

Commissioner Tingey indicated that on the last page of the minutes there is reference to him making a comment and he was not present at the last meeting.

Mr. Brown suggested before speaking to state your name until we become more familiar with the Commissioner's voices to help with the transcribing of the minutes.

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

VOTE:

AYE: Craig Spratling
R. Jeff Williams
Ken Wellington
Thad Alger
Ted Wilton
Orson Tingey

NAY: None

ABSENT: Doug Shippy

ABSTENTIONS: None

III. COMMENTS BY THE GENERAL PUBLIC: NON-ACTION ITEM

There were no comments by the general public.

IV. REVIEW AND CONSIDERATION OF THE CREATION OF A MISSION STATEMENT FOR THE NATURAL RESOURCE MANAGEMENT ADVISORY COMMISSION: ACTION ITEM

Commissioner Tingey recognized that there was a lot of discussion and one of the comments was if public and private should be used in the designation. He suggested using "lands in Elko County" which would address the issue and not be as specific. He also questioned using the wording "the nation's well being" and the Commission's role is advisory to Elko County and that is the limit.

Commissioner Williams stated when public and private lands are referred to; the Commission has no jurisdictional authority over it but planning of it. Regarding the nation's well being, we are not just dealing with land that belongs to people in Elko County or in Nevada; it actually belongs to everyone in the United States. Decisions we make have to do with the nation's well being if we are dealing with public property and it is applicable.

There was continued discussion regarding additions and revisions to the mission statement.

Commissioner Shippy arrived at 6:09 p.m.

MOTION: Commissioner Williams moved to accept the Elko County Natural Resource Advisory Commission Mission Statement as it is written with no corrections or revisions. Commissioner Alger seconded the motion. The motion passed unanimously.

VOTE:

AYE: Craig Spratling
R. Jeff Williams
Ken Wellington
Thad Alger
Ted Wilton
Orson Tingey
Doug Shippy

NAY: None

ABSENT: None

ABSTENTIONS: None

V. AGENCY REPORT AND UPDATE: NON-ACTION ITEM

A. BUREAU OF LAND MANAGEMENT

- 1) Proper Functioning Condition assessments of seeps and springs on BLM land within the Gulley grazing allotment during the 2010 field season.

David Overcast, BLM Tuscarora Field Office Manager, indicated the assessments are scheduled and will start soon. Russ Miller will be leading the charge for this at the BLM.

- 2) Final Decision on increase to temporary nonrenewable use for the Wilson Mountain Allotment.

Mr. Overcast indicated the final decision for the Wilson Mountain Allotment had been signed after a thirty (30) day protest and appeal period. During that time there was no response but within the regulations there is a ten (10) day grace period and during that time there was an appeal. He stated that they are currently compiling the documents and sending them to their solicitor who will go before the administrative law judge in the process for a decision.

Commissioner Wilton asked if the appeal was from Western Watershed.

Mr. Overcast stated it was. The decision was for about 21 aums and possibly four (4) days extra grazing which was thought to be benign and they did not anticipate an appeal.

- 3) Amendment to the Plan of Operations of the Hollister Underground Mine Project to expand existing underground exploration activities into a full-scale underground mining operation.

Mr. Overcast stated there were meetings held in Winnemucca, Mountain City, Elko, Owyhee and Battle Mountain for public input. The background on this is the proponent is Great Basin Gold and is near the Tosawihí Quarry which is traditional cultural property for Native Americans. It is also in an archeological district so it has a lot of interest and concern. He stated that they are sensitive and are working through the issue with the contractor to move forward on the project. He commented if there are any comments anyone would like to submit, he would take those.

Mr. Brown asked if this was the old Ivanhoe mine.

Mr. Overcast said he believed it is.

Commissioner Wilton asked since the area is in a traditional cultural property is the BLM required by regulation to do tribal consultation.

Mr. Overcast stated they are required on any project that they deem could be of importance to the Native Americans to do consultation regardless of the project. It is near a traditional cultural property (TCP) not actually on it.

Commissioner Williams indicated he understood that the Indians had not accepted what was being done and there were still a lot of problems regarding the cultural areas.

Mr. Overcast stated there is a lot of concern and we respect that it is an important area to the Native Americans. One of the things we have committed to do in the area is have an open pit mine. There is support along with the discomfort. Consultation has not been completed on the project.

Commissioner Williams asked Mr. Brown if the Owyhee Indians were a major player in this situation.

Mr. Brown indicated the Shopai and Temoke.

Commissioner Williams asked if that was Owyhee.

Mr. Brown indicated the Shopai are from Owyhee.

