



Elko County Natural Resource Management Advisory Commission

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ELKO COUNTY NATURAL RESOURCE MANAGEMENT ADVISORY COMMISSION SPECIAL MEETING MINUTES

TUESDAY, DECEMBER 7, 2010

6:00 P.M. CALL TO ORDER:

Chairman Spratling called the special meeting of the Elko County Natural Resource Management Advisory Commission to order at 6:00 p.m. on **December 7, 2010**, in Suite 102 of the Nannini Administration Building, 540 Court Street, Elko, Nevada.

Members Present: Craig Spratling
 Doug Shippy
 Orson Tingey
 R. Jeff Williams

Absent : Ken Wellington
 Thad Alger
 Ted Wilton

Others Present: Randy Brown, Natural Resource Manager
 Kelly Watson, Planning & Zoning Administrator
 Demar Dahl, County Commissioner

I. PLEDGE OF ALLEGIANCE:

Allegiance pledged.

II. COMMENTS BY THE GENERAL PUBLIC:

NON-ACTION ITEM

County Commissioner Demar Dahl reminded the Commission about the meeting regarding the US Forest Service Travel Management Plan the next evening.

**III. REVIEW, DISCUSSION AND POSSIBLE RECOMMENDATION OF APPROVAL
OF THE ELKO COUNTY PUBLIC LAND USE AND NATURAL RESOURCE
MANAGEMENT PLAN: ACTION ITEM**

Mr. Brown read off of pages 53 through 60 of the plan emphasizing the data found in Dr. George F. Leaming's report titled "The Impact of Federal Land Policies on the Economy of Elko County, Nevada," and on page 54 within the report how Dr. Leaming is specific about the impacts being related to the loss of motorized access into and within public lands. He continued providing data from Dr. Leaming's report including the effects of loss of federal lands used for and specific to mining, agricultural and recreation opportunities and that public lands that aren't inclusive of motorized access and only permit non-motorized access largely go un-used. He added that when Dr. Leaming is talking about public roads he is not just talking about the roads but the ability to access any specific portion of the forest or public land. He stated the BLM and the Forest Service have discussed shutting down cross country travel which would include game retrieval which is a minimal part but still an important part of utilizing public lands. He continued indicating the BLM is comparing the use on public lands with the use on Elko Hill which is located just outside of Elko which should not be used as a comparison due to its proximity to a highly populated area.

Commissioner Williams stated the one thing he likes about the document more than anything is it teaches everyone that reads it about what is really happening on public lands. He further indicated irreparable damage has been a term used for restricting use and he asked what irreparable damage had been done that would cause public lands to be closed to the public.

Chairman Spratling stated he is not in support of their positions but there are a lot of pioneering trials going on by Tabor Creek and it does happen to some degree. He added that he wasn't sure they were irreparable but there are cases where someone travels cross country and others decide since one person has traveled it they can which causes it to become a trail or a road.

Mr. Brown stated he understood and agreed with Chairman Spratling but when Forest Service land is accessed there isn't an opportunity to pioneer trails. He added that proximity and availability will add to increased use and Elko County is in favor of the concept of tread lightly and not advocating the pioneering of roads everywhere. He continued stating the public gets penalized because of the few that abuse the land and the federal government should educate the public instead of taking away all of the public's rights.

Commissioner Williams stated one of his concerns is that the Forest Service is treating all of the Forest Service land the same and not taking into consideration the differences in different areas.

Mr. Brown indicated education is needed for proper stewardship of our public lands instead of restricting or prohibiting the public from using the land.

Chairman Spratling referred back to information in the Plan and asked about the data from Dr. Leaming's report referring to grazing on public land.

Mr. Brown indicated the report states 85% of the public lands are utilized at some point and Dr. Leaming's entire report would be an appendix to the Plan and available once the Plan is approved.

Commissioner Williams stated the Forest Service doesn't have the workforce to enforce the guidelines they are trying to develop and the Forest Service needs to have the recreationists and ranchers on their side to help monitor the use of the Forest Service land but if the laws are not reasonable the public will not be willing to help with enforcement.

County Commissioner Dahl indicated the County Commissioners have received a letter from Gar Abbas that the Forest Service is going to stop public comment but allow comments through the County Commission due to the time and resources expended but then there was an article in the newspaper where Cheri Howell stated there was change coming and roads not marked open would be closed which is one of the biggest problems and she also stated the taxpayer could not afford the comment period to go on any longer which said to him it didn't matter what Elko County said and they weren't going to take Elko County seriously. He added that things have changed over the years just by educating the public and if the time and money being spent on restricting the use was used for educating the public regarding public lands it would be better spent.

Commissioner Williams stated he felt the public will not support the Forest Service in their effort because they have not been permitted to be part of the process.

County Commissioner Dahl stated tomorrow at 4:00 p.m. there will be a meeting with Gar Abbas to try to have the extension approved and then a subsequent meeting will be at 6:00 p.m. for the public.

There was discussion regarding the meaning of the wording on page 58 under Agriculture that indicates 85% of all land devoted to livestock raising in Elko County is federally managed public lands administered by BLM or USFS and if the wording should be changed to avoid confusion.

Commissioner Shippy asked County Commissioner Dahl since the extensions are not being granted why the County Commission can't just indicate that they are not accepting the plan by the Forest Service.

County Commissioner Dahl answered by giving an overview of the process and once the alternative is selected there is a 60 day comment period which doesn't actually provide the County any more opportunity for input. He added that the NEPA process requires the Forest Service to take the County's Plan into consideration when making decisions but that it may require judicial review to determine if the Forest Service has actually considered the County's Plan in making their determinations.

