourned the Liquor Board at 3:05 p.m.

3:05:58 PM:

#### **VII. ELKO COUNTY AMBULANCE SERVICE:**

Discussion and consideration of the approval of a Mutual-Aid Agreement between the Elko County Ambulance Service and the Owyhee Ambulance Service.

Chris Sloman, Elko County Ambulance Director, stated this was formalizing coordination between the two ambulance services.

Commissioner Williams inquired if they would help with the collections in that area.

Chris Sloman replied no this was for cooperation to rendezvous with Owyhee half way.

Commissioner Myers inquired how long they have been providing this service.

Chris Sloman stated they have doing this service with surrounding ambulances forever. He stated this makes it formal and it will be include in the Medicare Agreement.

**MOTION: Commissioner Myers moved to approve a Mutual-Aid Agreement between the Elko County Ambulance Service and the Owyhee Ambulance Service. Commissioner Dahl seconded the motion. The motion passed unanimously.**

#### **XI. 2013 NEVADA 77<sup>th</sup> LEGISLATIVE SESSION**

A. Discussion and consideration of issues related to the upcoming 2013 Nevada Legislative Session including possible consideration of legislative proposals, bills and bill draft requests (BDR).

Robert Stokes requested that they review AB 361, 286 and SB 285 while Chris Sloman was present. He noted Chris Sloman had submitted written comments to the Commission on those three bills.

**AB 361** Conduct an interim study to determine the benefits and feasibility of providing for the establishment of community paramedicine programs in this State.

Robert Stokes stated Chris Sloman's comment was this bill would put requirements on paramedical programs that would add on costs.

**AB 286** Requires the provision of emergency medical personnel and emergency medical services at the site of certain special events.

Robert Stokes stated Chris Sloman suggested they keep an eye on this because for large groups this would require additional personnel.

**SB 285** Revises provisions relating to emergency medical services.

Robert Stokes stated this would restrict helicopters from coming across the state border. He noted that sometimes Summit Air could not always respond to the Owyhee or Jackpot areas but they can be serviced from out of state. Robert Stokes stated within those cases they would want the other air services to have the ability to come in.

Robert Stokes stated Chris Sloman requested support of AB 361, they should keep an eye on AB 286 and he was not supporting SB 285.

Commissioner Williams understood Chris was worried that some people may come in from out of state that they would not know how qualified they were.

Chris Sloman stated the SB 285 only related to air ambulance. He stated the biggest issue was they use Air St Lukes out of Twin Falls for responses in the northern portion of the County. In 2010, they were called 10 times and in 2011 they responded 12 times. He stated Air St Lukes had a 15 to 20 minutes response time where Summit Air would take 30 to 45 minutes. He stated it made sense to use the closest available resource. He believed the air ambulance people were behind the bill to keep out scrupulous people out but this would impact the health care community because of special needs transport. He explained the permit process for those agencies that has to have specific training such as the University of Utah would be lengthy and expensive.

Commissioner Dahl inquired if this bill would prevent the University of Utah from picking up someone here.

Chris Sloman understood that was what the draft legislation said. He stated if there was a mass casualty incident with five or six critical patients would require helicopters from out of state.

Commissioner Guttery felt the out of state helicopter services should be allowed to back up Summit Air if they were out on call.

Chris Sloman had reviewed the community paramedicine bill and noted there was a curriculum developed using existing providers with additional training to fill in gaps regarding public health or rural areas. He stated from an ambulance prospective there was no reimbursement mechanism for it. He stated there was an exception under Medicare rules that an ambulance can only be reimbursed for delivery to the hospital.

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#### **VIII. TOWN OF JACKPOT:**

Chairman Guttry called the Jackpot Town Board to order at 3:18 p.m.

##### **Jackpot Airport – Precision Approach Path Indicator (PAPI) System**

In accordance with the Jackpot Airport Improvement Plan (AIP), discussion and consideration of authorization to apply for an FAA Grant to replace the obsolete Visual Slope Approach Indicator (VASI) system at the Jackpot Airport with a Precision Approach Path Indicator (PAPI) System. The grant application amount is approximately \$230,000 of which \$14,375 is the local Jackpot Fund match amount.

Lynn Forsberg stated FAA no longer supported the VASI system. He explained VASI utilized three sets of lights and now PAPI system had four lights to show the proper path. He stated they could utilize the wiring for runway marking lighting to reduce costs. He stated they have to go to bid before making a grant application and they could award the bid contingent upon receiving funding by the FAA.

**MOTION: Commissioner Williams moved to authorize the Public Works Department to apply for an FAA Grant to replace the obsolete VASI System at the Jackpot Airport with a Precision Approach Path Indicator System subject to FAA funding. Commissioner Gerber seconded the motion. The motion passed unanimously.**

#### **JACKPOT TOWN BOARD ADJOURNMENT:**

Chairman Guttry adjourned the Jackpot Town Board at 3:32 p.m.

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#### **IX. ELKO COUNTY SHERIFF'S OFFICE:**

Report of activities related to the continuing operation of the Elko County Sheriff's Office.

Sheriff Pitts reported they were at 75% of their budget. He stated there were 5,425 activities which was an increase of 319 from last month. Sheriff Pitts gave an overview of the stats for felony arrests, misdemeanor arrests, DUI arrests, drug arrests; agency assists, vehicle stops, citations and gave the stats for the rural deputy. Sheriff Pitts stated detectives had worked 622 hours this month. He reported the population for the jail today was 101 inmates. Sheriff Pitts stated the female population was upon the rise. He stated their jail population was averaging 112 inmates. He stated last month the front office

issued 112 ccws which was down 6 from the month before. Sheriff Pitts reviewed the numbers of ex-felons and sex offenders that were registered this month. He stated the front window had 1,051 visitors this month which was averaging 50 people per day.

Sheriff Pitts commented Officer Denny Lawrence had been shot outside of Wells in 1982 had passed away last year. He would be honored this year at the Washington Officer's Memorial Hall on May 14<sup>th</sup> through 17<sup>th</sup>. Sheriff Pitts stated Officer Lawrence will also be honored on May 2<sup>nd</sup> in Carson City and on May 3<sup>rd</sup> at the Huff Memorial in Reno. He stated their Honor Guard would be in attendance.

Sheriff Pitts stated they have received the four wheelers and there had been training sessions for their Search and Rescue Volunteers.

Sheriff Pitts read one paragraph from Dr. Heck of Las Vegas who responded to the Sheriff's letter on the Second Amendment as follows: *"Like most Americans I believe that we must work hard to prevent gun violence. However, please be assured that I will not support legislative ventures that infringe upon the rights of responsible law-abiding firearm owners. As you may know, President Obama and Vice-President Biden have recently issued several recommendations to prevent gun violence including restoring the ban on assault weapons and magazines deemed to be high capacity. I do not support this proposal at all."* Sheriff Pitts stated the letter was addressed to the Sheriffs and Chiefs and this was their first response received.

Commissioner Myers inquired if there were dog issues in Pilot Valley.

Sheriff Pitts stated they had responded to that issue.

Commissioner Myers inquired if they could record a part of the memorial presentation for Officer Lawrence to show them.

Commissioner Myers inquired if the County had been assisting the Elko PD on the bar problems that was receiving media attention.

Sheriff Pitts stated they had lent assistance to the City during the fights.

Commissioner Williams reported he went with Deputy Dave Winstead on a ride-along several weeks ago.

Chairman Guttry commended Sheriff Pitts on his efforts on the budget.

[3:35:17 PM:](#)

**X. ELKO COUNTY PLANNING AND ZONING:  
Parcel Map Alternative Compliance Request**

Discussion and consideration of approval of a Parcel Map Alternative Compliance Request for Modern Concrete for roadway width, sidewalk, curb & gutter requirements on Sage Glen Drive in the Spring Creek area located in Section 14 & 23, T.33N, R56E.

Randy Brown explained they were asking for alternate compliance. He stated this was a planned subdivision behind Brent Wood Estates. He stated

originally the design was to develop ¼ acre lots requiring curb gutter and sidewalk on the backside. Randy Brown stated NDEP now says they could no longer use a ¼ acre as minimum size for water they would have to be ½ acre parcels for the water system. Randy Brown stated they went back in and redesigned the back lots using the street area toward the minimum ½ acre parcel size. He stated they were asking for alternate compliance from the curb, gutter and sidewalk criteria. He stated they were asking to put in a 26' minimum road size, minimum road standard, excluding the curb and gutter. He planned on putting in a sidewalk for pedestrian travel. Randy Brown stated this was not in a higher density area and the curb and gutter would not be that beneficial. He stated staff recommended approval of the alternate compliance with a 26' wide paved rural standard with the addition of a sidewalk on the north side of the street.

Commissioner Dahl inquired why NDEP required him to go to ½ acre rather than staying with the ¼ acre minimum acre size.

Randy Brown stated NDEP went ½ acre for a septic system with the current water system.

**MOTION: Commissioner Dahl moved to approve a Parcel Map Alternative Compliance Request for Modern Concrete for roadway width, sidewalk, curb & gutter requirements on Sage Glen Drive in the Spring Creek area located in Section 14 & 23, T.33N, R56E. Commissioner Myers seconded the motion.**

Commissioner Myers inquired if the others were required to put in curb, gutter and sidewalk.

