



Elko County Natural Resource Management Advisory Commission

540 COURT STREET, SUITE 104, ELKO, NV 89801
PH. (775)738-6816, FAX (775) 738-4581

ELKO COUNTY NATURAL RESOURCE MANAGEMENT ADVISORY COMMISSION MINUTES

WEDNESDAY, AUGUST 25, 2010

6:00 P.M. CALL TO ORDER:

Chairman Spratling called the regular meeting of the Elko County Natural Resource Management Advisory Commission to order at 6:00 p.m. on **August 25, 2010**, in Suite 102 of the Nannini Administration Building, 540 Court Street, Elko, Nevada.

Members Present:

Craig Spratling
Ken Wellington
Ted Wilton
Doug Shippy
Orson Tingey

Absent :

Thad Alger
R. Jeff Williams

Others Present:

Randy Brown, Natural Resource Manager
Kelly Watson, Planning & Zoning Administrator
Ken Miller, Elko BLM District Manager
Dave Overcast, BLM Field Manager
Kyra Walton, USFS, Acting District Ranger
Doug Clarke, USFS Planner
Meghan Brown, Nevada Cattlemen's Association

I. PLEDGE OF ALLEGIANCE:

Allegiance pledged.

II. REVIEW, DISCUSSION AND APPROVAL OF JULY 28TH MEETING MINUTES: ACTION ITEM

Commissioner Wilton indicated on page 2 of the minutes under Comments by the General Public in the paragraph second from the last there is reference to Commissioner William that should be Commissioner Williams.

MOTION: Commissioner Wellington moved to accept the minutes for the July 28, 2010, meeting with the correction. Commissioner Wilton seconded the motion. The motion passed unanimously.

VOTE:

AYE: Craig Spratling
Doug Shippy
Ken Wellington
Ted Wilton
Orson Tingey

NAY: None

ABSENT: R. Jeff Williams
Thad Alger

ABSTENTIONS: None

III. COMMENTS BY THE GENERAL PUBLIC:

NON-ACTION ITEM

Meghan Brown, Nevada Cattlemen's Association, stated there are two bills before the Senate; Senator Ensign's SB 3041 and Senator Crapo's SB 3660 that deal with national monument issues. She indicated they had met with Senator Ensign and discussed his bill and support from rural counties and Natural Resource Committees to get it passed. Ensign's bill deals specifically with Nevada being exempted out of the Antiquities Act to be able to deal with monument designations. She stated part of the reason Nevada Cattlemen's wants to push the issue is because El Paso made some strong statements at the County Commission meeting to get around amending the Taylor Grazing Act to get grazing buyouts they were going to do monument designations instead.

Mr. Brown stated Elko County had initiated the bill with Senator Ensign.

Chairman Tingey asked what the current status of the bill was.

Ms. Brown indicated that both bills had been read and sent to committee but there hasn't been any action.

Chairman Spratling asked what SB 3660 was.

Ms. Brown stated it is Senator Crapo's bill with Ensign as a co-signer that broadens the scope of Ensign's bill for the western states to get Congressional involvement for any changes.

Commissioner Tingey asked if there is any movement expected on the bill before the election.

Ms. Brown indicated that nothing is moving through at this time but with the El Paso issue there should be some groundwork laid to be able to be in front of the eight ball.

Commissioner Wilton asked if there was a companion bill introduced by Congressmen Heller with respect to Nevada.

Ms. Brown indicated yes, it is sitting in committee as well. She indicated she is not as concerned with the House bill as the Senate bill because the election may cause a change in support of the bill.

Comments that were pertinent to items listed on the agenda were given and Mr. Brown suggested they be brought up during the time the appropriate item was opened for discussion.

Discussion took place regarding the status of HR1018.

There was also discussion regarding the sale of the Sorensen Ranch to Madeleine Pickens and the future use of the property.

Commissioner Wellington asked if an item could be placed on future agendas for an update on the status of the Sorensen Ranch to provide the Commission the opportunity to take action and forward the action to the County Commission.

IV. AGENCY REPORT AND UPDATES:

ACTION ITEMS

A. BUREAU OF LAND MANAGEMENT

- 1) Mill Creek Spring Exclosure within the Pine Mountain Allotment response to information request.