Commissioner Williams asked as far as the County Commissioner's responsibilities, which would be in Commissioner Eklund-Brown's district, if there is there any coordination with the Tribal Council and the County Commissioners. There is no liaison between them and the County Commissioners, according to the responsibilities that we have. This is one indication of why there needs to be someone there who coordinates between the Tribal Council and the County Commissioners. There are things that are happening in Elko County that could have a positive or negative effect on taxes and everything else. Nobody is really dealing with the Tribe. He asked Mr. Brown if he knew why there isn't a liaison between the Tribe and the County Commission in order to take care of issues such as this.

Mr. Brown stated he understood what was being said but that the County Commissioner's need to address the issue. He indicated in the past there had been negotiations and discussions on a Staff level and a political level with the Tribe.

Commissioner Williams stated the last time he had met with the Tribal Council they had indicated that they would like to have some kind of cooperation with the Commission in this situation because they are involved with several of the things we are working on right now. One of them is the Travel Management Plan.

Mr. Brown said you have to understand the Tribe is a sovereign nation and government. They have a treaty and a pact with BLM and the Forest Service that has to be respected by these and other agencies. That is a completely different situation because you are talking about a cultural level versus a government level situation. The federal government has a responsibility to the Shopai and Temoke tribes to adopt them as a coordinating or cooperating agency in these assessments.

Mr. Overcast stated it is actually government to government.

Mr. Brown added you are looking at three different political subdivisions.

Commissioner Williams indicated he thought it would help in comparing information and getting ideas. It would be applicable to this Commission to have at least a working relationship with those folks especially when we are dealing with a situation where we may be able to help run interference.

Mr. Overcast stated they are open to any coordination and communications. The more transparent we are and people understand what we are doing is better for the public to make their decision on whether they are in support or not. We provide information that is factual.

4) Extension for Comment regarding the Management Plan for Trout Creek Pasture in the Pine Mountain Allotment.

Mr. Overcast stated there has been a site visit set up with the Tomeras and interested Commissioners for June 15th. If you are interested in attending, talk to Karl Scheetz who is compiling the list.

Mr. Brown asked when the deadline for comment period was on this issue. There was response from someone that it was June 30th. He indicated we may want to ask for another extension of 15-30 days.

Mr. Overcast indicated as partners they would work with the Commission. He indicated Karl Scheetz would have the specifics.

Commissioner Wilton asked how many of the Commissioners could attend the site visit and not be in violation of Open Meeting Laws.

Mr. Brown stated we will post a meeting so if necessary and if there is a quorum it will be an action item. He suggested that it would be beneficial to have some time to compile thoughts and discuss the issue at the next meeting on the 30th. The meeting will be posted as a special meeting so if there is a quorum.

Commissioner Alger asked if the requested extension is delaying grazing or any other activity that should be done on the property at this time.

Mr. Brown indicated it was a one year suspension and it is not impacting them.

Mr. Overcast said for this grazing season I think it is out anyway.

Mr. Brown stated that question came up at the last meeting. That was one of our concerns, we didn't want to put the Tomeras off if there was going to be any potential for grazing this year but apparently there is not.

Chairman Spratling asked for a show of hands of the Commissioners that would be able to attend the site visit. There was a show of three hands and Commissioner Alger indicated until he knew what his schedule at work would be he was unsure.

Mr. Brown stated it would be posted as a special meeting and if there wasn't a quorum there wouldn't be a problem. It could be discussed at the meeting of June 30th. He asked for a formal request of at least a fifteen (15) day extension for the comment period from the BLM.

Mr. Overcast said I don't think that will be a problem and my only reserve is if Karl Scheetz gives me something regulatory that would interrupt the process. We put these periods out and there is standing within the period but even outside the period we take comments and consider them. In order to be in the process and if it were to be challenged for some reason then these are the comments we received in the designated time period. He added that the Tuscarora wild horse gather is coming up and we are in the process of going through the paperwork. It is off of the Owyhee herd management area, the Rock Creek herd management area and in the northwestern corner of the district. We are going to be gathering up about 1400 head of horses. We have several sites we will be gathering to and from. We will likely be using helicopters. One of the items we need to make the public aware of is because of the interest, concerns and threats we have received when we previously have done gathering we are closing portions of the area for the safety of the horses, staff and public. They will be closed only temporarily and only while we do this gather. There are about six different areas. It allows the rancher to go through and still allows the grazing but anyone else will need to be authorized, escorted or turned around.

Chairman Spratling asked when the gathering would be taking place.

Mr. Overcast said currently barring any challenges or legal process it is tentatively scheduled for July 9th for about a month.

Chairman Spratling asked if this had been challenged in court and already ruled on.

Mr. Overcast answered no. We haven't completed the planning process yet. We are working on the decision right now and included in that will be some of the closures we are working on right

now. We will be doing treat and release on some of the horses because they are under the appropriate management level for that area. We will gather them up treat them so they won't likely become pregnant for two to three years and then release them. We are challenged if we try to go way under aml (appropriate management level).