Randy Brown stated that depended upon the density of the area so they could meet the residential standard.

Commissioner Dahl how far were they from sewer.

Randy Brown stated there was no sewer system in that area.

Commissioner Guttry noted this would be a monetary issue for the owner due to the less density.

Randy Brown stated the ½ acre density level would allow for more open area for sewer. He stated Mike Shanks was the owner.

Commissioner Williams disclosed he had a financial arrangement with Mike Shanks along with Commissioner Gerber.

Kristin McQueary inquired if they were in business together with regard to him being part of Modern Concrete or as an individual.

Commissioner Williams replied as an individual.

Kristin McQueary inquired of Randy Brown if any part of this development had to deal with manufacture of ammunition.

Randy Brown did not believe so.

Kristin McQueary stated Commissioner Williams would be required to disclose but he does not have to abstain from voting.

Commissioner Gerber noted Commissioner Williams disclosed for him.

Kristin McQueary requested that they read the agenda prior to the meeting and explained when there was a conflict she was required to write a written opinion after an analysis.

**The motion passed unanimously.**

3:43:24 PM:

## **XI. 2013 NEVADA 77<sup>th</sup> LEGISLATIVE SESSION**

A. Discussion and consideration of issues related to the upcoming 2013 Nevada Legislative Session including possible consideration of legislative proposals, bills and bill draft requests (BDR).

**SB 343** Makes various changes relating to off-highway vehicles.

Commissioner Myers stated there was no more information on this bill draft.

**SJR 15** Proposes to amend the Nevada Constitution to remove the separate tax rate and manner of assessing and distributing the tax on mines and the proceeds of mines.

Commissioner Myers stated on SJR 15 he noticed the State Attorney General ruled that the six republicans involved in raising the mining tax did not get it in within the deadline period so it would not be challenged for the other margin school district tax.

Commissioner Myers stated the 85 mph speed limit was passed by a 15 to 6 vote in the Senate to be applied to certain areas.

### **AB 345**

Commissioner Myers stated he and Commissioner Williams testified on AB 345 in opposition to moving money out of NDOW. He stated upon completion of their testimony they were told that they just received an amendment which stated they would move the money. Commissioner Myers received a copy of the amendment and did not necessarily agree with that understanding. He stated there was a lot of testimony in opposition for taking this funding out. He noted Tony Wasley was just named the Director of the Nevada Department of Wildlife. He commented Tony Wasley was the mule deer biologist for Area 10.

Commissioner Williams stated AB 345 was to allow NDOW to take the \$3.00 fees and not using it for predator control but rather using it for habitat restoration.

**AB 413** Allows additional taxes on fuels for motor vehicles.

Robert Stokes stated this bill as introduced would allow for additional fuel taxes in Clark County only. He stated there was discussion for an amendment to expand the boundaries of that bill to Washoe or to all 17 counties. He would let them know if that amendment was introduced.

**AB 301** Study Committee concerning water conservation and alternative sources.

Robert Stokes stated Assemblyman Ellison was one of the sponsors and this dealt with providing water through desalination.

Commissioner Myers stated the Utah Governor today rejected Nevada's proposal to allow Southern Nevada Water Authority to pull water out of Snake Valley.

Commissioner Williams inquired if there was also water to be taken from Baker on the other side. Robert Stokes replied in the affirmative.

Robert Stokes believed the Commission would be supportive of the study committee.

**SJR 15** Proposes to amend the Nevada Constitution to remove the separate tax rate and manner of assessing and distributing the tax on mines and the proceeds of mines.

Robert Stokes would ask for a position statement from the Commission on this bill draft with regards to nonsupport. He stated they have copies of SB 400 and SB 401 which was similar. He noted both of those bills were contingent upon SJR 15 being approved by voters at the next election.

Robert Stokes asked for a position statement on AB 413 in the future. He recommended to the Commission that they support AB 301, AB 361, and take a position of wait-and-see on AB 286 and that they did not support SB 285 or SJR 15.

**AB 239** Makes various changes relating to energy and abatements.

Robert Stokes stated this bill draft makes changes to geothermal abatements. He stated the House Speaker sponsored the bill. He and Commissioner Dahl were contacted by House Speaker Kirkpatrick after the Commission did not approve the abatements for the geothermal project near Tuscarora. He stated this bill was large and had many components. He stated as introduced it would return 45% of the property taxes going to the renewable energy fund to the Counties and it also reduced the abatements for projects producing between 10 and 49 Megawatts and it eliminated abatements for renewable energy transmission lines. Robert Stokes stated the other side of the bill would remove the County's abatement consideration and would take away some land use planning decisions on transmission lines. He stated this bill was discussed at the last NACO meeting.

Commissioner Williams inquired why he or Commissioner Dahl was called on carpet for the Commission's vote on the tax abatement.

Robert Stokes stated it was felt by some of the members of the Legislature that they did not vote in the proper manner. He believed there was a split Commission vote. He stated House Speaker Kirkpatrick was very passionate in

her opinions but usually very fair. Commissioner Dahl stated she was someone they could talk to.

Robert Stokes stated since the bill's introduction Jeff Fontaine of NACO had spoken to Speaker Kirkpatrick and she was open to an amend to keep the County authority for the geothermal abatements. He believed the Commission would lean in support of AB 239 but would not make a final decision due to the large number of amendments be proposed for this legislation. He stated they would keep an eye on this legislation.

Kristin McQueary stated ORMAT had filed an appeal on their Centrally Assessed Property Tax. She stated the School District and the County Assessor had intervned in that State Board of Equalization action. She and Katrinka Russell had gone to Carson City last week. She stated the State Board of Equalization had granted them a continuance to June or July to analyze the data on these utility companies. Kristin McQueary stated ORMAT appealed in Churchill County but missed the deadline for filing on filing in Lander County.

Commissioner Williams understood they were trying to overturn the County Commission's decision on the geothermal plant.

Kristin McQueary stated it would not overturn the Commission's vote. She commented it was more of an accounting issue. She stated Katrinka Russell was considering hiring a CPA that had Public Utility experience to find out where all the funding went. She stated ORMAT was an international company.

Pam Borda, NRDA Director, stated she and her peers in the mining region and the local mines were opposing SJR 15. She asked that the Commission strongly oppose this bill due to the impact upon the State of Nevada. Pam Borda stated a handful of people in Las Vegas were uninformed and lobbying for this bill. She stated this was less painful for the politicians in Carson City than potential attacks that affect their constituents that they would have to answer to. Pam Borda encouraged this County and the other mining counties step up and defend the mining industry. She would be in Carson City when it comes up on the Assembly's agenda. Pam Borda stated the day this was heard in the Senate was the same day the meeting at GBC was scheduled. She noted no one testified against this bill in the Senate.

Robert Stokes had watched most of the natural resources committee hearing and felt the hearing was well orchestrated in advance. He stated Assemblyman Hansen stated after the vote was taken felt that the mining industry and the mining representatives had been treated rudely by members of the Senate committee. He stated there were some republicans leading the charge on this. He stated it would be difficult to stop this proposal as it goes through the Assembly. Robert Stokes stated the economic impacts of this

passage had not been studied yet. He stated there were not studies for the impact to northeastern Nevada.

Pam Borda agreed that no fiscal impact studies have been done.

Commissioner Myers stated they were saying the impacts could not be proven.

Pam Borda noted comments were being said on tweeter in the Las Vegas region, Facebook and news people. She stated these people were ignorant of what the mining industry does in the communities and that the mining was doing their fair share. Pam Borda stated mines were global and they do not have to be within this area.

Commissioner Dahl understood SJR 15 had to pass before the SB 400 bill which taxes minerals still in the ground. He stated it was unclear how they would determine the value of those minerals.

Pam Borda commented the mining industry spends billions of dollars prior to making a dime. She noted all the funding invested in Long Canyon in a mine that was five years from making a dime on. She stated the people in Las Vegas and Carson City don't understand it was not just about mining there were 2,300 companies that depend upon the mines within the State.

Commissioner Myers suggested gathering public support through an information sheet.

Pam Borda stated they left it to the Nevada Mining Association but nobody anticipated how this is going. She stated they now have those documents and they would use them to fight.

Commissioner Gerber stated this Commission could vote to oppose but inquired if there was a plan where the Commission could do more than just vote against it.

Pam Borda stated they could start organizing a group to testify against the bill. She stated they were also organizing knowledgeable people to be on the videoconference to testify there.

Commissioner Guttry suggested the CEO of SAS Global, Boart Longyear and Cashman Equipment Company people testify.

Commissioner Dahl stated SB 400 would be heard tomorrow.

Pam Borda stated they had not heard SJR 15.

Robert Stokes stated SB 400 would be contingent upon the voters.

Commissioner Gerber stated the Assemblyman and Senators from Clark County would make this decision. He inquired if there was any action to reach the people in Las Vegas and have them contact their Assemblyman and Senators. He noted there were employees in the Las Vegas area which worked for companies such as Cashman Equipment Company, etc. He did not believe anyone was lobbying in Las Vegas for the mining industry.

