



# Elko County Natural Resource Management Advisory Commission

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## ELKO COUNTY NATURAL RESOURCE MANAGEMENT ADVISORY COMMISSION MINUTES

WEDNESDAY, JULY 27, 2011

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### 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 6:05 p.m. on **July 27, 2011**, in Suite 102 of the Nannini Administration Building, 540 Court Street, Elko, Nevada.

Members Present: Craig Spratling  
John C. Carpenter  
Ralph R. Sacrison  
Meghan Brown  
Orson Tingey  
Thad Alger arrived at 6:31 p.m.

Absent: Ken Wellington

Others Present: Randy Brown, Natural Resource Manager  
Jeff Williams, Elko County Commissioner  
Demar Dahl, Elko County Commissioner  
John Daniel, Elko BLM hydrologist  
Rama Paris, Elko County Farm Bureau President  
Stephanie Licht, Elko County Farm Bureau  
Paul Bottari, Elko County Association of Realtors  
Cliff Gardner, Great Basin Consulting  
Ken Miller, Elko BLM District Manager  
Caleb McAdoo, NDOW  
Karen Smith, self  
Tamara Hawthorne, BLM Wells Field Office Recreation Planner  
David Overcast, BLM Tuscarora Field Office Manager  
Gar Abbas, USFS District Ranger  
Tony Phelps, USFS Acting District Ranger

### I. PLEDGE OF ALLEGIANCE:

Allegiance was pledged.

**II. COMMENTS BY THE GENERAL PUBLIC: NON-ACTION ITEM**

There were no comments made by the general public at this time.

Chairman Spratling changed the order of the meeting and moved discussion to item IX. A. 1.

**III. REVIEW AND CONSIDERATION TO POSSIBLY CHANGE THE DAY OF  
REGULAR NATURAL RESOURCE MANAGEMENT ADVISORY COMMISSION  
MEETINGS: FOR POSSIBLE ACTION**

Mr. Brown stated there are some problems with getting items on the County Commission agenda that is held the Wednesday following the NRMAC meeting and with the new laws the Chief Civil District Attorney is now requiring any item for the County Commission agenda be specific with the recommended action from NRMAC. He further stated he has to be specific to what action was taken by NRMAC and he can't put an item on the County Commission agenda that is general regarding actions taken by NRMAC. He explained when the agenda is posted for the County Commission meetings and stated since the normal scheduled NRMAC meeting is Wednesday night it can be challenging to provide an agenda request and the information of the action(s) taken by NRMAC to the County Manager's office by the deadline.

There was discussion about what day would work best for the Commissioners and still consider the meeting dates of other boards.

**MOTION:** Commissioner Carpenter made a motion to change the meeting day of NRMAC to the last Monday of the month. Commissioner Sacrison seconded the motion and the motion passed unanimously.

**VOTE:**

AYE: Craig Spratling  
John C. Carpenter  
Ralph R. Sacrison  
Meghan Brown  
Orson Tingey

NAY: None

ABSENT: Ken Wellington  
Thad Alger

ABSTENTIONS: None

**IV. DRAFT ORDINANCE ADDITION AGRICULTURAL ENTERPRISES:**

A. Review and discussion of a draft Ordinance for an addition of Title 6 Chapter 14 of the Elko County Code Entitled Agricultural Enterprises.

1) Discussion and consideration of advisory or recommendation to the Elko County Board of Commissioners. **FOR POSSIBLE ACTION**

Rama Paris stated the Elko County Farm Bureau had met with Mr. Brown several times to go over some issues and had further input from the realtors. She continued stating that they had added an additional part to educate the public.

Stephanie Licht stated since there had been several changes, the Elko County Farm Bureau had put together an information packet which had been provided to NRMAC and she gave an overview of the first part referring to "Understanding 'Right to Farm' Laws-Pennsylvania".

Commissioner Carpenter stated he thought with the information presented, the Elko County Farm Bureau was getting into a grey area. He further stated he thought the ordinance should just apply to an operation that is in existence and not an operation that wants to start up. He asked if Kristen McQueary, Assistant District Attorney, had reviewed the ordinance.

Mr. Brown indicated Mrs. McQueary had not reviewed the ordinance yet due to time constraints. He further indicated once NRMAC has given its input on the ordinance it will be reviewed by the Planning Commission and at that time Mrs. McQueary will review the content.

Commissioner Carpenter commented that he would like to have Mrs. McQueary's opinion on the ordinance before they take action on the item.

Mr. Brown added that Staff would like to keep the process moving and since Mrs. McQueary can't review the ordinance until the middle of August, he would like NRMAC to consider the ordinance without Mrs. McQueary's review. He suggested the item be continued to the next agenda to provide additional time for him to contact Mrs. McQueary about reviewing the ordinance.

Commissioner Carpenter stated he would like for Mrs. McQueary to review the ordinance before there is any action taken on it by NRMAC.

Ms. Licht stated they were happy to work with anyone and had met with Mr. Brown twice and made some revisions. She indicated they would like to finish their presentation and have received some comments by the realtors that need to be incorporated in the next revision. She continued presenting the information contained in the packet provided.

Commissioner Alger arrived at the meeting at 6:31 p.m.

Commissioner Tingey apologized for not being at the previous meeting and hearing the presentation by Elko County Farm Bureau and asked what the overall purpose of the ordinance was.

Ms. Licht answered Commissioner Tingey indicating she has been working with Elko County Farm Bureau and have been encouraged to put a "right to ranch/farm" or agricultural enterprise ordinance in each county because there have been many people moving to the country for the living but don't want any of the country discomforts. She added that Ms. Paris had been working for the last two years putting language together and at the last meeting Commissioner Carpenter asked about taking

the ordinance to the State. She continued stating she had asked her supervisor and was told that there was a problem in Iowa so she found out what that was and reported back to Commissioner Carpenter at this meeting. She continued with her presentation of the information provided in the packet.