Chairman Spratling asked if 1400 is the total number of horses that will be gathered or removed.

Mr. Overcast indicated that is the number that will be gathered. He stated to his recollection 400 of them will be released but would let Mr. Brown know for sure. Typically we have gathered and haven't turned them back but in this instance we will. Some of the horses are outside the herd management area that we will be gathering which is why there are some of the closures that will be on the map that will be coming out. On the map it may look like a long way to run horses but we will set up other gather sites and holding pens if horses are found outside of the normal historic areas.

Commissioner Williams asked why the horses are being treated to not become pregnant for only a couple of years and not permanently.

Mr. Overcast stated they are looking at what long term solutions are available.

There was discussion regarding the treat and release program and the number of horses that are in the areas.

Commissioner Tingey asked if the closures would be advertised.

Mr. Overcast stated by the regulations we have to somehow reasonably get that information out to the public that would use those areas but not certain it will be in the paper.

Chairman Spratling asked if this would be done before the hunting season.

Mr. Overcast said yes, that is our goal. He indicated it would be in the federal register.

B. UNITED STATES FOREST SERVICE

1) Meadow Creek Bridge Replacement Project.

Commissioner Wellington stated the information in the packet indicates it will be closed during the hunting season.

Mr. Brown stated there should be an alternate way around.

Commissioner Wellington asked if the detour would be right at the spot where they are doing the construction.

Mr. Brown stated he would find out and forward the information to Commissioner Wellington.

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

Mr. Brown stated he has not heard anything further on this item.

Commissioner Wilton stated he attended a meeting Friday night and the Clerk and Recorder's office for Lincoln County has served notice to the State that they will not be collecting monies and forwarding them on in regard to this mining claim fee. There has been quite a bit of discussion regarding this because the statute that establishes this fee is unclear. The monies are attached to the filing of a document called a Notice of Intent to Hold. Lincoln County is going to record the notices and a copy of the notice goes to the Bureau of Land Management. That brings up a question that our Board of Commissioners should consider. There is a fee for recording the Notice of Intent to Hold just like any other document but in the role of being a collector of this tax for the State, Elko County incurs costs. There is no provision within the legislation for the taxpayers of Elko County to be reimbursed for the cost that they are incurring acting as an agent for the State.

Mr. Brown stated Assemblyman Carpenter did bring that up as being an unfunded mandate. Like all other unfunded mandates by the constitution of the State we will have to do it. We do incur administrative costs as well as personnel time. That was one of the reasons we have filing fees for filing any document. We can put a letter together for the Chairman to sign and send it to them bringing that to their attention and see what their response is to it.

Commissioner Wilton stated a Reno based mining attorney spoke and apparently there is action to challenge the constitutionality of that fee. The attorney said in fact it is not a fee it is a tax. There are no service or goods provided and it does not meet the definition of a fee therefore it is a tax. There is an increasing level of concern at least in the Nevada Landmen's Association that there is upcoming action to make this permanent rather than have it sunset after the two year period. I have not checked the website to see if this has been brought up.

Mr. Brown stated it would be easy to make it permanent.

Commissioner Wilton stated he doesn't believe that this is a temporary fee. To put this into perspective, I know of one company that is not in Elko County that has already dropped 2,000 claims. This \$25.7 million is beginning to decrease already. This is a tax on small businesses and many small businesses don't have the cash flow to be able to pay this tax. I am aware of one company in Nevada that has a substantial land position within the state and it is a junior company that is suffering financially like most junior companies are in this tough economy and they have suspended salaries of their staff in order to conserve funds to pay their claim fees.

Mr. Brown commented if larger companies restake the claims that have been abandoned the State could indicate the fees had not been paid the first time and they would collect them again. It seems logical they could actually create a tax.

Commissioner Wilton said there has been discussion that this will become permanent and this will be brought up in the next legislative session. Maybe someone on this Commission could write a white paper for the Board of Commissioners to consider it to begin to move forward.

Mr. Brown stated this is an action item. If this board so desires to write a letter of concern to the Board of Commissioners or a recommendation you can.

Chairman Spratling asked if a letter was necessary or if a motion forwarded to the County Commissioners would work.

Mr. Brown stated it can be a recommendation. If you want to charge Staff in writing a letter addressing your concerns, we will be happy to do that. A letter can be drafted by Staff and sent out for review or Commissioners can draft a letter and e-mail it to Staff for distribution.

Commissioner Wilton stated he would be willing to put down some thoughts for this Commission and Staff to consider. I don't think we need to do this today but I think we need to get ahead of the issue. This is an issue that is not going to be resolved for a while. The election is not until November. We have some time to organize our thoughts and combine this with some information that was on the economic impact study that was done by Dr. Harris on behalf of the Elko regional program in regard to mining which covers part of Eureka County as well.