Pam Borda believed the Nevada Mining Association was lobbying strongly. She believed they need to hear from someone other than the mining industry.

Commissioner Guttry inquired about Governor's Office. Pam Borda stated there was no comment.

Commissioner Gerber stated a press conference may help. He stated Cashman could put together a press conference in Las Vegas and explain the issue without having the mining companies present. He stated they need to make the people realize this would affect them and suggested a press conference.

**MOTION: Commissioner Dahl moved that Commissioner Gerber go to Las Vegas to organize a press conference that the Commission support AB 301 and AB 361 that we oppose SB 285, SJR 15!!! and that we hold off support of AB 239 until we know more about amendments.**

Commissioner Williams inquired if they want to hold off on SB 343.

**Commissioner Dahl amended his motion that they would hold off SB 343 and AB 413. Commissioner Myers seconded the motion.**

Commissioner Myers stated AB 286 could impact their special events.

**The motion passed unanimously.**

**MOTION: Commissioner Myers moved on AB 286 that we give the Chair and the County Manager the authority to send a letter of support or in opposition if it comes out as detriment to our special events' vendors. Commissioner Dahl seconded the motion. The motion passed unanimously.**

Commissioner Gerber stated on SJR 15 they should be brainstorming and hold a special meeting in Las Vegas, hold a press conference. He stated Pam Borda was carrying a big load and they need to get the public's attention.

**MOTION: Commissioner Gerber moved that we take all reasonable action and give our County staff and Chairman the authority to organize and get a press conference moving in Las Vegas in conjunction with the with the Northeastern Regional Economic Development Authority to stop this bill. Commissioner Williams seconded the motion.**

Commissioner Williams suggested they should send the entire Commission to show support.

Robert Stokes stated they motion gave them direction to work with their friends to make the best effort they can.

Commissioner Myers stated in the letter they would send out on SJR 15 they need to have good factual information on why they do not support the bill.

**The motion passed unanimously.**

Commissioner Williams inquired when they would know the bill was coming up.

Commissioner Myers stated it was important to have GBC Room 137 set up so if it happened quickly they could get representation.

Robert Stokes commented they would enlist the help of Assemblyman Ellison and Congressman Goicoechea.

Commissioner Guttry understood there was nothing in the press in the Last Vegas area about this and it did not show impact. He believed the Commissioners from all the mining counties should be there

Commissioner Myers stated the CEOs who ran the support companies should also testify.

Commissioner Gerber suggested a jet pick up the rural county Commissioners to gather public support and get information through the press.

Commissioner Dahl stated they made a decision to not hire a lobbyist and felt they should reconsider that during the next legislature session. He noted the SB 400 would be heard tomorrow and they would have no representation. He volunteered to testify tomorrow in front of the legislature.

Harry Botsford was a resident and liked Nevada. He noted they were discussing the loss of checks and balances of our legislature. He inquired if they could propose to put it be back in place. He stated we have a vote in the resource counties and they were railroading us in both the Assembly and the Senate. He asked that Commissioner Dahl represent the County tomorrow at the legislature.

B. General discussion of other possible legislation.  
There was no discussion.

4:18:23 PM: **RECESS:**

Chairman Guttry called a recess at 4:18 p.m.

4:29:43 PM: **RECONVENE:**

Chairman Guttry reconvened the meeting at 4:29 p.m.

4:29:58 PM:

**XII. FISCAL YEAR 2013-2014 BUDGET:**

Presentation, review and discussion of **FY 2013-2014 Tentative Budget** recommendations as prepared by the Budget Review Committee and County

Staff including an examination of revenues, expenditures and transfers for the upcoming budget year.

A. Overview of Elko County Budget Status, Revenue projections and estimated expenditures.

Debbie Armuth stated their beginning checkbook balance was \$24.6 million. They have expected income of \$43 million dollars and expected expenses of approximately \$47 million dollars. She projected an ending balance of \$20 million dollars as of June 30, 2014.

Commissioner Gerber inquired if there was a steady decrease in the ending fund balance.

Commissioner Guttry commented the revenue was growing slowly but the needs were growing more every yea. He stated the actual projected ending fund balance was \$2.9 million dollars.

Debbie Armuth reviewed the assessed valuation for FY 2012-2013 had increased 11.67%, and net proceeds were projected to be down to \$133 million dollars in value. She stated their assessed value excluding net proceeds had increased 24.63% and that was mostly the centrally assessed (Ruby Pipeline). Debbie Armuth commented the County's population had increased by 1,900 people. She stated the County's tax rate .8386 has remained the same since 1998. She commented the net proceeds of \$1.3 million for the County was exempt from the tax cap. She gave an overview of the operating funds and their tax rates. Debbie Armuth stated the youth services and medical indigent tax rates could fluctuate. She stated they estimated \$13.5 million on their consolidated tax for next year for the operating funds. Debbie Armuth gave an overview of the operating funds and their starting balance of \$6.8 million dollars. She stated the revenues were \$34 million dollars and expenditures were approximately \$37.9 million dollars. Debbie Armuth stated in the base budget they had included an increase for all of the employees in the bargaining units at 1.5% in July and 1.5% in January. They had included a 3% increase for Department Heads and there was a retirement increase of 2% for the general employees and 5.7% for the law enforcement retirees. Debbie Armuth commented there was an increase of \$500.00 in insurance costs per employee. She stated in the tentative budget they have about 6.75 full time employees and an 8.2% increase in services and supplies. She commented they have identified about \$700,000 in additional state mandates. They have \$1.5 million dollars in capital, one time expenditures. She gave an overview of the personnel requests in the amount of \$1.6 million dollars of which \$740.153 or 6.75 full time employees were recommended.

Commissioner Myers noted the personnel had increased due to the direction of the judges for the security of the courthouse and fire administration.

Debbie Armuth reviewed the services and supplies requests in the total amount of \$752,207 with the budget committee's recommendation of funding \$559,989.00.

Commissioner Dahl inquired about the contract with Michele Rodriguez. Commissioner Myers believed the District Attorney's Office brought that before the Commission under an agenda item.

Debbie Armuth reviewed the departments' request for capital outlay in FY 2013/2014 in the amount of \$1,685,792 and the budget committee's recommendation of \$1,081,182 in funding. She explained some of these requests would be funded through the capital projects funding. She noted the courts would take care of their requests through their court assessment fees. Debbie Armuth explained the computer requests would be handled through IT who received a lump sum to fund everything. Debbie Armuth reviewed the former program of lease purchase for the safety vehicles and noted this year they purchased the vehicles outright.

Debbie Armuth stated the County had one debt issue remaining in the amount of \$144,000 for projects in Jackpot, Jarbidge and Tuscarora.

Cash Minor believed when the mining sector slows down then the County's revenue would slow down.

Commissioner Williams commented that they did not have debt because they had used the hospital sale proceeds to pay off their debts.

Commissioner Guttry believed the department's requests were reasonable.

Debbie Armuth gave an overview of the building and grounds requests in the amount of \$6,707,908 of which the budget committee recommended paying \$426,461. She stated some of the requests were previously requested.

Debbie Armuth reviewed the community service requests in the amount of \$48,000 and the committee's recommendation of funding \$7,000.

Commissioner Dahl commented upon Lyon County's financial condition.

Commissioner Guttry commented they had a request from the Humboldt Basin River Water Authority to contribute to the bill in the amount of \$270,000 through the Desert Research Institute for cloud reseeding. He stated Eureka, Humboldt, White Pine and Lander Counties were also being asked to participate. They had requested \$40,000 from Elko County.

Commissioner Dahl disclosed he would benefit from the cloud seeding. He stated Mike Bachman testified on it yesterday and said if the State would put up money the counties would contribute. He stated Mike Bachman said this was a long term solution and proposed they increase the fee on the water rights through the division of water resource so it becomes a user fee.

Kristin McQueary explained to Commissioner Dahl that he could vote on issues that apply to you personally as long as they do not affect him any more or less than any other water user.

Commissioner Myers inquired when they plan to do the cloud seeding, what was the direct benefit the county would see, and could they leave it as it is now to see if the State would put funding toward that. He noted they could take this funding from contingency.

Commissioner Dahl stated Desert Research Institute managed the program and Southern Nevada Water Authority paid for it for the two previous winters.

Commissioner Guttry stated there was an 18,000 acre feet of water impact. He believed they want to see a buy-in from the counties before the legislature would take action upon bill 270.

Debbie Armuth stated the \$135,000 surplus could be put in capital if they needed it for a project.

Commissioner Myers stated they could approve it through the capital fund.

Commissioner Myers requested the school immunization of \$10,000 be added to the requests.

Debbie Armuth suggested that come from the Commissioner Fund.

Commissioner Gerber inquired why they did not contribute to the FISH program.

Kristin McQueary explained the County had a Welfare Department that helped indigents with rent and health care issues which was administered by Roxanne Sutter.

Commissioner Gerber suggested the County help raise funding for the FISH program.