Dave Overcast, BLM Tuscarora Field Manager, gave an overview of the letter provided to the Commission answering questions that were asked at the previous meeting. He also presented photographs of the area.

- 2) Safford Seeding Well and Pipeline System rangeland improvement project.

Mr. Overcast indicated this project is an effort to get better distribution to the cattle in an area where consistent water is a long way away. There are five different sites for water in this pasture and the Humboldt River is the most reliable source. He explained the water sites and their systems do not provide adequate resources for the area and the proposal is to put in the well and run it to the area. He further explained the timing of the process.

Chairman Spratling asked if there had been a policy change concerning wells and the BLM not expecting ownership of the water.

There was discussion regarding funds being used for the well and the past policy of the BLM requiring ownership of half of the water on projects.

Mr. Overcast presented a map indicating the Construction Areas as of August 24, 2010, that are included in the Notice to Proceed for Ruby Pipeline. He indicated Ruby Pipeline has been asked to keep the BLM updated on a weekly basis of their progress and the location(s) of construction.

Commissioner Wellington asked about buildings being constructed near SR227 and why they were not part of the information provided.

Mr. Overcast explained the buildings are probably on private land and the information is only public land. He indicated he will talk to the developers and find out if they can provide information on all of the projects even if they are on private land.

Mr. Brown indicated the buildings are probably located on a staging station and the plans for the pump stations have not been approved.

Ms. Brown asked if the BLM can provide updates on a weekly basis to the public regarding the Ruby Pipeline project.

Mr. Overcast stated there is a website setup.

Ken Miller, BLM District Manager, indicated they have not received any information regarding a suggestion or proposal for a horse sanctuary on the Sorensen Ranch purchased by Madeleine Pickens and they have not visited with the new owners and are moving forward as though the property is being used as a cattle ranch.

Chairman Spratling asked if it is normal for a purchaser of a ranch to contact the BLM about their permit.

Mr. Miller stated they have talked to the Sorensens and are still doing the transfer associated with the new owner. The new owners have said they are planning to run cattle for at least the next three years and the BLM is not moving forward with anything to do with horses or out of the ordinary. He stated they will share any information they receive as the plans go forward. He indicated the Ruby Pipeline map presented by Mr. Overcast will be posted on the BLM website and will be put out in a press release or work with Ruby to ensure it is posted on their website so the public can stay updated of where the work is being done for safety of the public and BLM employees. He further indicated they have compliance monitors at the sites on a daily basis.

- 3) Environment Assessment for the Elko District Vegetation Treatment Maintenance Project.

Mr. Miller presented a map indicating that there have not been many fuels projects over the last years due to the number of fires and the work effort has been focused on the fires. He indicated the fires have impacted initiating new fuel projects and maintaining existing ones. He gave an overview of the information on the correspondence and areas depicted on the map.

There was discussion regarding action in the area by Wildhorse that may be controlled by the tribe.

- 4) Environmental Assessment for the Boulevard Fuels Treatment.

Mr. Miller gave an overview of the maps included in the correspondence and the different processes that will take place on the project. He stated they are receiving opposition to their practice of creating fuel breaks that are monoculture straight without any type of cover or habitat capability. He indicated they are trying to create fuel breaks that will be acceptable to those that are advocating for sagegrouse, mule deer and other wildlife but some environmental groups are in opposition to any action for fuels reduction.

Chairman Spratling asked how wide the strips are.

Mr. Miller stated the total is 300-400 feet.

There was discussion regarding the action to be taken and the time it will take.

Chairman Spratling asked if grazing was being allowed in the areas.

Mr. Miller stated yes. He further stated an alternative that was submitted, considered and then not taken any further was to take cattle off.

There was discussion regarding cattle grazing and if that helped limit the amount of fuels.

Commissioner Tingey asked if the proposal has been proven to be beneficial for the sagegrouse habitat.

Discussion took place regarding the sagegrouse and if the proposed treatment was beneficial to its habitat.

There was further discussion regarding road and travel restrictions. There was also some discussion regarding obtaining full EAs on similar projects in the past.