Chairman Spratling thanked the representatives of the Elko County Farm Bureau and stated they had given NRMAC a lot of information and would need some further time to review the documents to be able to take action.

Mr. Brown asked Commissioner Carpenter what his concerns were regarding new agricultural operations.

Commissioner Carpenter indicated he thought an ordinance with this content will be more effective if it is trying to save an operation that is already in place than an operation that is proposed to be placed by a subdivision.

There was discussion about a definition used in the ordinance that needs to be reviewed and possibly revised.

Commissioner Brown stated she liked the changes that had been incorporated into the ordinance. She asked how many nuisance complaints are received in Elko County regarding agriculture. She continued stating she still had an issue with the negative language that portrays agriculture as providing nuisances but not any benefits. She offered to provide Elko County Farm Bureau with her revisions and specifically outlined some of them.

There was discussion regarding some of the language contained in the ordinance that may portray agricultural operations as a nuisance instead of focusing on the benefits.

Ms. Licht indicated they would take the comments and proposed revision they have heard today and incorporate them into the document for Draft III and working along with the realtors on a disclosure.

Paul Bottari stated generally realtors do not like to give out disclosures but the Association of Realtors has recognized the problem for years. He added that the last few years they have tried to educate the prospective buyers and that is why they had come out with a brochure about living in the country. He continued stating the Association of Realtors is in support of the concept the Elko County Farm Bureau is trying to accomplish and the first draft and second draft of the ordinance had been reviewed and commented on by the Association. He further provided the recommendations they had proposed.

Mr. Brown commented on the requirement of recording the disclosure and its associated costs to the public when mandated by government. He further stated an economic impact study may be required to identify what the additional effects may be.

County Commissioner Williams commented that the brochure produced by the Association of Realtors refers to ranching, mining and mother nature that you will come across when you live in the County and he quoted the last sentence in the conclusion and asked why it would be necessary to go further than educating the public by creating an ordinance. He added he felt even with the ordinance there will be opportunities for complaints, lawsuits and requests for local government to object to certain uses.

Ms. Licht stated the material in the packet was being provided for informational purposes for a future educational component and there is material that can be used for reference. She added that the specific document was from the realtors and NRMAC's comments will be taken into consideration during the development stage of the educational component.

Mr. Brown indicated the revisions to the ordinance are focusing more on the educational component and not as much on regulation.

Ms. Licht stated if it is not mandated in the ordinance but the realtors are provided with the disclosure statement indicating the ordinance exists then whatever happens, happens. She thanked everyone for working with the Elko County Farm Bureau and stated they would be back for the next meeting to continue to review the ordinance.

**V. PRELIMINARY REVIEW OF THE ELKO COUNTY DRAFT ORDINANCE  
DECLARING A STATE OF EMERGENCY:**

**A. Information provided by Mr. Cliff Gardner concerning the Draft Emergency Ordinance**

- 1) Discussion and consideration of advisory or recommendation to the Elko County Board of Commissioners.

**FOR POSSIBLE ACTION**

Cliff Gardner, representing Great Basin Consulting, stated the ordinance would be presented to the County Commission sometime in the future and the purpose for consideration of the ordinance is its first introduction. He added that the document is termed to be an emergency ordinance which might raise questions but stated the situation we are facing in Elko County and Nevada in recent years has been an increase in intensity and frequency of wild fire that is disruptive of our economy and tax base. He continued stating the fire has destroyed thousands and thousands of acres of wildlife habitat principally bitterbrush country and mule deer winter range and once it burns it can take twenty-five to fifty years to grow back. He added that the Endangered Species Act has to be considered and further indicated with the information they have researched the fires can be detrimental to sagegrouse which should be a concern to all people involved at the federal and county level. He gave some information about the increase of pinion juniper trees in the State of Nevada and its affect on the underground aquifers which could be considered an emergency. He continued stating in the last twenty to thirty years there has been a 50% decrease in the range livestock industry in cattle alone and it looks like the agencies are looking at repairing the habitat and coming up with actions in the next couple of years that could cause more cuts in livestock grazing. He further stated if that happens more ranches are going to go out of business and their research shows that would be detrimental to mule deer and sagegrouse as well as the economy.

Commissioner Tingey stated the ordinance is broad in scope and asked what the expected outcome would be.

Mr. Gardner answered that the County had began developing relationships with the BLM and the USFS under the provisions of NEPA that provides for coordination, cooperation and consistency with the agencies. He continued stating Congress has mandated if a County chooses they can notify the agencies that they want to be cooperating agencies which Elko County has done so when the federal agencies go through their planning processes and come out with decisions at various levels

then there is a period of time for discussion and consideration if there are any inconsistencies. He continued stating the ordinance will not only do the things he is speaking of but further define and refine the process and the position the County is taking with regards to public lands issues.

Commissioner Brown asked Mr. Brown if an ordinance is a law.

Mr. Brown answered correct.

Commissioner Brown stated then every citizen of Elko County would be covered by the ordinance.

There was discussion about the ordinance, if approved, being a part of the County Code and that it would have to go through the normal process of numerous meetings before it would be in effect and the draft submitted was in its early stages.