Chairman Spratling stated he believed Commissioner Wilton has the expertise on the issue.

Commissioner Wilton indicated he would like to work with Staff on the issue. He stated the mining claims are the asset of these companies and if they don't have the funds to hold those claims then their shareholder's assets go away. Higher fees mean fewer claims and less work for Elko County's contractors whether it is done in Lincoln County, Pershing County or Elko County. It is fewer jobs here and it is fewer tax dollars as well. It in effect puts that State of Nevada at a disadvantage in competing in the global market.

There was continued discussion that the fee would affect not just the holder's of the mining claims but also major mining companies and their employees.

Grant Gerber agreed with Commissioner Wilton's comments and reiterated that some of his clients are looking at how many claims they are going to be dropping due to the new fee. He emphasized that virtually all of the major finds have been done by small prospectors and junior companies. He further stated that Elko County has been, is and will be dependent on them. The State will be getting less money as time goes on. He supported Commissioner Wilton's and Mr. Brown's recommendations.

Chairman Spratling asked if the fee was just a one-time fee that legislature has passed or if it is an annual fee.

Commissioner Wilton stated it is a one-time fee that was passed as a part of Assembly Bill 6 which was the budget that was passed during the special session called by the Governor. In the legislation it states it is a one-time fee that can be paid over a period of two years. It is supposed to sunset in 2011.

Mr. Brown indicated it would be easy to be looked at every budget session. It is another method of taxation without representation because it is attached to a product or a service; it is attached to an asset or commodity.

Commissioner Wilton stated it is not taxing an asset but a right. A mining claim is a right not a privilege under Federal law.

Commissioner Shippy asked if the claim is dropped and the fee is not paid and someone else picks it up and pays the fee and two years down the road they drop the claim, will the fee keep snowballing.

Commissioner Wilton said the fee is assessed when you file a notice on November 1, 2010, indicating you intend to hold that claim. At that point you have stated you hold the claim and therefore you are subject to the payment of the fee. If you drop the claim and someone else restakes that claim in their own name, they are going to have to pay the fee.

Mr. Brown verified if it is done before November 1, 2010. After November 1, 2010, there are going to be a lot of surveyors out in the field restaking claims.

Commissioner Wilton said no because the fee continues through June 1, 2011, which is when the last payment has to be made.

Mr. Brown stated it would be beneficial to the large companies to pick up the claims because they are going to have the money in production to pay the fees. If they gather more and more, the prospecting companies lose their assets. It is either that or a lot of surveyors in the field restaking a lot of claims.

There was continued discussion regarding dropping the claims and the costs and time associated with staking a claim and the possibility of monopolies being formed.

Commissioner Williams stated he agreed what we need to do is get the County Commissioners to get involved in this by writing a letter. He asked what is hoped to be accomplished by taking action. Do you feel the State is going to change or drop the law?

Mr. Brown said we don't know what the outcome is going to be, but if we don't try we will never know.

Commissioner Williams said I agree but we need to have a goal in mind.

Mr. Brown said the County Commissioners are very much aware of this and against implementation of this. Several of the Commissioners have spoke with the Governor on numerous occasions. We can do what we can on this level and push it up the line and hopefully we get across to someone to stop the taxation on an industry that is a solid portion of our economy.

Commissioner Williams said I agree there is something that needs to be done to try to deal with it but I am wondering if we need to attack it at that level and also on another level. Another level is to try to get people who make these decisions to realize just how insignificant amount this \$25 million is. Ten weeks ago the state was paying \$25 million a week in unemployment benefits. The Governor just reported it is now up to \$40 million. We need to have people reason with what they are really doing and what this could do to actually curtail or eliminate mining.

Mr. Brown said we need to do what we can as a Board and we need to bring some good strong facts to the County Commissioners as to what the implications are of this tax and its impact to our economy.

Commissioner Wilton said this is not going to get repealed by the Legislature and we have to be practical about that. I believe if the County can take a strong position and then empower its lobbyists in Carson City during the next legislative session maybe we could do something to either mitigate or prevent the imposition of this as a permanent fee rather than it being a temporary fee. We have to become proactive rather than reactive and go at the movement to make it a permanent fee.

Mr. Brown said we are being proactive and sending our concerns for the future on to the County Commissioners.

Commissioner Williams said if there was a goal in mind it would be to keep them from going after more areas of mining.

MOTION: Commissioner Wellington moved that the Commission direct Commissioner Wilton and Staff to draft a letter expressing our concern regarding the State of Nevada Mining Claim Fees with the recommendation to the Elko County Commission from this Commission. Commissioner Shippy seconded the motion. The motion passed unanimously.