Mr. Miller stated regarding the question about water developments, his understanding is the BLM does not need to have a piece of a water right to move forward and spend money on a water development. He indicated the BLM is still in the process of protesting a few filings for water for historic or other unique component.

Chairman Spratling asked if there was a possibility that the BLM would drop their protests on some of the ones they protested in the past.

Mr. Miller indicated there is a possibility and they will probably be the ones that were based on an old BLM policy. He further indicated the BLM won't let it interfere with going forward with water development. He stated an invitation was sent to the Commission for a workshop on Holistic Management Partnership with the Squaw Valley Ranch to be held at the local BLM office from 1-4 on August 26, 2010.

Mr. Brown asked Mr. Miller if he would forward the BLM policy or procedures that would support their decision regarding ownership in water rights.

B. UNITED STATES FOREST SERVICE

- 1) Schedule for Creeks and Communities efforts in the Southwest Ruby Mountains area held Tuesday, August 17th and Wednesday, August 18th, Proper Functioning Condition Assessments from Thursday, August 12th through Friday, September 10th and Community Workshop during the week of October 25th.

Kyra Walton, Acting Ranger for Jarbidge and Ruby Mountains Ranger District, gave an update on the activities of the Creeks and Communities efforts in the Southwest Ruby Mountains.

Ms. Brown indicated she had attended the meeting and found the information helpful and the representatives knowledgeable and diverse. She further gave an overview of her perception of the process of the assessments and her attempt to make the representatives aware of the issue of water rights.

There was discussion on whether there should be action on the items.

Mr. Brown indicated the items are listed as action items on the agenda to provide the opportunity for the Commission upon discussion to take action on the item(s).

MOTION: Commissioner Wellington moved to send a letter to the Elko County Commission in support of the four plans presented by the BLM at the meeting. Commissioner Wilton seconded the motion. The motion passed unanimously.

VOTE:

AYE: Craig Spratling
Doug Shippy
Ken Wellington
Ted Wilton
Orson Tingey

NAY: None

ABSENT: R. Jeff Williams
Thad Alger

ABSTENTIONS: None

Discussion took place regarding placing an item on a future agenda as an action item to discuss the issue of water rights and the Forest Service.

V. REVIEW AND CONSIDERATION OF THE STATE OF NEVADA MINING CLAIM FEES AND MATTERS RELATED THERETO: ACTION ITEM

- A. Lawsuit filed by Claremont Nevada Mines LLC, a Nevada limited liability company, Plaintiff, in the Fourth Judicial District Court challenging the constitutionality of the Nevada Mining Claim Fee.
- B. Analysis of Nevada's Mining Claim Fee Section 47 of Assembly Bill 6 by Thomas P.

Erwin, Attorney, Erwin & Thompson LLP, Nevada.

Commissioner Wilton stated the Natural Resource Management Advisory Commission has a recommendation pending before the County Commissioners to place repeal of the tax on the County's legislative priority list. He indicated there is no action to be taken on the Claremont Nevada lawsuit and provided some specifics of the lawsuit. He stated the second item is a technical analysis of the impact of the mining claim tax on the Nevada mining industry and by association it has an impact on the Bureau of Land Management because the money collected for the annual maintenance fees for mining claims in the State of Nevada not only covers all of the costs of the BLM administration of mining law activities throughout the United States but 20% of the fees collected in the State of Nevada go to other things such as range improvements. He further stated the BLM Reno office that tracks the notice of intent to hold mining claims and the annual maintenance fee indicates there is a significant decrease in the renewal of mining claims in the State of Nevada for the assessment year ending August 31, 2010, compared to the same time in 2009. He indicated he received the monthly newsletter from the Arizona State Geologist that included three articles regarding mining in Nevada and gave an overview of the articles and how information was obtained for the articles. He further indicated the newsletter is distributed to the investment community where perception becomes reality and because of the fee structure and the mining claim fee it has caused the mining industry to look at the State of Nevada with a less favorable view than before. He further stated 80% of the claims in the State of Nevada are held by companies that do not have operating mines in the State of Nevada and when exploration drops in other counties, Elko County jobs are affected.

