

**Northeastern Great Basin Resource Advisory Council  
Meeting Minutes  
April 27, 2006  
Eureka Opera House  
Eureka, Nevada**

**Resource Advisory Council (RAC) Members Present and Category Represented:**

Sheri Eklund-Brown	(3) Elected Official
Art Gale	(1) Grazing Permit
Cyd McMullen	(2) Cultural Resources
Barry Perryman	(3) Academic
Hank Vogler	(1) Grazing Permit
Jeff White	(1) Energy/Minerals

**Bureau of Land Management (BLM) Representatives Present:**

Mike Brown	Public Affairs Officer, Elko Field Office
Stephanie Connolly	Acting Field Manager, Ely Field Office
Helen Hankins	Field Office Manager, Elko Field Office
Elroy Masters	Wildlife Biologist, Nevada State Office, Reno
Jerry Smith	Field Manager, Battle Mountain Field Office
Stephanie Trujillo	Administrative Assistant, Ely Field Office
Penny Woods	Groundwater Projects Manager, Nevada SO

**Other Attendees**

Jim Baumann	Eureka County Natural Resources Advisory Committee
Matt Leck	Southern Nevada Water Authority
Judy Overton	Eureka County, Dept. of Natural Resources
David Palmer	U.S. Forest Service, Ely Ranger District
George Parman	Public, Eureka
Mike Smith	HDR Engineering, Reno, Nevada
Dave Woodruff	Public, Eureka

**8:15 a.m. Vice-Chairman Hank Vogler welcomed everyone and called the meeting to order. Everyone introduced themselves.**

**I. REVIEW & APPROVAL OF MINUTES FROM PREVIOUS MEETING**

Jeff White and Sheri Eklund-Brown provided corrections to the Battle Mountain Meeting Minutes. **The Minutes with corrections were approved by acclamation as noted by Vice-Chairman Hank Vogler.**

## **II. WATER RIGHTS**

Water Rights Filings: Jerry Smith

- Jerry Smith gave a presentation on Water Rights Filings. BLM is filing for beneficial use of water. BLM has the authority under FLPMA.
- Helen Hankins asked if the State of Nevada recognizes these uses as beneficial.
- Jerry Smith said yes. Wildlife is included under recreation.
- Hank Vogler asked that since the State of Nevada owns the wildlife, is this duplication?
- Jerry Smith said No.
- Hank Vogler said he is concerned with stock water rights and referred to the Hage case. Permittee has the right to the water and each side of the ditch for beneficial use. The preliminary opinion on appropriate rights recognized the 1866 ditch right-of-way.
- Jerry Smith discussed the Hage situation. He added we need to have the State Water Engineer here. There has to be sufficient water flow beyond appropriated rights.
- Mike Smith said that Nevada State Laws says water belongs to the public. He favors making a legislative change to reserve use for wildlife.
- Jim Baumann said there already is a reservation for wildlife by state law; wildlife are not excluded.
- Art Gale commented that he has water rights on his property dating from the 1870s and asked if it is necessary to change the law.
- Helen Hankins said that when ranchers move their cows off an allotment, they sometimes shut off access to water.
- Jerry Smith said water rights are established by law – First in Time, First in Right. He discussed the Geyser ranch 140 acre feet of water Wetmore bought for water rights to ship to Coyote Springs. The government does not have a voice in what happens to this water. It cannot impact prior existing rights.
- George Parman said that he thinks there is a state law which says water belongs to the state and wildlife belong to the state, therefore what is the federal government's role?
- Helen Hankins said the state owns and allocates wildlife and the federal government manages wildlife habitat. BLM is concerned with what we manage for. Fundamentally, BLM is concerned

that wildlife have water and if we don't file now, it may be too late. The arbitrator is the State Water Engineer – who decides who can file and if BLM's filings are legitimate.

- Dave Woodruff said that most riparian areas and threatened and endangered species habitat is on private land. He asked what the difference is between vested rights and appropriated rights.