Mr. Gardner indicated the document may not end up as an ordinance but used more as an environmental impact statement being produced by the County because it contains an analysis of what is happening out on the land. He continued that the document has many references to attachments and most of them have not been fully developed yet but the most of the scientific documentation has been developed and would be available on the County's website. He stated he and his colleagues have been doing research for a number of years and find that many of the decisions that the agencies have adopted over the last 25-35 years have been based on false assumptions particularly in historical aspects. He gave some examples of the inconsistencies of data used by the different agencies and the data he has used in his research. He continued stating he wanted to mention that if any of the attachments are pictures they will be the earliest photographs, drawings and/or paintings they could find on the Oregon Trail and the Columbia River Trail. He continued giving information from the analysis he had conducted and stated that NEPA provides that research needs be identified during planning processes which has not happened in the State of Nevada. He further stated that if there are inconsistencies between the local entity and the federal agency there should be a site visit to conduct a study to verify the information since there is the responsibility to protect certain species. He indicated the biggest mandate from NEPA is that the purpose of the processes is to identify mistakes made so there is no further action that will further harm values such as the economic well being of the community, endangered species, wildlife in general and the environment. He continued stating that is what they would like to accomplish with the ordinance and the process to conduct research and identify any mistakes that if used would further destroy habitat for a number of different species. He continued stating there is a steep decline in the number of migratory song birds in the State of Nevada that correlates with the decrease in other species due mostly to predator control that has been ignored for years but there is more historical scientific evidence that increased predator control was beneficial to all species.

Commissioner Brown stated the County is increasing their involvement as a cooperating and coordinating agency with the federal agencies but asked how NRMAC can change what the federal government is doing outside of the NEPA process.

Mr. Gardner stated his vision of the document pertains to the concept of the NEPA process and is the consistency language within most of the federal agency documents where the language of coordination with the local entities obligates the federal agencies to assess the local plan and determine inconsistencies and verify the basis for the inconsistencies. He provided additional information based on studies indicating when different species were identified and possible

actions that would contribute to their increase in the area.

Commissioner Brown asked how this ordinance would link in with the Plan that has been voted on and is currently in place.

Mr. Brown indicated by possibly cross-referencing the Plan in the ordinance which is more of a political policy act and added that the purpose might be able to be accomplished by a different type of legal document. He added that logistics need to be worked out and Kristin McQueary, Assistant District Attorney, is reviewing the document and once that is completed everyone will know where the County's position stands.

Mr. Gardner indicated he had someone review the document that has been involved in the process for many years but she is not licensed in the State of Nevada and advised him that the local District Attorney's office would have to provide advice on what could be done on the Elko County level.

There was discussion about whether there were conflicts in the proposed ordinance and the Plan.

Commissioner Alger asked if there has been evidence of opposition to any development on property by humans and as long as the land is undisturbed and continues in its current condition there shouldn't be any interference.

Mr. Gardner indicated he has encountered that type of thinking by many and provided some examples of the different views he has encountered that are opposed to his own. He also provided some information regarding different plants and grasses and their affects on wildlife.

Commissioner Carpenter stated there are a lot of people that will have to be convinced starting with NDOW.

Ken Miller, BLM Elko District Manager, indicated as was discussed the process is long for the development of an ordinance and asked that NRMAC review the wording in depth and possibly involve representatives from the university system to look at the information contained in the document and determine if it is science opposed to antidote, supposition or opinion. He stated he disagrees with Mr. Gardner in respect to the BLM, Forest Service or other agency being responsible for all things bad over the last forty years. He added that there are good scientists and specialists in every organization and the suggestion that we should be doing things the way it was done forty years ago can't be done due to either it not being an option or the parameters and circumstances have changed. He continued indicating vegetation along stream banks is a positive thing and gave examples of aspects of the environment and habitat that would benefit from it. He continued urging the Commissioners to look at the ordinance in depth and indicated he felt the BLM, USFS and groups like NDOW have done a lot of good over the last forty years and they would like to have more flexibility in the decisions they make but it is not always a tool they have. He further encouraged the Commission to take into consideration how the data is derived that is being used as a basis for the ordinance proposed by Mr. Gardner.

County Commissioner Williams commented that the ordinance is in its early development stages and the members of NRMAC and the County Commission are trying to do the best for the citizens of Elko by studying the data provided.

**VI. HERITAGE FUND – PREDATOR CONTROL:**

A. Presentation and information provided by Mr. Pat Laughlin and Mr. Joe Bennett concerning the Heritage Fund and Predator Control in Nevada.

1) Discussion and consideration of advisory or recommendation to the Elko County Board of Commissioners. **FOR POSSIBLE ACTION**

2) Discussion and consideration of advisory or recommendation to the Elko County Wildlife Advisory Board. **FOR POSSIBLE ACTION**

Mr. Brown indicated Mr. Laughlin and Mr. Bennett were not prepared to make the presentation and asked that the item be tabled to the next meeting.

Chairman Spratling expressed that Commissioner Wellington requested the item go before the Wildlife Commission before it is considered by NRMAC.

Mr. Brown stated that would be the County Commission's decision and added that the item was on the agenda for the County Commission to consider. He added that he had talked to the County Commissioners and none of them had a problem with NRMAC considering the item.

County Commissioner Williams stated the item needed to be discussed and possibly the reason to some extent Commissioner Wellington is not in attendance is because of the agenda item. He continued stating a lot of things have been said in the past at the County Commission and NRMAC meetings about what NRMAC should and shouldn't do. He further stated he has talked to Mr. Brown, County Commissioner Myers and Commissioner Wellington and the biggest concern is that NRMAC will disregard the Wildlife Committee that is already set up in Elko County whose specific responsibility is to wildlife where NRMAC has a general responsibility to wildlife in addition to ranching, livestock, recreation, mining and other activities that take place in the County. He continued stating he felt whatever is decided to be done on any matter that has to do with wildlife should result in a recommendation from NRMAC to the Wildlife Advisory Commission who would then forward that to the County Commission or other parties, as necessary.

Chairman Spratling asked if it would be duplicitous that the item be considered by both the Commissions.