VOTE:

AYE: Craig Spratling
R. Jeff Williams
Ken Wellington
Thad Alger
Ted Wilton
Orson Tingey
Doug Shippy

NAY: None

ABSENT: None

ABSTENTIONS: None

Mr. Brown asked to have the discussion moved to item XI by request of Mr. Gerber.

Chairman Spratling moved the discussion to item XI.

**VII. REVIEW AND CONSIDERATION OF THE MINING REFORM AND MINING
LAW BALLOT ACTIONS: ACTION ITEM**

Commissioner Wilton indicated there isn't anything new and there probably won't be anything until after the congressional election.

**VIII. PRESENTATION AND DISCUSSION OF THE CARSON WATER
SUBCONSERVANCY DISTRICT: NON-ACTION ITEM**

Mr. Brown indicated Commissioner Dahl had requested this item be placed on the agenda but that he had to be in Arizona and the item could be continued to the next meeting.

**IX. REVIEW, UPDATE AND DISCUSSION OF THE NATIONAL MONUMENT
PROPOSAL SB 787: Commissioner Williams NON-ACTION ITEM**

Commissioner Williams indicated the proposal is more about water than monuments and referred the item to Mr. Brown.

Mr. Brown stated there are a couple of different issues. He indicated the Army Corps of Engineers is trying to integrate into the national monument issue with surface water on national monuments and water rights. He further stated that congressional hearings have taken place and subcommittees have been created to review the constitutionality and the ability of the President of the United States to be able to establish national monuments at the stroke of a pen without NEPA analysis.

Commissioner Williams indicated there wouldn't be any water that would not be involved in that act and it would give jurisdiction to the Army Corps of Engineers.

Mr. Brown indicated it is being done on two different levels. He stated with the amendment to SB787 and also the revision to the Clean Water Act where the Corps of Engineers can have a broader scope of jurisdiction not only over navigable waters and interstate commerce.

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

Commissioner Wellington indicated the tag results would be out May 27, 2010. He indicated at the June 23rd meeting of the Advisory Board, Systems Consultants who administers the draw will be making a presentation and invited those present to attend. He commented that the two predator projects were discussed and will be forwarded to the Commission and the department. One of them involved the deaths of the rocky mountain big horn sheep because of the lack of the minerals, selenium and cobalt. He outlined the process they were planning to help the situation. He also indicated they would be looking at placing mineral blocks along with a collaring program in the wintering range of Green Mountain and Harrison Pass and conduct a predator project on the coyotes at the same time.

Chairman Spratling inquired about how livestock would be kept from consuming the minerals from the block.

Commissioner Wellington indicated Tom Barnes is on the board representing ranches and the intent is to have target areas to put the blocks in and prior to the cattle going out those will be

picked up. He stated that they will be placed during the months of the biggest concern being November, December and January and then they would be pulled in February.

Commissioner Williams asked if the blocks would hurt the cattle.

Commissioner Wellington indicated that is something that is being worked on since the ranchers are already using mineral blocks and they will work with them to find something that won't interfere with the cattle. He gave some further information about supplementing the deer with the mineral blocks and when and where they would be placed and picked up. He also stated that the funding for the project would come from NDOW.

Chairman Spratling moved the discussion to item XII.

**XI. REVIEW, UPDATE AND DISCUSSION OF USFS RUBY MOUNTAIN AND
JARBIDGE RANGER DISTRICT TRAVEL MANAGEMENT PLAN:**
Staff Presentation ACTION ITEM

Mr. Brown said we received the draft EIS approximately two weeks ago and I have spent the last two weeks reviewing it. It has 40 maps. I didn't focus much on the maps and the roads. We have been looking at different things that concern us that we have been working on with the Forest Service over the last six to eight months. We spent a lot of time on game retrieval and dispersed camping and the numerous items involved with them. Presently we have access to 960,000 acres of Forest Service managed properties. The Travel Management Plan as presented and their proposed action will eliminate all cross country travel. This means most game retrieval and semi-primitive motorized recreation experiences will be eliminated. A lot of dispersed campsites will be eliminated as well. We spent eight months working with the Forest Service meeting with them at least once a month. What they proposed in one of the alternatives is to permit for game retrieval of Elk only and could only be a half of a mile off of an authorized road. If you look through this and pay attention to the maps, some of the roads that are being proposed for closure and are unauthorized roads lead to dispersed camping areas that have been used for many years. Other issues are in holding properties that can stop us from utilizing certain portions of public lands because the Forest Service will not leave those roads open because the private property owner doesn't want them left open which stops other private property owners from accessing their property. Not only does it prevent the public from public access but it also prevents other private property owners from accessing their property. We have talked about roads with an allowance for a buffer zone on each side of the road to allow for pull off usage of dispersed camping. We talked about hundreds of miles of roads and the Forest Service came back and gave us one mile on Maggie Creek Summit Road and seven miles on Coon Creek. It is evident the Forest Service's intentions are to create de facto roadless areas potentially wilderness because of the fact that we are going to be losing our motorized access to 960,000 acres of land. It would be easy for them to go back and state that the land is not being used anymore and designate it as wilderness. The issues including fire protection, fire prevention and fire suppression may use these roads but roads in Elko County with our climate that are not utilized on a constant basis are not able to be used because of slough, overgrowth, etc. This was heard before the County Commissioners last Thursday and the Forest Service stated we misunderstand what they are trying to do and what they have said. They were on the radio last Friday stating we did not read and we do not understand the Draft EIS. I can understand it very well and see what is being proposed and implemented. The County