**VI. REVIEW, UPDATE AND DISCUSSION OF THE NATIONAL MONUMENT/
GREAT OUTDOORS INITIATIVE:**

Commission and Staff Presentation

NON-ACTION ITEM

Commissioner Wilton has submitted correspondence titled "DISCUSSION PAPER Bureau of Land Management Treasured Landscapes" for review and discussion.

Ms. Brown stated the livestock industry and public that recreate are concerned about the tone in the document. She indicated the document is vague and there are no specifics regarding recreation, motor vehicle use, grazing or other uses. She further indicated it is an initiative to have treasured landscapes across the west and there isn't any action on the item at this time. She stated that various users of the public land need to unite to compile a statement of what national monuments mean in regard to economic impacts, management implications and other issues that have also been discussed during the Travel Management Plan issue. She encouraged the Commission to have a discussion about monuments and create a policy or give recommendations to the Elko County Commission so they could be ahead of the issue and work with some other counties such as White Pine County which has already gone through the process.

Mr. Brown stated some of the issues are intertwined with the Travel Management Plan and the County will be updating the Economic Impact Report on Public Lands in Elko County. He indicated the item could be changed to an action item at any time and Staff is monitoring the issue on a weekly basis to provide information on any action taken.

Ms. Brown recognized the Elko County Commission took action against the designation of particular monuments listed but suggested the broader document be reviewed by the Elko County Commission.

Commissioner Wilton commented that the Commission should view the issue from a legislative standpoint because it is a perfect vehicle for administrative rule making.

Mr. Brown stated there has not been a monument signed into law since the Clinton administration.

There was discussion regarding any action the President may take on the issue. There was also discussion regarding the vagueness of the document and if Nevada can become exempt from the Antiquities Act as Wyoming did in 1959. Discussion continued regarding the action the President may take on the issue once the election is over and whether local politicians will endorse or oppose the issue.

Ms. Brown asked if the item could be on the next agenda as an action item.

Mr. Brown indicated it could be placed on the agenda as an action item.

Commissioner Tingey asked if there have been any inclination of Counties getting together and organizing.

Mr. Brown indicated Elko County has been working with NACo on this issue.

There was discussion regarding adjoining states dealing with the issues of designations of National Monuments.

VII. REVIEW, UPDATE AND DISCUSSION OF PROPOSAL SB 787:

Staff Presentation

NON-ACTION ITEM

Mr. Brown stated there was an amendment proposed to the Committee on Environment and Public Works that clarifies and expands the scope of the United States and circumvents the 2001 Supreme Court rulings restricting regulatory jurisdiction to isolated wetlands in public areas. He further stated the amendment has been approved and recommended to the full floor of the Senate. He indicated the amendment would change what their classification is from navigable waters of the United States to all waters of the United States including private and public.

VIII. ELKO COUNTY ADVISORY BOARD TO MANAGE WILDLIFE / NDOW:

Commissioner Wellington / Other

NON-ACTION ITEM

Commissioner Wellington stated the State meeting was held and the chairman and vice chairman were elected. He indicated he has stepped down from the chair of the board and Candido Mendive is the chair. He further indicated there is an opening on the board and there have been three or four submittals for the position.

IX. REVIEW, UPDATE AND DISCUSSION OF USFS RUBY MOUNTAIN AND JARBIDGE RANGER DISTRICT TRAVEL MANAGEMENT

PLAN:

ACTION ITEM

Presentation by a USFS Wildlife Biologist regarding goshawk science used on the Travel Management Plan.

Kyra Walton, northeast zone wildlife biologist for the Humboldt-Toiyabe National Forest, handed out a listing of the miles of roads affected by the seasonal closures.

Commissioner Wilton stated he had raised some questions about the criteria used to develop seasonal restrictions on roads and motorized trails in the Jarbidge, Mountain City and Ruby Mountain Ranger District under the Travel Management Plan. He indicated in the Draft EIS there were numerous roads and trails subject to prohibition of use for a variety of reasons with three prominent reasons being wildlife consideration with the northern goshawk, with sagegrouse leks and with cultural resource restrictions. He further indicated the cultural resource restrictions didn't have any temporal restrictions but had spatial restrictions. He commented that the road closures could render the entire road useless because of the location of the spatial restriction and the temporal restriction. He gave an overview of an issue that came up in the 1990s regarding mineral exploration in the northern Independence Mountains and its effects on the northern goshawk. He stated his questions were based on less invasive human activities in the forest such as casual use and where the science is and what is the basis for creating these restrictions.