- Jerry Smith said anything prior to 1905 is vested water right and after 1905 the state began appropriating.

- Hank Vogler discussed beneficial use is grazing. He added you have to prove a lineage on any spring. In the Ely District water based water rights must prove the chain of title on federal land. If a rancher is misusing he could lose those water rights. He expressed concerns with use of water for grazing and the needs for water in southern Nevada.

- Helen Hankins said that BLM is concerned that there is enough water in Northern Nevada for wildlife.

- Art Gale discussed underground springs. He turns his water on and off at springs. If BLM files water rights on those springs, then can BLM go in and turn on the springs?

- Helen Hankins said she does not know the answer. BLM is concerned with water troughs, not underground springs. Hankins discussed the availability of water for wildlife, birds, big game, etc., - which is BLM's only objective.

- Jerry Smith said other uses BLM is concerned with are recreation, in-stream flow, and water for wild horses. There have been four rulings from the State Water Engineer for wildlife use. There have been 60 water rights granted by the State Water Engineer to BLM in Nevada since 1991. This information will be sent to RAC members with the minutes of this meeting.

- Sheri Eklund-Brown expressed concerns with BLM filing for water rights. The State Engineer and NDOW should be involved. NDOW should be a partner with BLM.

- Jerry Smith said that BLM asked NDOW to file jointly with BLM. NDOW is looking into it now with the Governor's office. NDOW is not interested in all the reasons BLM is filing such as wild horses. BLM filing is authorized by FLPMA and the State Engineer recognizes this authority.

- Sheri Eklund-Brown expressed concerns with BLM filing on top of Art Gale - the example of underground springs – which could damage Gale's water.

- Helen Hankins said the BLM State Director invited NDOW to join BLM to file. NDOW has not done so yet. Water is key to long-term economics, tourism, etc., in Northeastern Nevada.

- Mike Smith asked how many springs would be filed on and how much would it cost?

- Helen Hankins said she does not know how many and the cost is \$250 per filing.
- Mike Smith suggested a legislative change to how these water rights are currently filed; it is the only way for wildlife to get standing.
- Dave Woodruff said he keeps 15 wells going through the winter and has never seen anyone helping him. Water in valleys is from wells. Who fixes the pumps? There is no cooperation. Wild horses use the well water. Filing on water is simple; keeping the water flowing is something different.
- Jim Baumann said that ranchers are concerned with wildlife. Many families have been here over 100 years. His ancestors developed many springs in the area.
- George Parman said he knows BLM is sincere. In 1947 he had cattle on the Carson River. He heard these same stories in 1947 and AUMs were 4 cents each then. There used to be thousands of head of livestock. What happened? It's starting small now, but will it escalate. What will it be like in ten years?
- Barry Perryman asked if monitoring shallow aquifers in playa basins in on the beneficial use list. If we draw down 6", we will dry up the vegetation. This thing going on in Las Vegas is a stupid idea – water will run uphill to money.
- Jerry Smith said he does not know the answer and will ask the State Engineer. Smith discussed beneficial uses. He agrees with Jim Baumann that we need caretakers. BLM's interest is to legally recognize and document wildlife use of water.
- Hank Vogler discussed NDOW's reluctance to file water rights.
- Jeff White said in 2005 Water Resources Meeting, Jon Hutchings chaired a panel discussion on non-traditional uses.
- Stephanie Connolly suggested having the State Water Engineer invited to talk to the group- in January they were invited and presented at the Tri-RAC meeting, none of the questions were answered.

### **III. SAGE GROUSE CONSERVATION PROJECTS**

Elroy Masters (Wildlife Program Lead at BLM Nevada State Office) gave the presentation and distributed handouts.

- Elroy Masters said the BLM treats sage grouse as a sensitive species. The U.S. Fish and Wildlife Service did not decide that sage grouse should be listed. The northwestern and northeastern sections of Nevada have the largest strongholds of sage grouse on public land. BLM wants to continue conservation efforts for sage grouse.