Commissioners in their wisdom requested a six month extension of public comment period. We are going to be drafting our own alternate for presentation to the Forest Service for implementation. We are going to hire a consultant to compare this alternate with other counties in the western region which includes the thirteen state western region not just Utah, California and Arizona. We are going to be looking at some of our own environmental impact study. We are going to challenge what they have and make them come back to us and refute what we say. We are going to put the issues out there as far as what the economic, social and cultural impacts are since they were not adequately addressed.

Commissioner Wilton said there are seasonal closures that are provisions of each of the alternatives except the no action alternative. The seasonal closures are based on wildlife concerns as they relate to sage grouse leks and the northern goshawk. Northern goshawk is a migratory bird. It migrates to the Yucatan Peninsula in Mexico in the winter time and comes up here in the spring. The nesting pairs do not occupy the same nest every year. Research that was funded documented that. There is questionable science that is being used as justification for the seasonal closure. If you look at the seasonal closure, it starts on the 1st of March and it opens up on the 31st of August. That essentially closes that road for 12 months.

Mr. Brown stated one of the other concerns is August 1st is the beginning of archery season. We have discussed this with them and that is one of our issues.

Commissioner Wilton pointed out some inconsistencies in the plan regarding the impacts to certain species of fish and vegetation.

Mr. Brown said in the draft EIS it states a biologist observed a pair of redband trout in a small ford just off of the Northfork River of Jarbidge and he observed them spawning and concluded that although most fish will move when movement around them occur it is a possibility if the fish is in the roadway portion of the ford, a truck or car can possibly run over it and smash it.

Commissioner Wilton said that is in the plan and it is called fish collisions.

Mr. Gerber stated he appreciated our County Commission and Staff and recognized Mr. Brown's review and diligence to the issue. He recommended all the members of the Commission get a copy of Mr. Brown's presentation to the County Commission and handout and review it because it went into more detail.

Mr. Brown indicated the handout is a working document and consists of about 25 pages right now but would condense it to the first 9 pages which is the presentation that was made and e-mail it out tomorrow.

Mr. Gerber read some comments from the County Commission meeting. He indicated Tom Montoya and Gar Abbas are responsible for closing the roads and eliminating campsites because there is no written direction that came out of the executive order, the federal register, the Forest Service in Washington, or Sparks. He further stated that a citizen's group has been formed and is talking about a plan to cause change. He requested that the following recommendations be made to the County Commission: 1) That there is a motion tonight to request a six month extension for the public comment period. 2) That anyone that has a connection with the Tribes should contact them regarding the issue. 3) That we have another meeting at the convention center and we invite all of

the other affected counties in the state. He also recommended that the letter requesting a six month extension be forwarded to various legislative bodies for review and action. He gave an overview of some actions that had been taken by the Forest Service regarding other issues he has been involved with.

Commissioner Shippy stated at the County Commission there was a packet handed out by the Forest Service and it indicated Mr. Winfrey from Reno was the person responsible.

Mr. Brown indicated that Mr. Winfrey was the project manager.

Mr. Gerber indicated Mr. Winfrey has no direct control over which roads the rangers decide to close.

Mr. Brown stated the 2005 Final Action on the Plan calls out the district ranger as the responsible person. Jim Winfrey's name is on it but the responsible party is the district rangers.

Commissioner Shippy asked why the six month extensions are being asked for and if the public is in charge or not.

Mr. Gerber stated we are not in charge and we need six more months to educate people about this issue.

Commissioner Williams stated the Forest Service had indicated that all of the other counties are willing to go along with the EIS but when a petition had been taken around they met some negative comments. They were told that they were wasting their time and were not going to be able to make a change in what is going on. The other counties felt they were defeated but they signed the petition anyway stating they would do anything to help. Three times the amount of signatures were received at the smoke shop in Ely and Elko than anywhere else. Whether or not the Indians have a sovereign nation or not they are fighting the same battles and we can help each other get some of these things through. The more clubs and organizations that can be involved in this battle the better chance there is in using the numbers to defeat the adversary.