Ms. Walton gave some background on goshawk biology. She answered the questions that Commissioner Wilton had submitted regarding specific issues about the northern goshawk indicating the study, Reynolds 1992, applies broadly to goshawk management in the lower 48 states and is the standard for goshawk management. She indicated she had provided an electronic version of the list of references used for the study.

There was discussion regarding surveys done in the late 1980's and early 1990's and how the populations compare to the populations being measured over the last 5-7 years in the surveys done by NDOW. The discussion continued focusing on what factors were used for the determinations in the studies of the goshawk.

Commissioner Tingey asked if the Forest Service was relating the decline in population to human activity in the areas.

Ms. Walton stated it was a possibility but there are other habitat conditions and their determinations are not based solely on human disturbance. She continued to answer the questions submitted by Commissioner Wilton and indicated the seasonal closures are based on a 30 acre nest area and noted that some of the local studies advocated a 74 acre nest area. She further stated the seasonal closures apply to all known goshawk nests and occupancy can change from year to year. She further stated due to the lack of man power and feasibility of going out every spring and finding out which nests are occupied and updating and publishing the motor vehicle use map before summer use season, they assume occupancy for all goshawk nests that are known.

Commissioner Wilton stated he has a serious problem with the fact that closure of public access to public lands is done without knowing if there are any goshawks that need to be protected.

There was discussion that seasonal closures in the areas end up being year round due to weather conditions.

Commissioner Shippy asked if the birds ever build new nests.

Ms. Walton stated yes they do. She indicated in Nevada there is limited nesting habitat being riparian aspen for goshawk so the birds usually return to the same area and there can be several nests within the same aspen stand. She continued to provide answers to the questions submitted by Commissioner Wilton.

Commissioner Wilton asked if the data from the 1990's showed the nests were occupied on an annual basis.

Ms. Walton indicated not annually. She further stated the data indicated every few years there was occupancy.

Commissioner Wilton asked in an area where there is little or no human activity on a regular basis do the nesting pairs come back to the same nests every year.

Ms. Walton stated she did not have the data to state that conclusively on this forest.

Commissioner Wilton indicated he did a search on the internet and obtained documentation on the goshawk for evidence on habitat and management and there was not any recommendation that there should be a restriction on casual public use. He further indicated he was troubled with the determinations made in the Draft EIS regarding goshawk habitat and management.

Ms. Walton stated foot and horse travel would be allowed. She further indicated the terms "casual public use" were not used exactly but in one of the studies it states human activity should be limited within nest areas between March 1st and August 30th.

Commissioner Shippy asked if there has ever been a study that indicates how much disturbance it takes to make the nesting pair abandon their nest.

There was discussion about whether the surveys being conducted would be enough of a disturbance to cause the nesting pair to abandon their nest.

Commissioner Wellington stated the State Wildlife Board took a stand against the Travel Management Plan and asked who from NDOW provided the information from the surveys.

Ms. Walton indicated the information is provided by a GIS shape file that they receive directly from the NDOW Reno office sent to the Humboldt-Toiyabe Supervisor's office.

Commissioner Wellington asked if NDOW had commented directly on the Travel Management Plan.

Ms. Walton stated NDOW has directly commented on the Travel Management Plan from the Reno office.

Commissioner Wellington indicated he did not understand because the State Board of Wildlife took a stand which means NDOW had to support that stand not to support the plan and asked if NDOW is supporting the Travel Management Plan set forth by the Forest Service because of the goshawk.

Ms. Walton stated not to her knowledge.

Commissioner Wilton indicated that an employee of NDOW that has been involved with the issue of the northern goshawk since the early 1990s contributed to a document that refers to habitat in the Sierras.

There was discussion regarding the roads that are being proposed for closure and their designations in the Travel Management Plan.