County Commissioner Williams indicated in talking to County Commissioner Myers he felt that items about wildlife should be considered by NRMAC but recommendations should go directly to the Wildlife Advisory Commission instead of the County Commissioners so there aren't any mixed signals sent to the County Commissioners about wildlife in Elko County.

Chairman Spratling asked if the Wildlife Commission is only concerned about species that are under the Department of Wildlife.

County Commissioner Williams stated he thought they were interested in all of the wildlife in the State.

Mr. Brown stated the Wildlife Advisory Commission is an advisory board for the State.

Commissioner Brown indicated the Wildlife Advisory Commission is appointed by the County Commissioners.

Mr. Brown added that the Wildlife Advisory Commission is mandated by NRS.

Commissioner Brown agreed they are mandated different but are selected by the County Commission.

There was discussion about what the responsibility of the Wildlife Advisory Commission is and how it was created and also what the responsibility of NRMAC is in regards to wildlife issues.

Mr. Brown stated the next time the item is being considered there will be information that a recommendation be forwarded to the Elko County Wildlife Advisory Board only and not the Elko County Commission.

County Commissioner Dahl stated he thought sending a recommendation to the Wildlife Board is an accommodation because whatever the Wildlife Board decides goes to the County Commission where the decision is made.

Chairman Spratling asked what would happen if the recommendation of NRMAC and the Wildlife Board are different.

There was discussion about the recommendations of the advisory committees being different and it was pointed out that there is a County Commissioner present at the NRMAC meetings who will communicate to the County Commission the opinion of NRMAC.

Caleb McAdoo, NDOW, provided clarification on the different divisions within NDOW and stated the Advisory Board discusses all of the topics within the different divisions and brought to the State Wildlife Commission.

Chairman Spratling called a recess to the meeting.

Chairman Spratling called the meeting back to order.

## **VII. ELKO COUNTY NOXIOUS WEED CONTROL**

A. Information to be provided by Mr. Caleb McAdoo concerning noxious weeds and weed mitigation in Elko County.

1) Discussion and consideration of advisory or recommendation to the Elko County Board of Commissioners. **FOR POSSIBLE ACTION**

Mr. McAdoo stated he was representing NDOW and himself as a resident of Elko County concerned with the natural resources in Elko County and he is not a botanist but a wildlife biologist. He added that he feels there are some opportunities that the County Commission can get involved in that will not only help wildlife in Nevada but also other industries in Elko County such as ranching, mining and recreation. He referred to a map of the Ruby Mountains where a County road is located between

Lamoille and Secret Pass and indicated he was using the map as an example of what is happening all over Elko County. He indicated the black dots on the map represented over 504 separate points of noxious weed infestations of hoary cress between Lamoille and Secret Pass and illustrate the magnitude of the issue. He also indicated he spoke with a rancher along the County road who stated he had noticed hoary cress in 1974 on his ranch property and thought nothing of it but now believes between hoary cress and leafy spurge he is going to lose his ranch to noxious weeds and his attitude would have been completely different if he knew then what he knows now. He continued presenting a portion of the Nevada's Coordinated Invasive Weed Strategy, which is a document that Elko County and several other agencies were part of in the year 2000, which calls for action by the counties and other entities to get involved and step up the efforts collectively and stating noxious weeds are everybody's business. He further referred to the five year action plan contained in the Nevada's Coordinated Invasive Weed Strategy and stated some of the things Elko County has implemented and actions that Elko County has taken to meet the recommendations in the document. He added that there is one thing on the performance measures that states every county is to have an integrated vegetation/weed management plan with an annual operating plan for noxious weed control completed by the year 2006 and Elko County hasn't done that. He continued stating he thinks there needs to be a plan in place as an important step in the fight against noxious weeds that brings all of the different agencies and groups together collectively to tackle the issue. He continued referring to the liability of property owners and authority Elko County holds as contained in NAC and NRS in regards to noxious weeds. He continued giving information on the economic impacts and costs of treating and not treating noxious weeds in Elko County, the State of Nevada and the United States. He recommended the County initiate a plan as contained in the Nevada's Coordinated Invasive Weed Strategy and review opportunities to further the funding that will be put towards noxious weed control such as contained in the Strategy. He further added that something the County can do now is prioritize their efforts on areas where there would be the most bang for the buck which would be the roadways and added that currently the County doesn't have a noxious weed plan for the County roads which are areas that provide the biggest vector for noxious weeds to private and public lands.

County Commissioner Williams asked Mr. McAdoo if he could give some information on the effects of noxious weeds on wildlife.

Mr. McAdoo answered that noxious weed infestations provide little if any forage or thermal cover to wildlife species and if there is a monoculture of noxious weeds the wildlife diversity is completely destroyed. He continued stating while he was working in Eureka and Lander Counties he couldn't begin to express the effect of hoary cress expanding into the uplands which replace the native forbs and grasses which are important to wildlife and grazing. He continued referring to Mr. Gardner's proposal of increasing stocking rates to past rates in the 1940's and stated unfortunately there are issues on the landscape such as noxious weeds that weren't present then. He further stated he did not refer to the effects on wildlife only because the issue far exceeds wildlife.

Commissioner Tingey asked about the Northeast Nevada Stewardship Group partnering with NDOW and introducing beetles to a type of noxious weed and if that was successful.

Mr. McAdoo indicated he was unable to attend the most recent field tour and County Commissioner Williams could probably provide some information.

County Commissioner Williams indicated he attended the tour in Lamoille and visited a ranch where the beetles were located and the only thing they eat is leafy spurge. He further indicated that he has

been told the beetles are doing a good job and Kent McAdoo had told him that the beetles by themselves would not be the total answer to noxious weeds but would take other action to accomplish. He continued indicating that the answer in controlling the noxious weeds is to communicate to everyone the seriousness of the issue and that it affects wildlife, ranching, farming, homes and the economy.