Commissioner Myers stated for several years there were no requests from FISH so historically they had not donated to them. He believed the County was doing community service through funding of the bus system. He noted the City of Elko helps FISH and the County funds the transportation system.

Debbie Armuth stated there were donations in the past to the CADV and that participation was dropped this year.

Commissioner Myers stated in the beginning the Commission would get over \$100,000 worth of requests from the community which was a difficult situation.

Commissioner Guttry stated his business supported FISH. He stated if they need something for the sage grouse pilot program did they have funding set aside.

Debbie Armuth stated they did have funding for that in the Commission budget.

Commissioner Gerber stated they could keep the cost low and most of it was volunteered. He stated they may need some professional to gather data and report back to the Commission.

Commissioner Williams had stated on the radio program that no money was anticipated coming from the County on the pilot program.

**MOTION: Commissioner Myers moved to approve the tentative operating budget to include \$40,000 capital projects outlay for cloud seeding and \$10,000 in the Commissioner budget for immunizations through the School District. Commissioner Dahl seconded the motion. The motion passed unanimously.**

Commissioner Myers requested an agenda item to receive an overview of what the court system and the Sheriff Department cost them. He questioned what they would cost the County in the future.

B. Review and discussion of recommendations from the budget committee in regards to specific department requests, available funds and proposed tentative budgets for the Elko County Operating Funds.

Debbie Armuth reviewed the Ad Valorem Capital Project Tax Fund revenue source. She stated they intended to move \$2 million dollars from the PILT funds for the communications project but did not do that last year. She stated based upon the balance in that fund she suggested they only move over \$1 million dollars which would leave a \$470,000 balance in that fund. She stated they pay the Carlin debt for the water line extension and the water tender financing from this fund. Debbie Armuth stated in the capital projects fund there was funding for the fire district. In 2014, there were ongoing costs with the VA Clinic and they have been funding the USGS Program yearly. She stated they had allocated \$100,000 for equipment purchase. Cash Minor noted an example was the purchase of a fire truck for Montello.

Commissioner Gerber suggested they purchase a long range camera for the volunteers on the pilot project.

Commissioner Myers stated they could go to the County Manager for that request.

Debbie Armuth reviewed the funding set aside for emergency repairs, the GIS, internet upgrades, Granicus live broadcasting, etc. She noted there was \$3.5 million dollars remaining in the Capital Projects Fund. She stated they have discussed the fire district funding.

Debbie Armuth stated in 2012 they received \$2.9 million dollars in PILT funding and transferred \$3.9 million dollars to fund the State mandates and yearly transfer. She stated this year they have budgeted \$2.7 million dollars.

Debbie Armuth noted for 2014 they have budgeted \$2.7 million dollars but expect to receive \$2.5 million dollars.

Commissioner Dahl stated because of sequestration they were talking about reducing the PILT funding. He stated SRS was asking for \$18 million dollars back from what they already paid out.

Commissioner Gerber stated that would cause lawsuits because without congressional action they were trying to overturn the previous congressional action.

Commissioner Dahl noted every year they go to Washington with their hat in hand asking for the PILT funding and they never know what they will receive.

Commissioner Gerber stated their solution was to get the land out of federal control. He noted North Dakota had excess funding because there was no federal land. He believed PILT funding would probably go away and cautioned they should prepare for that.

Commissioner Dahl commented in 1976 PILT funding came in with FLPMA. He noted the Court has ruled the federal government could not keep the land and can't overrule the decision of statehood. He stated at the NACO conference the people don't want more PILT funding or SRS funding they want the resources, the ability to be able to thin the forest and getting money from their resources.

C. Review and discussion of recommendations for the Unincorporated Towns and 2013/2014 Tentative Budgets.

Previously submitted were the Pro Forma Revenue Projections, Final Revenue Projections 2014, Operating Funds 2014, Department Requests 2014 Details, Capital Improvements Plan 2013, Advalorem Calculation by Fund 2013, Assessed Value Worksheet.

Debbie Armuth gave an overview of the Jackpot General Fund and noted their capital projects fund had been in the red for the last three years. She stated this year Jackpot would have a \$222,000 ending fund balance. She commented their assessed value and population continues to go down. Debbie Armuth noted that Jackpot's Recreation Fund receives revenues from room taxes and pool charges. She stated the General Fund offset some of those costs this year. Debbie Armuth stated Jackpot was saving to purchase new fire trucks and their biggest project was street lights along US Highway 93. She stated their water, sewer and solid waste rates were increase to fund the depreciation. She stated only a few requests were able to funded.

**MOTION: Commissioner Williams moved to approve the Jackpot Town Tentative Budget. Commissioner Dahl seconded the motion. The motion passed unanimously.**

Commissioner Myers inquired if the Fair Board had asked for anything.

Debbie Armuth had not received any requests.

Commissioner Myers suggested they put the Jackpot golf pro on the next agenda to get a report.

5:40:01 PM:

### **XIII. COMMISSION AND COMMITTEE REPORTS:**

Reports from Commission members regarding various committee, liaison or agency issues

#### **A. Demar Dahl, District 1 Commissioner**

Wells, West Wendover, Jackpot, Montello, Owyhee, Mt. City, Jarbidge Liaison - He stated Foster Wilson wanted to drill for barite and was attending a meeting with the BLM to propose staying one mile from California Trail outside of Wendover.

Nevada Association of Counties (NACO) Board – He stated they had already talked about the bills.

Humboldt River Basin Water Authority – He noted they voted on the cloud seeding.

USFS / BLM Liaison – He stated they talked about PILT and SRS previously.

American Lands Council / Western Counties Alliance – He stated Humboldt County had joined and he would go to Churchill County tomorrow requesting them to join.

He reported the public lands bill was introduced to create the committee to study the transfer. He stated they had 19 co-signers. He commented it was in legislative operations now. He noted the Governor stated he would sign it.

#### **B. Charlie Myers, District 2 Commissioner**

Commission Vice-Chair

He commended Cash and Debbie on the budget process.

He inquired if they had contacted LEPC about attending the meeting dealing with the nuclear safety board.

Randy Brown stated they have been preparing information for FEMA and would meet with LEPC next week.

Commissioner Myers requested they send something to the safety board informing them LEPC had been assigned as liaison to the nuclear safety board.

Highway Board Chair /Regional Transportation Commission (RTC) – He stated this morning at the RTC meeting NDOT talked about the projects on Idaho Street and Mountain City Highway. He noted NDOT proposed putting meridians down the center. He went to a NDOT meeting several weeks ago and they had discussed putting dividers on Mountain City Highway which may impact the local businesses. He believed the dividers in the center would not have a great impact as originally thought.

Commissioner Williams noted they also discussed the landscaping on the Mountain City Highway.

Northeastern Nevada Regional Development Authority (NNRDA) He noted they heard from Pam Board who was gathering support of the mining industry which was their largest employer.

Debt Management Commission – He was unable to attend that meeting due to scheduling conflicts with ECVA meeting.

Wildlife Chair / Wildlife Advisory Board / Nevada Division of Wildlife Liaison He stated he, Commissioner Williams, and Ralph Sacrison testified at a Natural Resources Committee meeting. He stated there was a lot of opposition to AB 345 bill.

Nevada Division of Forestry Liaison – He stated they held their last informal meeting with Gary Zunino and the next meeting would be with the NDF executives and higher staff. He hoped in May or June they could bring an in depth presentation to the Commission and make their recommendations. He believed they would have to hire a Fire Administrator which was authorized in the budget.

Commissioner Myers had spoken to Meghan Brown and Congressman Amodei would like to come down in May to give a legislative overview and on the first Friday have a tour of the sage grouse pilot project.

**C. Glen Guttry, District 3 Commissioner**

Commission Chair / Liquor Board Chair

Hospital Board – He would give them an update tomorrow on their meeting with the full board.

Commissioner Williams asked if he would talk to the Hospital Board about the concealed weapon signage. He stated National Rifle Association's official stand was recommending there be armed guards in every school.

**D. R. Jeff Williams, District 4 Commissioner**

Highway Board /Regional Transportation Commission (RTC) – He went to the RTC meeting.

Carlin, Midas, & Tuscarora Liaison – He stated on April 18<sup>th</sup> there would be a grand opening of the Carlin Library Branch.

California Trails Center Board Liaison – He was on the advisory board and felt the sequester issue would impact them. He noted Gary Koy stated they were looking for funding to keep the center open.

Northeastern Nevada Stewardship Group – He stated they had a meeting next week to discuss sage grouse.

Juvenile Department Liaison / China Spring Advisory Committee – He stated Mike was in surgery. He noted the State was paying more to China

Springs so the County allocation had decreased by one-third. There was a suggestion to keep it in the budget to evenly distribute it among all the counties.

Sheriff Department Liaison / LEPC Liaison – He commended Sheriff Pitts for staying within the budget.

School District Liaison / CIS – Communities in Schools - He stated they received the information today that Nevadaworks paid to this organization.

**E. Grant Gerber, District 5 Commissioner**

Te-Moak Tribe of Western Shoshone Indians Liaison - He was working on several projects.

Museum Board – He stated there was a major group of western paintings to be displayed.