- Sheri Eklund-Brown asked on the map what does the red signify in northeastern Nevada.
- Elroy Masters said it shows densities of leks and breeding areas. BLM will participate in conservation efforts and completed the National Sage Grouse Habitat Conservation Strategy in 2004. Oil and gas plans have been completed using best management practices to address sage grouse.
- Barry Perryman commented not to trust the map. Monitoring is not well represented and the maps show sampling.
- Hank Vogler asked if BLM is addressing wind energy farms and their impacts on sage grouse.
- Elroy Masters said BLM has not yet developed wind energy measures for sage grouse.
- Sheri Eklund-Brown asked about oil and gas development; and how is this brought into play with development and habitat. BLM should have best management practices and ways to address it when in planning process.
- Helen Hankins added that we do not have much oil and gas – only 11 wells in the Elko Field Office, which makes everything open to subsequent leasing. If large fields were discovered, BLM would have to do another EIS because the current plan does not discuss full field development. Half of all leks in Nevada are in Elko County.
- Jerry Smith discussed the Battle Mountain Field Office and oil and gas potential.
- Sheri Eklund-Brown commented that Newmont is a leader in sage grouse habitat for on or off-site mitigation.
- Hank Vogler asked about impacts of wind and alternative energy development.
- Elroy Masters said there are more impacts from the right of way disturbance. There is a Wind EIS Corridor Study that is west wide. The corridors' web sites have updates of where they are at. The impacts on migratory birds depend on location and resources.
- Hank Vogler added that the top ten oil and gas wells in Nevada are in Railroad Valley.
- Mike Smith asked what the impacts to the public users are and what the management of the sage grouse is.
- Elroy Masters said most is guidance for BLM for management practices.
- George Parman asked about communication towers and their impact on pygmy rabbits. The theory is raptors would be able to pick off these rabbits.

- Jerry Smith said the proposed power line to the communications tower would give raptors an access for pygmy rabbits. Solar power was used instead.

**10:00 a.m. - Vice-Chairman Vogler announced the Public Comment period is open.**

-Hank Vogler asked if the pygmy rabbit is a sagebrush obligate species.

- Elroy Masters said there is conflict. We must look at the health of the vegetative community.

- Stephanie Connolly said we are resource objective driven. We look at the overall vegetative community, not just a spot on the ground to burn. It's based on watershed.

- Hank Vogler commented that it all boils down to interpretation,

- George Parman remarked that goats are being used for controlling weeds, there was a large study done on this.

- Sheri Eklund-Brown said that Elko received a \$10,000 grant for weed control using goats.

- Elroy Masters said the sage map was created with USGS.

- Stephanie Connolly asked if any findings have been released on the Falcon-Gonder study.

- Elroy Masters said the study showed that predators did not increase.

- Barry Perryman discussed the Montana sage grouse study. It suggested that BLM encourage groups to study sage grouse at different times of the year, not just in April when they're on leks. Blood differs substantially throughout the year and the nutritional quality of the habitat is more critical than cover. Most studies are looking at the wrong parameters.

- George Parman asked about the impact of ravens' and crows' predation on grouse.

- Barry Perryman remarked that APHIS put out poisoned eggs in a project in Washoe County. Ravens are federally protected bird – they are migratory birds.

- George Parman asked if there is no control on them now.

- Barry Perryman said they are listed and migratory.

- Jerry Smith said BLM is still working on plans and is working with NDOW for studies using radio collars.

- Mike Smith made a statement for the Public Comment Period that since water and wildlife belong to the public, BLM should spend money to introduce legislation to change the law and reserve a portion of every water right for wildlife. It is prudent to leave some water for wildlife – make it a default position.