There was discussion about the costs needed to control the noxious weeds to a level of them being of negligible impact.

There was continued discussion about having someone attend the next meeting and provide a report on the methods being used to destroy noxious weeds and if the County currently provided workforce and/or funds for management of noxious weeds.

County Commissioner Williams stated Mary Winters from Spring Creek Association is involved in weed management and one of the things she is going to implement to the detriment of a contractor is if you dig along the right-of-way and back fill your trenches you will be required to plant vegetation to replace the weeds. He added that there are many things that can be done with ordinances and legislation to change the way things have been done in the past.

Chairman Spratling asked if in the County Plan that NRMAC developed contained any information on weeds.

Mr. Brown answered yes and that it does refer to the five year plan and suggested a recommendation be made to the County Commissioners to invite Mr. McAdoo to present the same information directly to the County Commission.

Commissioner Brown stated she would like to make the recommendation stronger and include the requirement of developing an integrated vegetation/weed management plan.

**MOTION:** Commissioner Brown made a motion to forward a recommendation to the County Commission to invite Kent McAdoo and Larry Hyslop to present the same information to the County Commission and to initiate an integrated vegetation and weed management plan. Commissioner Carpenter seconded the motion and the motion passed unanimously.

**VOTE:**

AYE: Craig Spratling  
John C. Carpenter  
Ralph R. Sacrison  
Meghan Brown  
Orson Tingey  
Thad Alger

NAY: None

ABSENT: Ken Wellington

ABSTENTIONS: None

Before the vote was taken, there was discussion regarding other parties that could be contacted to

present information to the County Commission regarding noxious weeds.

Karen Smith stated she had a home in Spring Creek and she is a member of the Spring Creek Region Cooperative Weed Management Area that has been in existence since 2000 in the Spring Creek Area, Pleasant Valley, Lucky Nugget and South Fork trying to educate the public to help them understand their actions spread weeds. She gave examples of how weeds can be spread to public lands by residents without their knowledge and that it doesn't matter who and where the weeds came from but her organization is trying to get something started. She added she is excited to be able to tell her group that NRMAC is excited and sees the importance of controlling weeds.

## **VIII. NATIONAL WILDLAND FIRE MANAGEMENT COHESIVE STRATEGY:**

A. Discussion and consideration of the proposed strategy information provided by Staff and Commissioner Brown.

- 1) Discussion and consideration of advisory or recommendation to the Elko County Board of Commissioners. **FOR POSSIBLE ACTION**

Commissioner Brown stated she wanted to bring this item forward for NRMAC's information and stated it is an initiative that started with the Federal Land Assistance Management Enhancement Act (FLAME Act) passed in 2009 that encouraged better coordination between local, state and federal government agencies for fire management needs. She added that they are trying to restore and maintain resilient landscapes creating fire adapted communities and responding to wildfires. She continued stating the act has a lot to do with conflicts with residential areas adjacent to wooded or shrub communities and when there is a fire most of the suppression efforts are focused around homes not burning and less effort and suppression is utilized where the actual fire is going and containment of the fire. She continued stating there are many groups involved and the strategy is open for comment and the full strategy should be available towards the end of September. She further stated there is a broad group of people trying to work on better fire strategy and is concerned about making progress in Elko County with the fire liaison program and work better with coordination between private landowners, local, state and federal agencies. She commented that she didn't want a strategy coming from Washington D.C. that would inhibit some of the local things that are being done and have been successful.

Chairman Spratling moved the order of the meeting to IX. A. 8.

## **IX. BUREAU OF LAND MANAGEMENT:**

A. **Presentation of items by BLM Representative:**

- 1) Preliminary Draft EIS for the Arturo Mine Project. **FOR POSSIBLE ACTION**

John Daniel, hydrologist with the Tuscarora Field Office of Elko BLM, stated he is the team lead for the proposed project. He provided a map and stated the Arturo Mine Project is the old Dee Gold mine on the northern end of the Carlin Trend and Barrick is proposing development expansion of the mine as an existing open pit mine currently in closure and reclamation. He gave the details of the proposal and added that the key resource conflicts include grazing because the mine will cut-off

about 2,000 aums for the Boulder Seeding which is for the 25 Ranch who is the grazing permittee. He further indicated Barrick and the BLM are trying to come up with different arrangements so the loss won't be as great. He continued stating the project is located in the mule deer migration corridor and the Western Shoshone has stated projects located within the Carlin Trend are within their aboriginal territory. He provided further details of the proposal.

Chairman Spratling asked how many acres would be affected.

Mr. Daniel indicated about 2,300 acres.

There was some discussion about the project encompassing the complete Boulder Seeding allotment and possible action that could be taken to modify the project boundaries to retain a portion of it.

There was a question about when the project would start.

Mr. Daniel indicated a preliminary draft EIS was currently available and in about a year the mine should be able to start construction.

County Commissioner Williams clarified that the 25 Ranch would be affected and asked how many aums would be affected.

Mr. Daniel answered stating approximately 2,000 aums.

County Commissioner Williams asked if the 25 Ranch had provided any comment on the mine and the loss of aums.

Mr. Daniel responded indicating the 25 Ranch was not in favor in the beginning but the BLM and Barrick have been working with the permittee for a couple of months and they are working on a compromise.

There was continued discussion on the action Barrick is proposing to enable the permittee to be acceptable to the terms.

Mr. Brown informed the Commissioners that the document was quite large but still preliminary and if they would like a complete copy, a cd could be provided to them.

Commissioner Brown asked if the mitigation related to the grazing permit is included in the preliminary draft EIS or if it were separate in case of timelines being delayed on the final EIS and would the mine be able to go forward if there was a delay.

Mr. Daniel responded stating it shouldn't but he didn't know precisely.