Mining Sustainability – He inquired when those meetings were held. Commissioner Dahl stated Leta or Jim Collard led those meetings.

Nevadaworks – He was still not convinced that continuing to take federal funding and staying on that source of funding was a good idea. He believed Nevadaworks was very top heavy in administration. He stated the CIS program kept everyone happy but felt they were wasting money through duplication.

Commissioner Williams stated he was sold on the CIS program.

Commissioner Gerber believed the local lever should start saying no to the federal handouts.

Commissioner Myers commented some were federal responsibilities and funding went through Nevadaworks. He stated they were required to maintain the paperwork. Commissioner Gerber suggested eliminating the federal requirements. Commissioner Myers stated the majority of their funding went to re-training of employees affected by treaty.

Commissioner Williams voiced support of the CIS programs.

[6:01:18 PM:](#)

**XIV. COMMISSION MEETING CALENDAR:**

April 17, 2013 – Nannini Admin Bldg., Suite 102 – 1:30 p.m.

May 1 & 2, 2013 -- Nannini Admin Bldg., Suite 102 – 1:30 p.m.

May 20, 2013 – **Final Budget Hearing** -- Nannini Admin Bldg., Suite 102 – 4:00 p.m.

May 22, 2013 – Nannini Admin Bldg., Suite 102 – 1:30 p.m.

Commissioner Guttry pointed out May 20<sup>th</sup> was a special meeting date.

**MOTION: Commissioner Williams moved to approve the Commission Meeting Calendar. Commissioner Myers seconded the motion. The motion passed unanimously.**

Robert Stokes stated they received a copy of the ribbon cutting ceremony for the National Guard Readiness Center at the Fire Science Academy on the 18<sup>th</sup> of April at 10:00 am. He stated the Commissioners should have received an

invitation to the ribbon cutting and asked they please RSVP through Michelle. He would post it as a possible quorum.

[6:03:50 PM:](#)

**XV. CONSENT AGENDA:**

- A. Presentation and review of claims for approval
- B. Approval of minutes: February 7, 2013

**MOTION: Commissioner Dahl moved to approve the Consent Agenda. Commissioner Myers seconded the motion. The motion passed unanimously.**

[6:04:08 PM:](#)

**XVI. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:**

Cash Minor stated the 800 MHz system should be running live on the 23<sup>rd</sup> of April in the Sheriff's Department.

Commissioner Williams stated the Carlin Library opening was on April 18<sup>th</sup> also.

Commissioner Gerber stated he, Commissioner Guttry and Randy Brown would attend the meeting in Box Elder County Utah next week on their sage grouse pilot project. He had counted four leks on the pilot project and one was overlooking the ranch.

Commissioner Myers stated former Assemblyman John Lee was now the Mayor of North Las Vegas.

Kristin McQueary stated they would have a substitute council on April 17<sup>th</sup> because she and Gary Woodbury would be in Reno on the Jarbidge hearing.

Robert Stokes stated John Carpenter informed his wife would be having surgery today and he would not be present tomorrow.

[6:07:56 PM:](#)

**XVI. COMMENTS BY THE GENERAL PUBLIC:**

Harry Botsford commended them for operating in the black on their budget.

[6:08:20 PM:](#)

**XVII. ADJOURNMENT:**

**MOTION: Commissioner Myers moved to adjourn. Commissioner Dahl seconded the motion. The motion passed unanimously.**

There being no further business to come before the Board, the meeting was adjourned at 6:08 p.m.

APPROVED,

GLEN GUTTRY, Chair

ATTEST:

MARILYN TIPTON, Deputy Clerk

ELKO COUNTY COMMISSION

REGULAR SESSION

APRIL 3, 2013

PAGE 30



# Elko County Board of Commissioners

## Commissioners

Demar Dahl  
Grant Gerber  
Glen Guttry  
Charlie Myers  
R. Jeff Williams

## Elko County Manager

Robert K. Stokes

STATE OF NEVADA )  
COUNTY OF ELKO ) ss.

APRIL 4, 2013

The Board of Elko County Commissioners met in regular session on Thursday, April 4, 2013, at 1:30 a.m., in Suite 102 of the Nannini Administrative Building at 540 Court Street, Elko, Nevada.

There were present:	County Commissioners	Glen Guttry, Chair
	ABSENT	Demar Dahl
		Grant Gerber
		Charlie Myers
		R. Jeff Williams
	County Manager	Robert Stokes
	CFO/Asst. Manager	Cash Minor
	Planning/NRMAC/Asst. Mgr.	Randy Brown
	Deputy District Attorney	Kristin McQueary
	Deputy County Clerk	Marilyn Tipton
	Sheriff	James Pitts

Chairman Guttry called the meeting to order at 1:33 a.m.

Commissioner Gerber led the meeting participants in the Pledge of Allegiance.

1:34:10 PM:

## **I. COMMENTS BY THE GENERAL PUBLIC:**

Cliff Gardner had attended the last Sagebrush Ecosystem meeting held in Carson City. He submitted a written statement for the record regarding the council's lack of interest in conducting evidentiary hearings or affording citizens the right of due process and no indication that their decisions would be made based on scientific or commercial data or facts presented.

Sheriff James Pitts informed them former Sheriff Harris' wife had passed away from cancer.

Commissioner Myers stated he received e-mail from Commissioner Gerber at 2:35 a.m. and commended him for his dedication to his constituents.

[1:37:01 PM:](#)

Chairman Guttry relinquished control of the meeting to Wildlife Chairman Myers.

## **II. WILDLIFE MANAGEMENT ISSUES:**

### **A. Nevada Sagebrush Ecosystem Program:**

Discussion and consideration of issues and activities related to the Nevada Sagebrush Ecosystem Program with Tim Rubald, Nevada Sagebrush Ecosystem Team Manager.

“The Nevada Sagebrush Ecosystem Program recognizes the critical importance of this expansive landscape to the citizens and natural resources of the Silver State, as well as to the region. The vibrancy of this ecosystem is a shared goal as threats and challenges are worked through together in an integrated, multi-disciplinary program that is focused on this ecosystem today and into the future.

Tim Rubald stated on August 24, 2012 the Governor adopted the Advisory Council’s recommendations. He stated at that time anything dealing with sage grouse was moved from NDOW to the Department of Conservation and Natural Resources. He provided them an updated DCNR chart of the Nevada Sagebrush Ecosystem Program Structure depicting the dates of the first organizational meeting; who the representatives on the council were; the establishment of a mitigation credit system rather than a “bank” and the members were appointed to the Sagebrush Ecosystem Technical Team. Tim Rubald stated the council held a meeting week ago Wednesday and their next meeting was scheduled on April 22, 2013. He noted they would be video conferenced to the GBC College, to Winnemucca and to Ely. Tim Rubald commented the Governor wants to make sure they maintain multiple uses as their priority.

Tim Rubald submitted copy of the Governor’s bill AB 461 which was not scheduled for hearing yet. He requested that the County’s submit their input on the bill draft to him.

Tim Rubald commented the DCNR introduced a Nevada alternative to the BLM’s EIS. They were told cooperating agencies would receive a copy of what the BLM has come up within three weeks. He stated Elko County as a cooperating agency would be involved in that process.

Tim Rubald stated the US Fish and Wildlife Service’s deadline for a decision was September of 2015. He noted the technical team was gathering data from the many different agencies on what projects were planned and completed since 2010. He stated the goal was to put data into a functioning data base that could generate informational reports.

Commissioner Guttry inquired about the recruitment of the conservation districts.

Tim Rubald stated they closed the advertisement for two positions for Elko the one in Winnemucca and hope to have persons on the ground within the next couple of weeks. Tim Rubald stated they would partner with NRCS or the Department of Agriculture for office space and their goal was to coordinate projects with the Conservation Districts on the ground.

Randy Brown stated they applied in September or October for the Ruby Pipeline funding for \$750,000 to fund these positions. He understood the BLM denied their request to fund those positions because the funding could not go to personnel. He understood the State applied to the Ruby Pipeline Funding for these two positions according to the BLM.

Tim Rubald had not been involved in that process but understood they were soliciting funding from NDOW, the BLM, the Department of Agriculture, etc.

Randy Brown noted originally the State was to fund 25% of those positions.

Tim Rubald stated that was when they thought there would be a farm bill in place and they could go to NCRS for funding.

Commissioner Gerber noted the program structure discusses wildfire but there was no predator control mentioned. He inquired if the council just addressed habitat management only.

Tim Rubald noted there were no hard recommendations made on that. He stated predator control was the number 3 issue. He stated the council wanted to develop a mix of projects and the local folks would understand that issue better. Tim Rubald believed they would go to a threat based concept similar to the US Fish and Wildlife Service.

Commissioner Gerber inquired if there was discussion on increasing grazing to remove the threat of wildfire.

Tim Rubald stated the council asked the technical team to do a briefing paper on grazing efforts inclusive of wild horses.

Commissioner Gerber stated yesterday the Chairman received an e-mail that a bill went through the US Senate with direction to the BLM to do everything possible to keep the sage grouse from being listed. Tim Rubald requested the bill draft number. Commissioner Gerber stated the bill was introduced by Senator Heller. Commissioner Gutter clarified it was a voice vote on the budget amendment. Tim Rubald stated he did see that.