Commissioner Williams asked when the Forest Service dealt with other counties how close did they follow the recommendations of those counties on the planning of roads.

County Commissioner Dahl indicated people he had spoke with particularly in Lander and White Pine County said they didn't pay much attention to what was happening because they were being told by the Forest Service that none of the roads were going to be closed and they didn't have anyone that was reviewing the information to determine if what they were being told was actually what was going to happen.

Commissioner Williams asked if the Forest Service closed miles of road in other counties once the plan was in place.

Commissioners and Staff indicated many miles of road were closed and gave examples of specific counties and uses that were affected.

Commissioner Williams commented that he felt many Elko County residents were not aware of the effects on other counties because of implementation of other Forest Service plans.

There was discussion about RS 2477 roads and publicly maintained roads being closed by the Forest Service in other counties that may need to be judicially reviewed to determine if it is legal.

Mr. Brown stated one of the reasons for asking for an extension on time is if the public comment period is closed the Forest Service would be able to pick a preferred alternate and write a Final EIS and Record of Decision which would not allow Elko County any means to provide pertinent information on environmental and economic issues that the Forest Service has to take into consideration.

County Commissioner Dahl stated that is the reason for negotiating for more time and explained when a federal agency is asked for information and/or is required to perform an assessment for a request they say they don't have the staff, the time or the resources to do them. He added that Elko County has been doing their best but doesn't have the time or the money for a thorough evaluation and needs more time to be able to have the manpower and resources to accomplish the research needed.

Commissioner Williams stated if the Forest Service would change one item stating all roads are open except those posted closed then the issue would be over.

County Commissioner Dahl indicated the Forest Service would still need to provide information to justify the closures.

Mr. Brown added that the Forest Service's justifications are some of the issues including seasonal closures based on speculation. He gave some examples of justifications given by the Forest Service that have been shown to be incorrect by studies and data obtained by Elko County. He continued stating the last paragraph in the Summary Statement indicates public land management agencies must comply with policies and procedures set forth by the federal government (40 CFR and 36 CFR) that state all public land management must consider and make every effort to comply with local government land use plans.

Commissioner Williams presented a few revisions he felt were needed to the Plan.

County Commissioner Dahl asked where NEPA was cited in the document.

Mr. Brown answered it is in the document and stated he would add it to the last paragraph.

Commissioner Tingey asked if Mr. Brown thought the County would be granted a six month extension.

Mr. Brown stated the request was already denied and that is one of the reasons why the Plan is being revised and submitted for approval and implementation because it will force the Forest

Service to at least recognize it. He continued reading from page 7 of the Plan that states within the NEPA process it is required that the BLM and USFS determine the consistency of any project proposal with state and/or local laws and plans and describe any inconsistencies and the extent to which the agency would reconcile its proposal with the state/local laws and plans which is also provided for by the CEQ regulations developed to implement NEPA.

County Commissioner Dahl stated before we get to the Record of Decision we need to work through the CEQ.

Mr. Brown indicated this document will be a living document and there will continue to be changes even if it is an approved plan. He added if the 6 month extension is reconsidered and granted then he will revise the document all at once and submit to NRMAC for approval.

County Commissioner Dahl indicated a condition of the initial 6 month extension was a facilitator had to be obtained and even though it was a USFS requirement it has taken them an additional 4 months time to secure funding for the facilitator.

Mr. Brown added that the USFS wanted to provide their own facilitator out of Washington D.C. but the County Commission told them they would agree to a local facilitator and the USFS agreed. He continued indicating even after the USFS agreed to the selection of Danny Gonzales as the facilitator the Forest Service asked the County to cover the costs for the facilitator until funding could be secured and the County agreed to do so but the Forest Service didn't make the arrangements necessary for the County to do so.

Mr. Williams asked if the facilitator found in favor of the County could the USFS ignore what the facilitator recommends and suggested the Forest Service did not want to meet with the facilitator and meet their obligations because they feared the facilitator would side with the County.

MOTION: Commissioner Williams moved to approve the Elko County Public Land Use and Natural Resource Management Plan pending the minor changes suggested and send it to the Elko County Commissioners for their consideration. Commissioner Tingey seconded the motion and the motion passed unanimously.

VOTE:

AYE: Craig Spratling
Doug Shippy
R. Jeff Williams
Orson Tingey

NAY: None

ABSENT: Thad Alger
Ted Wilton
Ken Wellington

ABSTENTIONS: None

IV. NEXT MEETING DATE

ACTION ITEM

- A. Review, discussion and action to change the date of the next regular meeting from December 29, 2010, to December 15, 2010.

There was discussion regarding items of concern that need to be reviewed and the Commission agreed to cancel the regular meeting for December and start meeting on a monthly schedule again in 2011.

V. NATURAL RESOURCE MANAGEMENT ADVISORY COMMISSIONERS AND COUNTY STAFF COMMENTS:

NON-ACTION ITEM

Mr. Brown indicated one of the items that have been received is the Hollister Mine EIS and he didn't foresee any problems.

There was discussion about the BLM Jarbidge RMP including when it would need to be reviewed to be able to provide comment within the allowed time period.

There was discussion about the wild horse gathers and how comments received by the BLM and the USFS are recognized differently depending on how they are submitted.

Chairman Spratling asked if the County was in the process of replacing Commissioner Williams.

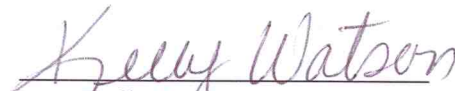
Mr. Brown indicated he knew of two interested parties but was unsure if anyone had been appointed by the County Commission.

VI. ADJOURNMENT

ACTION ITEM

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

Minutes Clerk,


Kelly Watson

Date Approved, February 23, 2011