**MOTION:** Commissioner Sacrison moved to recommend to the County Commission to support the action as long as Barrick can mitigate any conflicts with the 25 Ranch. Commissioner Carpenter seconded the motion and the motion passed with Commissioner Tingey abstaining due to his employer being Barrick.

**VOTE:**

AYE: Craig Spratling

John C. Carpenter  
Ralph R. Sacrison  
Meghan Brown

NAY: None

ABSENT: Ken Wellington  
Thad Alger

ABSTENTIONS: Orson Tingey

Chairman Spratling returned the order of the meeting to item III.

2) Cole Creek Enclosures Project Proposed Decision. **FOR POSSIBLE ACTION**

Dave Overcast presented a map that depicted the area and stated BLM's goal was to improve about one and one-half miles of riparian habitat along Cole Creek in the Pine Mountain Allotment and Tomera Ranches has the allotment. He added that they invite anyone at any time to come and talk to them about alternatives and scoping. He explained some of the alternatives that had been considered before the BLM had come to their proposed decision and stated the alternative they had chose was to build two separate wire fence exclosures around about forty-nine acres, the BLM would pay for the cost of construction and the permittee would be responsible for repairs and there would be no reduction in aums. He continued stating that the BLM had lengthy discussions with the permittee who had some discomfort in being responsible for the repairs but it is the standard process with BLM to be able to work the balance across the multiple use resource they are charged with. He added that the BLM did make a decision on July 6, 2011, to go forward with the proposed action of wire fences and at this point in time there have been no public comments.

There was discussion about how the proposed action was selected in comparison to the other alternatives proposed.

Commissioner Brown indicated at a previous discussion about the item the rotation grazing was not going to work for the permittee's management style and out of all of the alternatives, the permittee had decided the exclosure was going to work best especially if they could have prescriptive grazing within the exclosure.

Commissioner Carpenter asked how often the areas are checked to determine if they are suitable for grazing again.

Mr. Overcast stated the BLM monitors the areas cooperatively with the permittee that follows a monitoring plan that is ongoing.

Chairman Spratling asked if there have been previous exclosures similar to the one proposed that the BLM has gone back and allowed prescriptive grazing.

Mr. Overcast answered yes, within the area near Trout Creek and with the Tomera Ranches.

There was continued discussion about the introduction of prescriptive grazing in exclosure areas.

Mr. Overcast stated a decision has been made and if there aren't any challenges the BLM plans to move forward.

3) Safford Seeding Well and Pipeline Project Proposed  
Decision.

**FOR POSSIBLE ACTION**

Mr. Overcast provided a map of the area and stated the BLM is trying to provide a more dependable water source for the entire herd of cattle in Safford Seeding in conjunction with providing a more consistent deferment of use in the Palisade Allotment. He added that the area is about fifteen miles southwest of Carlin in the Safford Canyon Allotment and the permittee is Palisade Ranches, Rita Stitzel. He continued explaining the proposal, its costs and how the funds were obtained for the project and its maintenance. He also explained the different alternatives that were considered but not chosen. He further explained that the permittee proposed the project and an EA was issued for public comment which they received one comment indicating the public comment period was too short and they were against the development of well and pipeline system. He further stated that the BLM issued the decision on July 7, 2011, and within the next couple of weeks if there are no protests or appeals they will proceed with the decision.

Mr. Miller indicated these types of projects continue to be challenged and it will be interesting to see if the decision is challenged or appealed and goes into litigation of some type. He continued stating the BLM is working hard to see more of these types of projects happen and the BLM wins often when they go to court and they are trying to put the projects together in a way that they will be able to move forward.

Chairman Spratling moved the order of the meeting to item IX.A.5.

4) Amendment to the 1985 Wells Resource Management  
Plan for recreation in the Spruce Mountain Area and  
Associated Environmental Assessment.

**FOR POSSIBLE ACTION**

Ms. Hawthorne provided a map of the project area and explained the markings on the map. She stated the BLM had just released a federal registered notice that officially announced public scoping beginning now until August 30, 2011, and are planning a public meeting on August 10<sup>th</sup> at 5:30 p.m. at the BLM Office. She added at the public meeting BLM will present their vision and some options for meeting some of the objectives that they have and get public input on not only how to meet the objectives and get alternatives but any issues that need to be addressed in the EA. She indicated the amendment is threefold and explained the three aspects to be addressed. She added that the reason the BLM is starting this planning process is because of litigation that started in 2003 with ECVA and the State obtaining a grant to promote recreation on public lands and they chose Spruce. She continued stating the BLM conducted an environmental assessment and designated loops which were appealed and the BLM went into settlement talks with the four appellants and the agreement that was reached was that the BLM would actively manage for ohv use, wildlife and cultural and not just designate two ohv loops. She added that since 2003 the BLM has been marking trails that are open to ohv use; even though all of them are open the public was requesting loops and maps to allow them to be able to return to their camping areas. She continued stating the BLM maps show all of the roads that can be traversed and there are almost two thousand miles of routes in the area but not all of them are marked. She continued that there is a federal registered notice for the public to stay on the existing routes which has been in effect since 2004 and stated all of the main entrances into the area have signs and information about the federal registered notice and the limitation to stay on the

existing roads.

Commissioner Carpenter asked what ECVA's thoughts were on the plan.

Ms. Hawthorne answered she believes the ECVA has been anxiously waiting for the BLM to do the amendment because it has been a long time coming.

Commissioner Carpenter asked if the BLM is reducing the motorized travel in the area.

Ms. Hawthorne answered that the ECVA was in settlement talks with the BLM and part of the settlement was that this area would not be promoted for ohv use until the BLM could enforce and manage the use which could not be done at the time. She continued stating the ECVA had to back off and stopped promoting Spruce even though they had already invested a lot of time and money because of the agreement.