Commissioner Gerber noted the BLM has been taking action without the bird being listed and without hearings. He commented nobody held the BLM accountable for their actions taken. He inquired if the Council could request the BLM to justify their actions.

Tim Rubald commented there was discussion with the BLM State Director and the Fish and Wildlife Director wherein the councilmen were asking pointed questions on that particular issue.

Commissioner Gerber commented the western counties were impacted the most by the BLM actions. He stated last year there were more than 160,000 acres withdrawn from oil and gas exploration and this year they learned there was in excess of 1.2 million acres withdrawn north of I-80 in Elko County from any uses. He noted the BLM had told them maybe they could use it. He stated they discovered a map depicting that acreage. Commissioner Gerber inquired if they should pass that information to him and the council.

Tim Rubald encouraged them to submit all information to them. He was familiar with the 160 acres withdrawn and that the China Mountain Wind Project was deferred.

Commissioner Gerber commented they were told this was the first time in a 40 year history that there has been on the ground action taken by a local government with a private landowner to demonstrate a program with regards to an Endangered Species issue. He invited Tim Rubald for a tour of their pilot program.

Tim Rubald had spoken to Mark Jensen about their project.

Commissioner Myers stated on the first Wednesday or Thursday in May the Congressman Amodei would tour the pilot program.

Commissioner Gerber requested Tim Rubald give them his recommendations on the pilot project.

Commissioner Williams commended Tim Rubald on his efforts. He stated initially they got letters showing the ecosystem team would be separate from NDOW but the first chart showing organization did not include reference to the bird. He stated in looking at the new chart there were still two separate entities: NDOW which could do predation, sets hunting regulations and submits information on leks with DCNR addressing habitat.

Tim Rubald stated NDOW would always be the depository for information on the bird. Tim Rubald stated NDOW had more staff to perform the leks counts and the biology to review the DNA issue. He wished to bring information/resources from the agencies into the technical team.

Commissioner Williams understood when it gets to predation it would still be in the hands of NDOW.

Tim Rubald agreed currently but if council develops policy on that then he believed NDOW would have to follow it.

Commissioner Guttery stated they were in the process to get the raven taken off the protected listing. He suggested the council support the effort of removing the raven off the Migratory Bird List.

Tim Rubald discussed that with the congressional delegation and he would mention that to the Conservation & Natural Resource Director, Leo Drozdoff.

Commissioner Myers voiced concern that by September of next year there would be no headway because there were too many irons in the fire. He stated everybody has an idea how to manage and believed it would turn into a power struggle or a constitutional issue. Commissioner Myers believed the Governor of Nevada needs to make a determination that we don't hunt the bird for two years. He stated then the Governor could move the bird under the Department of Conservation. He believed that sends a message to the US Fish and Wildlife Service and the Judge in Idaho to show they were serious about keeping the bird from being listed. Commissioner Myers stated the Conservation Districts do a good job with the resources they have but by the time they receive grants they would not have the data to submit to the US Fish and Wildlife by November. He was concerned the bird would get listed and was not convinced that NDOW did not want the bird listed. Commissioner Myers understood there would be federal funding available if this bird was listed. He was concerned that their biologists were submitting the information. He noted one of those biologists made the statement in this room that the bird was more important than any economic development that could go on in Elko County. Commissioner Myers understood that Tony Wasley was the biologist in area 10 and was now the NDOW Director. He questioned what Mr. Wasley's position was on sage grouse, with predation, etc. Commissioner Myers stated historically over the last four or five years NDOW had moved away from predation. He believed they need on the ground projects like green stripping and removal of raven from the Migratory Bird Act. He noted the raven population had dramatically increased and believed the dominant raven argument was an untrue analysis. Commissioner Myers commented Tim Rubald's team was very young and enthusiastic but questioned how they could collect sufficient data to keep the bird from being listed or do they just have to have a plan in place.

Tim Rubald had spoken to various people such as Ted Koch, ranchers, farmers, etc., and he understood that they need to have processes in place, strong regulatory mechanisms in place, a viable and funded plan to start the process; along with a viable projects list and data base. Tim Rubald stated the person that would make the initial decision was Noreen Walsh, US Fish and Wildlife Service Regional Director in Denver. He stated this bird would be listed upon a species basis and not by state basis. Tim Rubald stated the state was trying to control the bird within the state rather than the US Fish and Wildlife Service. They had been told if they have the mechanisms in place that would be a good opportunity.

Commissioner Myers stated the US Fish and Wildlife Service required their County Plan and State Plan to address road kill, covering dumps and in return they would increase the take for 500 more ravens. He the road kill could be addressed through the NDOT by posting a telephone number for people to call for the road kills to be removed. He noted the Elko landfill would not be covered because it was hundreds of acres. He stated they talked about covering the Midas dumpster. Commissioner Myers had spoken to numerous ranchers about taking their dead animals away from leks' locations. He commented upon their efforts to establish a bounty program within Elko County and entered into a contract with APHIS for \$25,000 worth of animal damage control for livestock in the form of coyotes. Commissioner Myers stated he, Commissioner Williams and Randy Brown held a discussion with Mary Winter of the Spring Creek Association about addressing noxious weeds when the utilities dig in their rights of way.

Commissioner Williams stated at a Northeastern Nevada Stewardship Group there was a discussion about Elko County historically doing things to protect the sage grouse and the wildlife in the past. He believed the residents of Elko County should bring their efforts forward to show they had been proactive in attempting to save the sage grouse. Commissioner Williams stated some of the efforts were flagging the fences, etc. They had not been receiving credit for those efforts. He spoke to people at the sage grouse meeting and was told Wyoming and Nevada had more sage grouse habitat than the other states. Commissioner Williams stated they have to prove that the mechanism was in place to save the bird.

Tim Rubald requested that they send him information on those projects so it can be compiled in their data base.

Commissioner Myers voiced concern about the regulatory mechanism being adhered to by the NDOW.

Commissioner Gerber stated in Washington and Oregon in the 1980's the timber industry vanished and there was a population reduction due to the spotted owl. He stated instead of doing committees and resolutions they need to put their efforts on the ground. Commissioner Gerber had been counting leks and learning about the sage grouse. He had made a formal request to NDOW for information on all the leks between I-80 and Charleston and Charleston Road and Mountain City Highway. He stressed they need to get that base information now and be on the ground going with the biologists to understand what was going on. Commissioner Gerber requested Tim Rubald's aid in obtaining that information from NDOW. He would give Tim Rubald the analysis upon their pilot projects.

Tim Rubald clarified they were requesting lek data in Elko County from NDOW.

Commissioner Guttry stated Elko County's Pilot Program was drawing attention and there was a similar project being established in Box Elder County, Utah. He stated the Utah project would receive Utah State funding in the amount of \$500,000. He noted Elko County would be funding their pilot project.

Commissioner Myers stated the County was doing everything to keep the sage grouse from being listed. He noted this sage grouse issue has had a huge negative impact on Elko County economy through deferment of the China Mountain Wind Project, the deferment on 160 acres for oil and gas exploration and now 1.2 million acres taken from multiple uses. He believed that would be a financial impact upon the state as well.

Commissioner Guttry commented when you combine listing of the bird and the new mine tax proposed meant the mines would leave due to the restrictions.

Commissioner Williams noted this was the last option to make this work. He supported them bringing all the data to one storage area. Tim Rubald stated that was them. Commissioner Williams felt NDOW would create challenges for them.

Tim Rubald stated they were building a depository of information through the technical team.

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## **B. Sage Grouse Ranching:**

Discussion and consideration of a presentation by Duane Coombs, Smith Creek Ranch, regarding ranching practices in concert with sage grouse considerations.

Duane Coombs attended the meeting in Winnemucca in 2001 where the agencies stated they would solve the problem with the BLM in charge of habitat, NDOW would inform them what the sage grouse needs and the US Fish and Wildlife Service would go along. He stated the people on the ground that could effectively help the sage grouse were marginalized and pushed aside. Duane Coombs stated the Smith Creek Ranch was southwest of Austin Nevada and the ranch was marginal for sage grouse habitat. Duane Coombs stated they could see the listing would affect them. He noted whenever they go into an ESA listing it became a single species management path which became a wreck. He stressed they need to focus more on the overall health of the rangelands. Duane Coombs sent a picture of them chaining up sage brush to Connie Lee of NDOW. He stated the sage brush canopy was thinned to what the habitat guidelines were for sage grouse. He noted the seedlings on the sage brush grew demonstrating this was a management issue. Duane Coombs believed the federal land management agencies did less and less management on the land since the

1980's. He felt they did not do anything because their hands were being slapped when they do something. Duane Coombs believed the fire regimes and the understories changed due to less management. He stressed they need to create partnerships. He had created partnerships to stay in business and focused on what they can agree on. Duane Coombs had projects on private land since 2002 and they ran upon 250,000 acres of BLM under permits year around. He put their projects upon private land to demonstrate to the BLM they could do things on the ground. His focus was protecting the integrity of the BLM permit. He stated the cows were the economic engine so they don't exclude them.