Commissioner Wilton commented that there was a disconnect in management practices between the Forest Service and the BLM with respect to the northern goshawk as shown in earlier discussion during the BLM projects.

Ms. Walton stated there is consistency across the Forest Service and the uses are much more restrictive. She indicated in other forests all activity is restricted within 30 acres of the nest area and other travel management processes she has worked on the roads were closed permanently because of the presence of a goshawk nest.

Mr. Brown provided an update to the process indicating there is a County wide consensus for a mediator being Danny Gonzales, who is a political science professor at Great Basin College pending approval from the Forest Service and mediation with the Forest Service will begin next month.

Commissioner Tingey asked if the meetings are open to the public.

Mr. Brown indicated the meetings are committee meetings between the Forest Service Rangers and the Travel Management committee which consists of two County Commissioners and are not required to be open to the public but are not specifically closed to the public. He indicated the meetings are intended to mitigate some of the differences and each meeting would probably be specific to one item until there is an agreement reached. He further indicated the Travel Management Development Group is working toward developing an alternative to the Forest Service proposed action. He stated there have been subcommittees formed from the Group for economic issues, mapping, environmental issues and legal issues to come up with policies and processes which could include revisions to Master Plans and changes in land use policies. He stated the County Committee for the Travel Management Plan consists of Commissioner Dahl, Commissioner Russell, County Manager, Rob Stokes, and himself. He further indicated the meetings between the Forest Service and the County are held to mediate specific issues that have been identified. He indicated at a teleconference call with NACo he found out that many Counties in Nevada are in the appeal process and it doesn't work because it is a situation where the government has made the decision and we have to come up with conclusive data to change that decision which is harder to prove after the fact than it is before the fact. He reiterated that the Plans that he has read throughout the west appear to be similar in context and outcome.

X. RUBY PIPELINE – EL PASO NATURAL GAS **NON-ACTION ITEM**
Commissioner Wilton has provided comment on the Ruby Pipeline/Multi-County Coalition meeting in Salt Lake City on August 12, 2010.

Commissioner Wilton indicated he attended the multi-county coalition meeting in Salt Lake City and most of the people in attendance were against the deal that had taken place between El Paso and environmental groups. He further indicated the details of the agreement would not be disclosed because of the confidentiality clause that was included in the agreement between El Paso, Oregon Natural Desert Association and Western Watersheds. He stated when he testified he indicated he was in favor of the pipeline but he did not believe the deal made with the environmental opposition to the project was in the nation's or public's interest but just an easy way to make a project go easier for them. He added that anything dealing with decisions related to the use of the public lands cannot be secretive and the public deserves to know what is going on. He asked the Commission to consider his proposal considering the strengths and weakness and forward a recommendation to the Elko County Commission to enact an ordinance that would require full disclosure of any agreements between the project proponents and the project opponents prior to any permits or letters of support being issued when the project involves public lands and if there is an agreement subsequent to the issuance of a permit or letter of support by the County the permit or letter be held in abeyance until the agreements are made public. He further asked the Commission to consider the proposal over the next 30 days to consider what the unintended consequences may be.

Mr. Brown indicated he was unsure if Elko County as a government entity could be involved in issues outside the direct scope of health, safety and welfare. He further indicated it should be looked at and the item could be placed on the next agenda as an action item.

Commissioner Wilton suggested Kristin McQueary from the District Attorney's Office and County Commissioner Russell also review his proposal. He further suggested that an EIS should be required during the process of retiring grazing leases since they are required prior to the issuance of a grazing permit.

Ms. Brown stated El Paso has agreed to conduct any NEPA process and/or additional EIS for changes to the grazing permits for the Ruby Pipeline.

Commissioner Wellington indicated that there might be a violation of interstate commerce because of possible coercion and the Commission should suggest to the County Commission that they ask the U.S. Attorney to review a possible violation. He stated he understands the County Commission is trying to work towards a resolution because everyone thinks the pipeline is a good thing but not the agreements and how they came about. He further stated the Wildlife Board took a stand at their meeting and sent a resolution to the Elko County Commission and the State Board Wildlife Commissioners stating that their board was taking a stand against the retiring of grazing allotments to the establishment of conservation funds between Western Watersheds, Oregon Natural Desert Association and El Paso. He further stated they expressed concern with the accuracy of the Federal Energy Regulatory Commission's environmental study and sent a letter indicating their concern to FERC, County Commission and the State Wildlife Board.