**10:30 a.m. - Break**

**10:45 a.m. – Meeting Resumed**

#### **IV. CLARK, LINCOLN, AND WHITE PINE COUNTY WATER PROJECTS**

- Penny Woods distributed a map handout and gave the presentation on the Clark, Lincoln, and White Pine Counties' Groundwater Development Project.

- Penny Woods discussed that the Lincoln County Land Act - enacted in November 2004 as Public Law 108-424 Lincoln County Conservation, Recreation and Development Act of 2004. It set up requirements for public lands within Lincoln County for Wilderness, land disposal, utility corridors, an OHV trail, open space parks, and jurisdictional transfers between DOI agencies.

Provisions for what is now known as BARCASS which will provide information and data for White Pine County and parts of Lincoln County and adjacent areas of Utah. The final report will be available by January 2007. There is a requirement that Utah and Nevada make an agreement on the adjudication of water rights in the basins that underlie both states.

What has BLM been asked to do? In mid 2004 and early 2005, BLM received several rights-of-way requests:

- One rights-of-way application from the Southern Nevada Water Authority (SNWA) covering three Nevada counties and
- Developing water from seven aquifer basins.
- Three rights-of-way applications from Lincoln County Water District (LCWD) covering one Nevada county and developing water from three aquifer basins.

Changes since the original applications include:

- The Lincoln County Water District alignment which is paralleled by SNWA's project has been dropped. An agreement between the two entities was reached in January 2006.
- The Tickaboo lateral has been eliminated from SNWA's proposal. - LCWD is not pursuing the Garden Valley lateral at this time.
- The seven states which are party to the Colorado River Compact have reached additional agreements for which DOI Secretary will issue guidelines in December 2006.

The power point presentation included following slides:

SNWA's Application:

Water-

- 115-195 wells

- 285 miles buried water pipeline

- 3 pumping stations

- 6 regulating tanks (3 million gallons)

- 40 million gallon buried storage reservoir

- 150 ml gal/day water treatment facility

Power- 265 miles 230-kV power line

- 120 miles 69-kV power line

- 2 electrical substations

- 2 hydro-turbine energy recovery facilities

7 Hydrologic Basins

- Coyote Spring Valley

- Delamar Valley

- Dry Lake Valley

- Lake Valley

- Cave Valley

- Spring Valley

- Snake Valley

What has been done thus far:

Scoping April-Aug 2005 Issues

- Water resources

- Data Gaps

- Project Description

NEPA Process

Environmental Issues

Land Use

Fish and Wildlife

Alternatives

Socioeconomics

LCWD Application

Kane Springs

- 4 miles pipeline

- 7 production wells

- 500K Gallon Storage Tank

- Power lines and access roads

- 5,000 AF per year

- 1 hydrologic basin

  - Kane Springs Valley

Lincoln County Land Act  
43 miles pipeline  
up to 18 production wells

Power lines and access roads  
24,000 acre feet per year

2 hydrologic basins:  
Clover Valley  
Tule Desert

- Penny Woods introduced Mark Leck from the SWNA and said that BLM is looking at three projects.
- Mike Smith asked which proposal ends May 1<sup>st</sup> and what does that mean?
- Penny Woods answered that BLM went to the public for issues and comments. It is the blue line on map.
- Hank Vogler asked if Western Watersheds had commented.
- Penny Woods said nothing has been received yet. The alternatives have not been written yet.
- Stephanie Connolly added that the scoping period is still open.
- Helen Hankins asked if a statewide news release will be released and Woods answered yes. People can go to [www.nevada.blm.gov](http://www.nevada.blm.gov) to comment.
- Hank Vogler said he saw a map of oil leasing and it is in same spot as the pipeline. Aren't public corridors supposed to follow each other?
- Penny Woods answered that the proponent has said that it is a less evasive route.
- George Parman asked how long this is projected to last for Las Vegas.
- Penny Woods said it will be part of the analysis. SWNA is exploring different types of water resources.
- Barry Perryman commented that by the time the pipeline is complete the water will already be in someone's house.
- Hank Vogler remarked that there is no buffer. This is not a solution to Las Vegas growth.