Duane Coombs commented in 2003 Nevada Rangeland Commission seeded 160,000 acres private land in Porter Canyon then fenced it and controlled the grazing. He was told there had not been sage hen in that region for years. Duane Coombs stated they removed pinion on private property and convinced the BLM to remove some pinion on the other side of the private property line. He stated the US Fish and Wildlife Service paid to cut the trees. He noted Dr. Tamzen Stringham researched the amount of water a pinion drinks through monitoring wells. Duane Coombs stated the BLM approved 250,000 acres more of pinion removal but had to wait for five years due to Dr. Stringham's research. They made a gathering field and in 2012 the scientists saw sage grouse in the area. He displayed a picture depicting the water back on the property in Porter Canyon. Duane Coombs stated Billie Canyon had a phase three pinion stand and the US Fish and Wildlife Service in September of 2009 funded a sage grouse project wherein they cut the pinion pine and left the mountain mahogany. He commented the mountain mahogany became good deer habitat. Duane Coombs displayed a picture of Nevada blue grouse in April of 2013. He noted the old growth woodlands of mountain mahogany were being destroyed in Nevada by pinion invasion. Duane Coombs displayed photos of the Edwards Creek Stream restoration project in April of 2007 wherein there were bad washes and numerous willows. He commented that Edward's Creek became a safe harbor project for Lahontan cutthroat trout. In late fall of 2009, they took out willows on 2.5 miles of creek bed, put the creek back into the stream channel, and filled in the washes. He reported in June 2010 the willows came back and in June 2011 the smooth brome came back where the washes had been. Duane Coombs commented in April 2013 they mowed a mosaic of willows for different habitats. Duane Coombs stated the first time they saw sage grouse was in 2012. He commented they graze the area in the wintertime. He reported each time they mow the willows they did not come back as thick which was better for sage grouse, deer and cows.

Duane Coombs gave an overview on the Desatoya Mountains Habitat, Resiliency, Health and Restoration Project upon 30,000 acres of BLM managed

properties. He commented they would focus on sage grouse habitat starting with Dalton Canyon wherein the crew would cut trees next week. He stated they would build a riparian pasture, and a gathering field at the bottom of the canyon. Duane Coombs was more comfortable with the integrity of his permit now than in the past due to the partnerships with the agencies.

Duane Coombs noted David Houghton, President of the National Wildlife Refuge Association, said the landowners were the most effective way to put conservation on the ground. He was told by Mr. Houghton that the conservation community had to learn how to partner with the private landowners because the government cannot do it effectively. Duane Coombs felt the County was making progress with the pilot projects proposed because the people were watching. He stated the government does not have sufficient funding to buy land in fee-title to save what they think they want to save. Duane Coombs stated the new view was at "landscape scale". He stated their key phrases now were "working lands for wildlife" which meant agricultural lands in which agriculture processes were going forth. Duane Coombs had gone to Washington DC in February.

Duane Coombs believed the County governments should ask where their range ecologists were. He had read the current Fish and Wildlife Conservation Report wherein 4 or 5 biologists and one ecologist were upon the commission. He commented they have mapped out what the bird needs. He believed they should allow respect for the expertise of the wildlife biologist and bird experts but they must have a rangeland ecologist. He stated the wildlife biologists were making decisions upon plant ecology on the rangeland which may be contrary to what the rangelands need. Duane Coombs stated the wildlife biologists' ways of going about may be contrary to sagebrush ecology. He believed the Commission could speak to Dr. Stringham, or Barry Perryman, or Brad Schultz who were great range people within the State of Nevada to help them tell the wildlife biologists how rangeland ecology works, to accomplish their goal.

Duane Coombs stated they have been working with the US Fish and Wildlife Service on a Candidate Conservation Agreement with Assurances (CCAA). He stated the process takes a long time to analyze the ranch but if they list the sage grouse then the agreement says the US Fish and Wildlife Service had viewed his management practices and they were either neutral or would not harm the sage grouse. He stated they would be able to proceed with the safe harbor project. Duane Coombs stated the US Fish and Wildlife Service had to take into consideration their practices and when they file, all personal information goes into the Federal Register. He believed the counties could hold an umbrella agreement for their ranches for safe harbor so personal information would not go into the federal register. He stated Tim Rubald probably knew about that process.

Duane Coombs stated the sage grouse habitat on Smith Creek was split between private and public land. He stated with the Candidate Conservation Agreement (CCA) there were no assurances.

Duane Coombs noted in public land states it was critical to have relationships between the agencies and private landowners. The critical wildlife habitat was owned or controlled by the private producers due to access to water but the private producers rely upon access to the public domain for grazing to increase production. If the private producers were denied grazing upon public domain, then there was an increase in pressure for production and would be placed directly upon the most effective habitats in the west, upon private lands. He believed that would be a catastrophic impact in the public lands state. He noted most of the critical brood habitat was upon private lands.

Duane Coombs stated at the meeting in Washington D.C., Daniel Ashe, Director of the US Fish and Wildlife Service, commented they were one big fire away from a listing on the sage grouse. He stated Dan Ashe commented there were major deficiencies in the command structure of federal fire response teams in the great out there. He stated catastrophic fires were managed by those who fly in and fly home when it was all over but that would be handled very differently if there was local control of local command by those who remain in the same community that the incident occurred in. He noted there was a power struggle with the agencies but there needs to be a way for a local command structure of these fire incidents.

Duane Coombs stated there might be an opportunity for the County government to ask Sally Jewel, the new Secretary of Interior, to partner on the executive level with the Department of Interior.

Commissioner Myers agreed with Duane Coombs' prospective and in his approach. He stated they may approach their pilot project similarly.

Commissioner Williams noted Duane Coombs recognized the major issue was public grazing on the ranch. He and Commissioner Myers together with Tim Rubald met with a ranching group in Jackpot called SANE, Stewardship Alliance of Northeastern Elko (Co.), who was formed with the help of Connie Lee of NDOW. He stated these livestock producers want to be proactive to mitigate the issues regarding the sage grouse. Commissioner Williams felt the landowners were attempting to prove there was the necessary habitat to keep the sage grouse from being listed. He believed to keep the bird from being listed they would have to prove that the landowners were where the habitat was.

Duane Coombs stated Connie Lee had informed them of the other ranching association. He noted one of the biologists in the State's Fish and Wildlife office thought the private land was going to be a constant but they don't realize the ranchers depend upon public domain grazing permits.

Commissioner Guttry believed they needed cooperation to succeed. He inquired about the encroachment of pinion. They had heard pinion was a perch for the raven and nothing grows around the base of a pinion.

Duane Coombs stated research by Dr. Stringham in Porter Canyon metered rainfall in the pinion and what amount reached the ground under the pinion/juniper. He stated Dr. Stringham told him that in a canopy of juniper/pinion the rainfall intercept was an 8 inch zone to a 4 inch zone in that instance. Duane Coombs commented that did not include the water that the tree was pulling from the ground through its roots. He believed research proved that if water was available the trees would take up to 70 gallons per day from the ground.

Commissioner Gerber inquired what the total acreage of private land was on the ranch.

Duane Coombs replied 3,000 acres was deeded acreage. He stated on the Smith Creek side of the Desatoya Mountains all the water was adjudicated. He commented on the Edwards Creek side there was a wildlife adjudication of water. He stated there were adjudicated water rights on public land.

Commissioner Gerber stated their pilot project was upon 15,000 contiguous acres and there was an additional 6,000 deeded acres with a different owner that would like to participate which would make a total of over 20,000 contiguous acres. He inquired if there had been any significant wildfires in the 250,000 acre area.

Duane Coombs stated there had been a 5,000 acre fire over a ten to fifteen year period. He explained their issue was invasion of pinion.

Commissioner Gerber inquired if they had ravens in their area and when were they first aware of them.

Duane Coombs stated they have ravens and with ravens it was a maintenance issue. He voiced concern that when dealing with federal government they want to come in once and be gone. He believed they should empower the local people to address the raven issue. Duane Coombs noted the expensive cost of poisoning the ravens through the agencies which was similar to how the BLM addressed the wild horse issue. He believed the private industry should be empowered to address the ravens.

Commissioner Gerber invited him to tour the pilot project. He inquired about Mr. Coombs education.

Duane Coombs replied he had a degree in range from Utah State and he was raised in southeastern Utah and southwestern Colorado. He believed this would affect this county more than any other county in the State. Duane Coombs was part of a group of landowners, Partners for Conservation, and they went to Washington DC. He stated that group had access to the administration. He encouraged access to the federal agencies.

3:44:24 PM:     **RECESS:**  
3:50:24 PM:     **RECONVENED:**

3:51:01 PM:

**D. Predator Control Bounty Program:**

Discussion and consideration of information related to predator control activities through a “bounty system” for the possible approval of the use of a bounty system by the County or the State to assist in predator control activities.