Commissioner Tingey agreed that the District Attorney's Office should review the idea of a new ordinance to make sure it is in the realms of what can be done.

Mr. Brown indicated zoning and land uses are sensitive when it comes to what is allowed and what isn't. He gave an overview of the overall impact and implications of the agreements between El Paso and the environmental groups and how the funds could be used for litigation opposing similar projects in addition to purchasing property with the intent of retiring grazing rights.

There was continued discussion regarding the agreements between El Paso and the environmental groups and the precedence set by the agreements. It was further discussed that the funds established because of the agreements will be used to negatively affect Elko County.

Mr. Brown indicated the County in Wyoming where the pipeline originates filed cooperating agency status and are the only County that can appeal the BLM Record of Decision. There was a resolution that came out of the meeting which would allow the 11 other counties to join the county in Wyoming in conjunction with the lawsuit against the Record of Decision. He further indicated another outcome was to possibly allow each county that has issued a conditional use permit or special use permit to Ruby Pipeline the ability to review the permits in conjunction with the impact of the agreements with the environmental groups. He stated Elko County does not have its road maintenance agreement in place with Ruby Pipeline but the roads are public roads and he is unsure there is any way the County can keep them from using them as long as they maintain the roads to current or better standards.

Commissioner Wilton asked if the County issuing a special use permit or a conditional use permit has the duty of care to the citizens of the County to not issue a permit for a project that has as one of its conditions something that will be detrimental to a significant portion of the County as a whole.

Discussion continued regarding the County being able to use economic welfare as a measurement of impact when analyzing information for special use permits or conditional use permits and the possibility of reviewing permits already issued by the impacts of the agreements that have been negotiated.

Ms. Brown stated roads have already become an issue and asked how that can be addressed.

Mr. Brown said that can be brought directly to him to be addressed under the Clean Air Act and since they are disturbing more than 10 acres of land they can be required to obtain a Clean Air permit that can be monitored on a daily basis.

Ms. Brown indicated there have been other examples in the County where motorized transport has been restricted because of dust, noise or speed. She indicated she has been to the Mary's River Ranch and there is work being done in the vicinity. She stated El Paso and Western Watersheds had agreed to release the document but since Lander County has filed suit against the ROD they decided not to disclose the agreement. She gave an overview of the information she has received on the project and the agreements in place and in negotiations with El Paso that could set precedence for similar projects. She explained that FERC is a complex web of agencies and how important it is to understand their process and offered to make a presentation to the Commission on the process when she returns from her visit to the office.

Chairman Spratling asked if Lincoln County in Wyoming has most of the gas wells in their county.

Mr. Brown stated it is where the pipeline originates and they would benefit from the project as much if not more than anyone else.

There was discussion regarding the citizens and companies in Lincoln County, Wyoming, being opposed or in favor of the project and its economic impact. There also was continued discussion regarding the project and its effects on the community and how the owners will use monetary means to accomplish their goals.

XI. CORRESPONDENCE REPORT AND DISCUSSION: NON-ACTION ITEM
NONE

XII. NEXT MEETING DATE ACTION ITEM

A. September 29, 2010

Mr. Brown mentioned moving the regular meeting in October due to a conflict in scheduling.

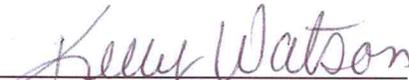
XIII. NATURAL RESOURCE MANAGEMENT ADVISORY COMMISSIONERS AND COUNTY STAFF COMMENTS: NON-ACTION ITEM

Mr. Brown stated he was going to Salt Lake City to support a movement called Take Back Utah and solicit support for the travel management issues over the weekend and invited everyone at the meeting to attend.

XIV. ADJOURNMENT ACTION ITEM

Chairman Spratling adjourned the meeting as there was no further business.

Minutes Clerk,



Kelly Watson

Date Approved, September 29, 2010