Mr. Brown stated he has been in contact with the Shopai and they are filing an action to request a requirement of government to government action on this. They have been excluded. The Forest Service has stated that they have been in contact with them. The Forest Service has held two public meetings in the area but they have not specifically contacted the Shopai Tribe.

Mr. Gerber stated Smoked Bear is gaining strength and if the roads are closed they will not be able to be used to fight fires because of overgrowth, etc. The closure of roads is a fire, health and safety issue. He passed out an informational card about the Smoked Bear campaign.

Mr. Brown stated one of the biggest issues is the lack of the inventory of the roads. There have been many meetings with many individuals and they have pointed out many exclusions of roads on the current maps. According to the policy of the Forest Service, if those roads are not shown on the maps they are closed. We will be requesting a copy of the inventory.

Commissioner Shippy asked if they were using the Gardner maps anymore.

Mr. Brown stated the Gardner maps are in reference to RS2477. Since that time a lot of roads have been created. They are in use for ranching, mining, recreation or other use. We should have just as much of an opportunity to use those roads as any Gardner or RS2477 road because they are there now and we have been utilizing them for different uses.

Commissioner Wilton indicated he was going to make a motion for a six month extension. He indicated he had prepared an analysis of the earlier Travel Management Plan for the Northwest Mining Association and they filed a document with the Forest Service's comment on that before the EIS was put together. He stated that there is a complex matrix analysis of every road that is the appendix to the current and the previous Travel Management Plan and there were inconsistencies in the maps. He further stated that this has been done because it is considered a major federal action which is the Travel Management Plan for the Humboldt-Toiyabe National Forest. He indicated it is not the directive to do a travel management plan for the Ruby Mountains, Jarbidge and Mountain City Ranger Districts and questioned why it is not a comprehensive environmental impact statement for the entire Humboldt-Toiyabe National Forest? He stated that the environmental criteria that are being considered in order to justify the closure of roads are the same environmental criteria that are in all of the districts. He stated that this is part of a cumulative effects and has to be analyzed in the context of the impact of travel management on public lands managed by the Forest Service within the entire Humboldt-Toiyabe National Forest not just ranger district by ranger district.

Mr. Gerber reiterated that many people have taken a lot of time to detail roads that weren't on the Forest Service maps and submitted them to the Forest Service for consideration. He stated that the people have indicated the Forest Service did not include the roads on their maps. He encouraged the Commissioners to assemble a group and invite someone informed on the issue to make a presentation and get the citizens informed.

Commissioner Williams asked if the County Commissioners had already taken action to extend for six months.

Mr. Brown answered yes.

Commissioner Williams stated since that has already been done we should make a recommendation indicating we strongly support the resolution they have sent.

There was some discussion whether the Advisory Commission had the authority to write a letter of support directly to the Forest Service.

Mr. Brown indicated the Commission could instruct Staff to write a letter to the US Forest Service stating the Advisory Commission is in support of the request for a six month extension of time and carbon copy the County Commissioners.

Commissioner Wellington suggested the letter be directed to the Chief of the US Forest Service, Mr. Tidwell and carbon copies to Tom Montoya, Gar Abbas and U.S. Congressmen.

Mr. Brown stated the chain of command as per the CFR and final order is the district ranger. The district ranger is the responsible party and then carbon copy all of the others.

Commissioner Wellington indicated he wanted to make sure the Chief was aware of the effort.

Mr. Brown proposed the letter be sent to the Congressional delegation of the State of Nevada as well as the state and region supervisors in addition to the district rangers.

MOTION: Commissioner Wilton made a motion that the Elko County Natural Resource Management Advisory Commission prepare a letter to the US Forest Service formally requesting a six month extension to the public comment period for the draft EIS for the three ranger districts of the Humboldt-Toiyabe National Forest and also request that the US Forest Service provide the Elko County Planning Department with a full set of a 1:24,000 scale topographic maps that shows all of the roads that are in the Forest Service system and their analysis of all of the closure areas.

Commissioner Wellington seconded the motion adding that carbon copies of the letter are to be sent to the parties as indicated in the previous discussion. The motion passed unanimously.

VOTE:

AYE: Craig Spratling
R. Jeff Williams
Ken Wellington
Thad Alger
Ted Wilton
Orson Tingey
Doug Shippy

NAY: None

ABSENT: None

ABSTENTIONS: None

There was some continued discussion regarding setting up a meeting at the convention center to discuss the item that would be open to the public and affected agencies and specific organizations would be invited to attend.

There was a ten minute recess.