There was discussion about who had protested the decision of the BLM.

Ken Miller, BLM, stated the answer to Commissioner Carpenter's question about reducing travel in the area is no. He further added that at this time the action is not reducing motorized travel that the ECVA promoted.

Commissioner Tingey asked if the proposed changes would close any roads and it was confirmed that there aren't any roads being closed and there are no restrictions on existing roads and trails.

Mr. Brown asked about designation of areas open for cross country travel.

Ms. Hawthorne answered that if during the scoping process there is an area that the public want to recommend as an open area it would be considered but there haven't been any proposals for that yet.

Mr. Brown asked if there were an area designation as open, how would it be identified so the public would know.

Ms. Hawthorne answered she would envision if there was an open area proposed it would be something like a playa and if it went through all of the environmental clearances it would be a signed decision identifying the playa as an open use and anyone could use it.

There was continued discussion whether there had been any closures of roads or trails in the Spruce area.

Mr. Brown asked if game retrieval had been considered and what the BLM's policy on game retrieval is.

Ms. Hawthorne indicated the BLM doesn't currently have a policy but when the federal register notice was done there was not an exclusion for that. She continued stating during the planning process game retrieval has become an issue that will be addressed.

Mr. Brown asked what the BLM's policy is on dispersed camping sites off the roads and if it would be accommodated.

Ms. Hawthorne answered yes it would.

Mr. Miller indicated all aspects will be taken into consideration during the process of developing a recreation plan associated with Spruce Mountain.

Commissioner Carpenter asked if there wasn't more than two thousand miles of road in the area.

Ms. Hawthorne answered as of last summer there are one thousand eight hundred forty-four (1,844) miles of road and trails that have been tracked by interns that have been available to the BLM for the past five years.

There was discussion about the identified roads and trails being on a map that would be able to be read by the general public.

Commissioner Carpenter asked how Mrs. Pickens fit into the overall scheme.

Ms. Hawthorne indicated Mrs. Pickens was an interested public.

Commissioner Brown asked if Mrs. Pickens has engaged in the process.

Ms. Hawthorne stated Mrs. Pickens has been involved in the support of recreation because her sanctuary is proposed as a recreation area. She added that Mrs. Pickens was asking questions about ohv use specifically ohv races in the area.

Mr. Miller indicated the BLM would expect Mrs. Pickens will be like every other land owner in the area and participate in the process.

Commissioner Carpenter asked for verification that the proposal does not include closing of any roads or trails.

Ms. Hawthorne answered that the BLM's proposal does not include closing any existing roads or trails in the area but there are proponents for wildlife or safety concerns that would suggest that some roads be closed. She continued stating in the end the Plan could contain alternatives or other choices that would include closures but as the BLM has put it out to the public and issues are being discussed, it is open.

The meeting order was moved to item IX. A. 2.

5) BLM Announces Strategy to Conserve Sage-Grouse  
and Protect Habitat.

**FOR POSSIBLE ACTION**

Mr. Miller stated recently a strategy came out of our Washington Office as to how BLM is moving forward with an aggressive sage-grouse conservation program. He continued stating the program was announced about two weeks ago and was presented to the Western Association of Fish & Wildlife Agencies that was attended by many directors of different agencies. He further stated the press release boils down to Fish & Wildlife Service expressed concern that there aren't any solid measures being proposed by BLM to conserve sage-grouse so the BLM is going to review its Land Use Plans and using the land use planning process (RMPs) they will determine, develop and implement revised regulatory mechanisms. He further explained that the BLM will review its RMPs

to determine if they contain any mechanisms to enhance conservation of sage-grouse and if there isn't they will amend the Land Use Plans in some fashion to address sage-grouse. He continued stating it will be a long process and gave details of the process of reviewing the RMPs. He further stated that the Wells RMP and the Elko RMP will not have a revision started until 2013 or 2014 and in the absence of a revision there will be an amendment as part of a bigger regional effort with the intent to sign a decision in 2014. He continued stating the strategy is to assess what conservation measures should become part of land use planning and then move forward to an EIS that would amend RMPs and allow that to occur. He further added that conservation measures are going to affect someone in one way or another and when the BLM mentions conservation measures for sage grouse it is a big deal but the only thing worse than that would be seeing sage grouse become listed. He continued indicating that this item will be brought back to NRMAC a number of times over the next few years for review and consideration.

There was discussion that Fish & Wildlife are a coordinating agency with the BLM on the effort and they will be a participant of the process and the possibility of whether Fish & Wildlife will receive additional pressure to review the listing before the effort is completed.

County Commissioner Williams indicated there has been speculation on what will happen on public lands if the sage hen is listed and asked Mr. Miller if he felt the affects to the economy, recreation, mining and livestock were a major issue as speculated or not.

Mr. Miller answered indicating he will answer as many people have suggested that the issue would be a significant impact on public lands actions and activities.

There was discussion about the actions and activities on public lands that are already being affected by the restrictions because of sage grouse and other species being in the area.

Commissioner Brown indicated part of the settlement agreement that accelerated the time line requires consideration of about 296 species for designations and right now there are over 1,000 species on the list that need to have some sort of designation.

Mr. Miller indicated the western region, which is the region the local BLM office will be working in, will include California, Idaho, Nevada, Oregon and most of Utah with a small portion of Montana and the attempt is to regionalize the effort so conversation measures are adapted to the area as opposed to including all of the states.

There was discussion about the impact of the additional work load on the local BLM and how it would be accomplished prior to the required deadline and how Elko County contains the highest count of habitat areas for sage grouse within Nevada.

Chairman Spratling commented that the strategy isn't much different than wilderness study areas compared to actual wilderness by the fact that the species that is being considered to be listed is going to be treated just as if it were already listed.