Commissioner Myers stated in his research there was no sustainability of previous bounty programs. He suggested they delay the bounty program on the pilot project. Commissioner Myers suggested they go through the normal process of placement of eggs and allow hunters to come out and hunt normally and not look for bounty. He suggested more research on tattooing or ear tag bounties to entice hunters to take numerous coyotes. He noted they would need a trapper for tattooing or placement of tags on the ten coyotes.

Randy Brown stated sustainability was a huge issue and the pelts need to be worth something to sustain the hunters and trappers. He commented a bonus/reward project would only be beneficial if they continue the program yearly. He stated they discussed neutering and was advised the animal would be killed.

Commissioner Myers noted the coyotes breed successfully and felt they should target the important areas where sage grouse and wildlife were more concentrated.

Randy Brown stated government trappers and contract trappers were more successful because they target a specific area.

Commissioner Williams noted previously good prices on furs everybody was shooting and trapping and the deer and antelope herds had increased.

Pat Laughlin stated with the fur take in October, November and December that was the ideal time. He noted NDOW had the numbers of coyotes taken when the furs were worth something and the increase in numbers of deer with relation to that take.

Commissioner Williams noted with the rewards system they would hunt year around.

Pat Laughlin noted the coyote stakes territory similar to wolves. He stated when placing eggs in the Jackpot area the main issue was with badgers. Pat Laughlin suggested they look at the badger situation in the pilot program boundaries.

Commissioner Myers recommended that the Commission invite the new NDOW Director down and ask him what he was looking for with regards to predator control, sage grouse and enhancement of deer herds.

Commissioner Williams stated they had heard about the badgers, skunks, and ravens on leks and asked about damage to sage grouse from the coyotes.

Pat Laughlin replied the coyotes came in after the chicks were born. He would rate the coyotes after the raven and the badgers on predation of sage grouse.

Commissioner Myers noted Dr. Coates list the badgers lower on his list. He noted ravens, coyotes, and ranchers were higher on the list.

Pat Laughlin stated badgers don't travel far so there was no concentration but you have ravens everywhere.

Commissioner Williams noted worried about ravens due to perches on power poles and trees and there was no other predation being concentrated upon.

Pat Laughlin stated study after study said 90% of nest failures were due to predation and 65% predation was due to ravens. He noted the raven population had increased by 625% within twenty years.

Commissioner Williams asked Mr. Laughlin to suggest someone who would trap coyotes to tattoo.

Pat Laughlin suggested NDOW but cautioned them the coyotes have black gums so tattooing may be a problem and noted a small ear tag may be better. Commissioner Williams noted a tattoo would not be seen on the gums but the tag might be seen. Pat Laughlin suggested chipping the coyotes such as they chip the dogs. Tim Rubald recommended an rfd tag. Commissioner Williams questioned if a coyote was chipped how a person would know there was a chip.

[4:08:13 PM:](#)

### **C. Sage Grouse Management Pilot Project:**

In accordance with the Elko County Greater Sage Grouse Management and Conservation Strategy Plan, additional discussion and consideration of the Pilot Project on the Devil's Gate Ranch to develop information through a project to "...implement historical livestock grazing, predator control and range management polices to develop scientific data related to Sage Grouse populations and habitat."

Commissioner Gerber suggested the Commission request data from the NDOW in the area of the pilot project so they can begin the base study. He noted a biologist told him they been doing studies in that area for over a decade and have masses of data. Commissioner Gerber stated the rancher, Ken Bowler, wanted to establish a sustainable program on the ground. The rancher had put in five pivots and the major reason for the increase in sage grouse was the increase in spring/summer habitat. He noted the Desert Land Livestock had documentation showing a 400% increase in sage grouse. Commissioner Gerber stated they may convince the congressman and public that they were on the right

track to do what needs to be done with the Endangered Species Act so the sage grouse does not destroy their economy.

Commissioner Myers noted the coyote reproduction rate was so fast they may consider this in the pilot project.

Commissioner Gerber suggested they organize hunters to keep predators down to increase the sage grouse population.

Commissioner Myers stated if Tim Rubald was unsuccessful in getting the lek information then the Commission could draft a letter to NDOW.

Commissioner Williams noted there were antelope in the pilot project area.

Commissioner Gerber noted wildlife would benefit through better management of the land and predator control. He stated the area was not big enough to have an impact for deer. He hoped to get more involvement from the adjacent landowners.

Commissioner Gerber suggested they prepare a letter to Senator Heller thanking him for his support and inform him of the economic loss to the County. He stated if the BLM was tasked with protecting the bird then they would shut down more oil and gas exploration, more mining, and more grazing.

**MOTION: Commissioner Gerber moved to send a letter of thanks to Senator Heller for his support with this information on their economic loss and get the Commissioner's signatures and approval. Commissioner Williams seconded the motion.**

Commissioner Guttry questioned the verbiage upon the resolution he believed it was a voice vote on the amendment. Commissioner Gerber agreed it was a voice vote.

**The motion passed unanimously.**

[4:17:36 PM:](#)

## **2013 NEVADA 77<sup>th</sup> LEGISLATIVE SESSION**

Discussion and consideration of issues related to the upcoming 2013 Nevada Legislative Session including possible consideration of legislative proposals, bills and bill draft requests (BDR).

**AB 345** An act relating to wildlife; declaring that wildlife in this State must be managed according to the best scientific data available; requiring the Department of Wildlife to use money in the Wildlife Fund Account in the State General Fund for costs related to programs to improve the habitat of sage grouse in this State and to conduct a study of predatory wildlife in this State; and providing other matters properly relating thereto.

Commissioner Myers stated they were given copies of the Amendment to AB 345. He believed they could still take the money away from predator control.

Commissioner Williams agreed but the intent when the fees were first instituted was for predator control.

**MOTION: Commissioner Williams moved that they send a letter saying they opposed AB 345 and its amendment that would clearly identify that they want the intent recognized for predator control and it not be for habitat improvement except when it receives the support of the sportsmen of Nevada. Commissioner Guttry seconded the motion.**

Commissioner Gerber invited everyone for a tour of the pilot project.

Commissioner Williams suggested they schedule a date.

Kristin McQueary suggested a quorum setting agenda and the public could attend.

Wildlife Chairman Myers relinquished control of the meeting to Chairman Guttry.

[4:20:44 PM:](#)

### **III. AMERICAN LANDS COUNCIL:**

Discussion and consideration of update on activities related to the American Lands Council including any requests of non-financial letters of support or participation in a meeting/event. Any financial requests will be required to be on a successive agenda.

Commissioner Myers inquired if the bill had come out of committee.

Robert Stokes stated AB 227 had not come out of committee but it has numerous sponsors and co-sponsors so it should come out soon.

[4:21:29 PM:](#)

### **IV. ELKO COUNTY WATER RESOURCE ISSUES:**

Discussion and consideration of water resource management and water rights issues that may impact Elko County including possible discussion related to the Southern Nevada Water Authority pipeline project, the Central Nevada Regional Water Authority activities and issues including any requests of non-financial support or participation. Any financial requests will be required to be on a successive agenda.

Commissioner Guttry noted they had discussed cloud seeding.

[4:21:52 PM:](#)

### **V. COUNTY COMMISSIONERS AND COUNTY STAFF COMMENTS:**

Commissioner Guttry stated on March 20<sup>th</sup> they moved to send a letter to President Johnson stating they were in opposition of combining CABNR and the Cooperative Extension. He stated Tom Baker, President of the Cooperative Extension Board, had informed them some of the board members were in support of the merger and others were not supporting the merger. Commissioner Guttry had received further information that several other counties were approached and took no action until they heard from President Johnson. He stated President Johnson would come to discuss this with the board.

Commissioner Guttry stated they had received a three page letter from Kevin Carman, the Provost, who explains what they want to do. He stated there would be no change in the budget and they would remain as individual entities under one dean and an assistant dean.

Commissioner Guttry stated he and Commissioner Myers had met with Congressman Amodei and discussed health issues last Friday. He stated they then met with the governing board for the hospital. He noted one of the doctors pointed out Obamacare was to provide more care to more people but in reality it would have an opposite effect because there would be less access to care. He gave the example of a person 66 years old goes to emergency and was admitted in the hospital in bad health. The hospital stabilizes the patient then due to Medicare coverage was discharged to seek a primary care physician. The biggest issue was 85% of the doctors in the County do not take Medicare-Medicaid patients so the patient's health declines with no primary care physician and would be sent back to the hospital again.

Commissioner Williams stated the businesses that have approximately 50 employees would be affected by Obamacare and may cut back under that number.

Commissioner Guttry stated the Affordable Care Act has been given to the Department of Health and Human Services and Congress was out of it.

[4:27:37 PM:](#)

**VI. COMMENTS BY THE GENERAL PUBLIC:**

No comments

[4:27:46 PM:](#)

**VII. ADJOURNMENT:**

**MOTION: Commissioner Myers moved to adjourn. Commissioner Williams seconded the motion. The motion passed unanimously.**

There being no further business to come before the Board, the meeting was adjourned at 4:27 p.m.

APPROVED,

GLEN GUTTRY, Chair

ATTEST:

MARILYN TIPTON, Deputy Clerk

ELKO COUNTY COMMISSION

REGULAR SESSION

APRIL 4, 2013

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