Commissioner Wilton commented that the Forest Service in reviewing the Draft EIS from the standpoint of mineral exploration there are not a lot of concerns. He indicated he and another geologist were invited by Doug Clarke of the Forest Service to have a discussion with regard to the potential economic impacts on the mining industry by the Travel Management Plan. He further stated that during the discussion, the Forest Service suggested that legitimate prospectors and exploration geologists would be able to apply for and obtain permission from the Forest Service by simply filing a notice of intent document at the local office to be able to traverse any road whether it is closed or otherwise restricted.

There was continued discussion regarding the requirements to obtain permits for specific purposes on public lands managed by the Forest Service.

Commissioner Alger stated if the roads are closed and make it unavailable for motor vehicles how long would it take for someone to walk into that area. He further stated his concerns about roads being destroyed by four wheeler use but most people who take the time and money for the recreation are not destroying the roads.

Mr. Brown stated that wildlife primitive experience is utilized by very few people. He stated that hunting camps are usually set up and four wheelers are not used while hunting but it is a tool that helps people get to areas they normally couldn't get to. He further indicated four wheelers are used because people can't traverse large range areas.

Commissioner Williams stated there is another side to the issue and during a meeting he had attended the biggest complaint that people had were the four wheel drives. He stated the concern was coming from fellow hunters, guide packers and other people that are looking at the federal lands and are tired of people traveling over every gulley, creek and mountainside and not staying on the roads.

Mr. Brown stated this is just another law to try and curtail criminals but it makes a criminal out of the law abiding citizen and the criminal is going to do it anyway. He further stated that the Forest Service will not enforce what they have now.

XII. BISHOP CREEK / METROPOLIS WATER DISTRICT DAM RESTORATION PROJECT UPDATE AND DISCUSSION: NON-ACTION ITEM

Mr. Brown stated the Corps of Engineers is requiring an EIS so the feasibility on the project is dwindling away. He stated the cost for an EIS is between \$250,000 and \$500,000 which does not include any type of mitigation. He further stated he doesn't believe the project is going to happen even though it could be beneficial.

Commissioner Williams asked if there was any action that could be taken to appeal the decision of the requirement for an EIS.

Mr. Brown stated the BLM is the lead agency and the Army Corps of Engineers has jurisdiction due to this being navigable water. He further indicated if the BLM decided to allow an EA, the Army Corps of Engineers do not have to accept it and could require an EIS anyway and they have already indicated they would require an EIS and that will be the direction the BLM will go. He commented that Commissioner Dahl is still working on the project and some issues regarding water rights. He also indicated that NDOW has decided not to require a twenty-one foot minimum pool that was required originally and still provide a fishery. He stated the main obstacle at this time is the cost of an EIS and then any cost for mitigation of the concerns found during the EIS.

Commissioner Wellington asked if the Heritage funds from NDOW have been looked at as a funding source.

Mr. Brown stated yes they had and NDOW has committed to the fishery and the recreation area. He further indicated the construction budget of the project is over \$8 million.

XIII. CORRESPONDENCE REPORT AND DISCUSSION: NON-ACTION ITEM

- A. Nevada Water Resources Association sponsored events
 - 1) Water Rights in Nevada Class-Wednesday, June 16, 2010, Ely, NV
 - 2) Advanced Water Rights in Nevada Class-Thursday June 17, 2010, Ely, NV

Mr. Brown gave an overview of the classes and informed the Commission that anyone interested was invited to attend the class.

- B. Central Nevada Regional Water Authority Meeting to be held June 18, 2010, Ely, NV.
 - Randy Brown will be a participant for a panel discussion on the development and use of county water resource management plans.

Mr. Brown stated he has been asked to sit on this panel and it is an open forum and invited all of the Commissioners to attend. He explained the different entities that are members of the Central Nevada Regional Water Authority.

XIV. NEXT MEETING DATE ACTION ITEM

- A. June 30, 2010

Mr. Brown asked when the site visit to Trout Creek was scheduled.

Chairman Spratling indicated it is scheduled for the 15th of June and asked who would be attending.

Mr. Brown stated we will post a meeting in case there is a quorum.

Chairman Spratling stated everyone will meet at the County Building at 8:00 a.m. and plan on being out at the Tomera's at 9:00 a.m.

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

Pursuant to advice from the Nevada Attorney General's Office, this time is devoted to comments by Natural Resource Management Advisory Commissioners and/or County Staff for general information or update purposes. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

Mr. Brown asked if any of the Commissioners would be interested in changing the time of the regularly scheduled meeting. There was discussion and everyone agreed to continue to hold the meetings at 6:00 p.m.

Chairman Spratling commented that the Tomeras wanted to take the Commission on an additional field trip of their allotments being more than just Trout Creek and suggested that those attending bring a lunch.

XVI. ADJOURNMENT

ACTION ITEM

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

Minutes Clerk, _____
Kelly Watson

Date Approved, June 30, 2010