Mr. Miller sated it will be interesting to see if the measures proposed reflect that position and if they are that significant.

Commissioner Brown stated she would be meeting with the Deputy State Director for Resources of BLM and would report back to NRMAC on what their involvement is on the next stage.

Mr. Miller indicated Nevada has been in the lead of taking action before it is forced to take action and read further information from the strategy emphasizing coordinated, cooperative stakeholder engagement that may prevent the issue becoming more radical.

6) Triple "B" Horse Gather Update

**FOR POSSIBLE ACTION**

Mr. Miller indicated the BLM is scheduled to continue with the gather that was started a week ago where they have gathered 301 horses and there has been one death associated with the gather and two deaths not associated with the gather due to genetic handicaps that could not be treated. He added that the intent of the BLM is to gather about 1,700 horses and are currently located on the White Pine side and expect to move to the Elko County side about Wednesday of next week. He continued stating there have been few observers, including a couple of horse advocates that stayed a couple of days and members of the media and would notify NRMAC when the gather would be on the Elko County side in case they would like to schedule an observation of the gather that will be continuing until August 31, 2011. He further stated the issues right now are heat and water and the BLM are transporting water to horses in the Cherry Springs area and within the last six weeks they have hauled about 2,600 gallons.

There was discussion about someone claiming to be at the gather and witnessing two horses with injuries or deformities being placed in a hole dug by a backhoe before being put down and the BLM's position on this claim.

Commissioner Brown commented and praised the BLM for using Twitter and Facebook as a means to keep the public informed of the gather and its location.

7) Bruneau RMP

**FOR POSSIBLE ACTION**

Mr. Miller indicated he could not speak to the item because it is not in the district of Elko County.

8) Gateway West Transmission Line Project

**FOR POSSIBLE ACTION**

Tamara Hawthorne, recreation planner from the Wells Field Office, indicated they are hoping to have a Draft EIS out in the fall and the project is for a transmission line and she gave some specifics of the project and presented a map of the area in Elko County that would be affected. She further indicated there are ten segments and alternatives for each of them and one alternative was being shown on the map.

Commissioner Tingey asked what was trying to be avoided or accomplished by the alternative depicted on the map which showed the project dipping to the south.

Ms. Hawthorne indicated the public scoping had occurred and the County and other cooperating agencies came back to the proponent with some additional alternatives. She further indicated Cache County had come up with the alternative shown on the map and it was to avoid the Forest Service and some private lands.

Commissioner Brown asked if the line is going through any other corridors existing in the section.

Ms. Hawthorne answered that there were no existing utility corridors in the area.

Mr. Brown indicated one property owner owned the two private parcels that the line would cross through and when he had spoke to him, he had indicated Gateway hadn't contacted him at all and was surprised they were proposing an easement through his property. He also asked if there had been any change since he received this information.

Ms. Hawthorne answered she did not know the answer but hoped the property owner would be part of the interested public and he would be involved in the public scoping.

Mr. Brown indicated the property owner was not aware of the project until he had brought it to his attention a couple of months ago.

There was some discussion about who the private property owner was and when they were notified of the project.

County Commissioner Williams indicated there had been a presentation and the reason for the change to the southern route was to locate the lines within a utility corridor and to avoid farms and agricultural areas.

There was continued discussion about the reasons behind the project being proposed to be located south.

Ms. Hawthorne stated she would provide the website where all of the information could be found which is [www.gatewaywestproject.com](http://www.gatewaywestproject.com).

Commissioner Brown indicated since the project is a power line it would not be required to go through FERC.

Mr. Brown stated the County Commissioners have already heard this item and had their concerns addressed.

Discussion moved to item IX. A. 4.

**B. BLM – Other Correspondence and Items of Discussion                      NON-ACTION ITEM**

There were no further items of discussion.

**X. UNITED STATES FOREST SERVICE:**

**A. Presentation of items by USFS Representative:**

- 1) Creeks and Communities 2011 project for areas between Harrison Pass and Lamoille Canyon. **FOR POSSIBLE ACTION**

Gar Abbas commented that the project in the Jiggs area was successful and are scheduling another workshop beginning with a presentation from the Forest Service and other agencies then field work will be conducted on as many miles of creeks as can be accessed in the time allotted. He continued stating there have been additional individuals in attendance of the field studies which was a great



and Elko County concerning the Travel management Project.

1) Discussion and consideration of advisory or recommendation to the Elko County Board of Commissioners. **FOR POSSIBLE ACTION**

Mr. Brown stated he understood the action would be released the next week or the end of the current week.

Mr. Abbas indicated the USFS hopes to put a Notice of Availability in the Federal Register by the end of the week and out in the mail next week.

Mr. Brown requested at least one electronic copy of the action on a cd.

There was discussion about scheduling a workshop between the USFS and Elko County representatives.

Mr. Brown stated Elko County has a letter requesting a six month extension ready to be sent out as soon as soon as the EIS is released.

**XIV. ELKO COUNTY ADVISORY BOARD TO MANAGE WILDLIFE / NDOW:**  
Commissioner Wellington / Other **NON-ACTION ITEM**

There weren't any items discussed.

**XV. CORRESPONDENCE REPORT AND OTHER ITEMS OF DISCUSSION:**  
**NON-ACTION ITEMS**

There weren't any other items of discussion.

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

Mr. Brown reported that Commissioner Brown had been appointed to the Northeast Nevada Stewardship Group.

**XVII. COMMENTS BY THE GENERAL PUBLIC:** **NON-ACTION ITEM**

There were no comments by the general public at this time.

**XVIII. ADJOURNMENT** **ACTION ITEM**

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

Minutes Clerk, Kelly Watson

Date Approved, September 26, 2011