- Helen Hankins said that SNWA is looking at multiple actions.
- Penny Woods commented that water is established by the State Water Engineer not the government.
- George Parman asked if agriculture and livestock versus municipal use by people in Las Vegas; can they take your water.
- Hank Vogler said, yes, but you would have to be reimbursed. There is no controlling federal authority; the authority is the State Water Engineer.
- Sheri Eklund-Brown said that they (Las Vegas) are part of Nevada and are citizens of the state. She referred to a meeting yesterday, of looking at a PRISM study of 350,000 acre feet already allocated.
- Hank Vogler commented that in Reno you cannot build a house in the area without providing the water for it prior.
- Helen Hankins suggested that considerations for the group with regard to growth in Nevada - they are state issues (legislature) concerns need to be addressed to your legislators. If the proposed transfer of water causes damage to surface resources - that is the avenue for the RAC to work with BLM.
- Stephanie Connolly asked if the scoping report funnels these issues with the state.
- Penny Woods said we meet regularly with the State Engineer. The LCLA is located 43 miles above Mesquite. We're continually assessing the scoping and have number of cooperating agencies. We have set up technical review teams to analyze data and develop new data.
- Sheri Eklund-Brown asked what about counties that were denied – Elko and Eureka. We were told that another committee would be formed and Elko has reapplied for cooperating status.
- Helen Hankins stated Elko County should they reapply and look at how a cooperating agency is defined. Hankins asked if the Central Nevada Water Authority is a cooperating agency.
- Penny Woods said they are not.
- Stephanie Connolly asked where the denial came from.
- Penny Woods said it came from Ely Field Office,
- Helen Hankins remarked that Ely was of opinion that Elko did not fit because they were not impacted or they did not bring special expertise or jurisdiction.
- Sheri Eklund-Brown said the flow systems interact together.

- Penny suggested that they submit letter.
- Stephanie Connolly asked how the Department of Interior is involved.
- Penny said the Department will be informed and have knowledge of process.
- Barry Perryman asked for the estimated timeframe for the project.
- Penny Woods said by the end of 2008.
- Helen Hankins said BLM is likely to get thousands of comments which will affect the timeframe. Hankins suggested that the RAC develop a list of questions they want answered and re-invite SNWA to a meeting and present the questions you want answered.
- Hank Vogler asked about water rights that the mining industry holds.
- Jeff White said that they pump out 35 thousand gallons per minute for the Newmont mine. White discussed how they use the water and put it back into the Humboldt River. They strive to re-infiltrate; the water rights are temporary and not certifiable.
- Sheri Eklund-Brown commented on tribal involvement in the SNWA project.
- Helen Hankins said it is treated as government to government.
- Penny Woods said it is early in process for LCLA project. Contacts will be made for cooperating agencies. The decision is targeted for mid-fall 2007. A water rights hearing for Spring Valley is scheduled for September 11, 2006. It requires data disclosure by June 30, 2006.
- Hank Vogler remarked there are no desert land entries in Spring Valley. There is no farming in the lakebed, it's moved to riparian areas.
- Helen Hankins suggested inviting Hugh Ricci to the next RAC meeting.
- Stephanie Connolly said that when the analysis is done we (BLM Ely Field Office) will want to tap into it. The agencies have their own data and we have coordinated a data sharing meeting so that efforts are not duplicated.
- Penny Woods said we already have completed this process.

The June 15<sup>th</sup> meeting will include a joint session with the Mojave Southern RAC and the Northeastern RAC and the Ely RMP to hear the Ely Final RMP update and a Groundwater Development project discussion. Hugh Ricci will be invited to speak.

- Stephanie Connolly said that Friday, June 17<sup>th</sup> will be the Eastern Nevada Landscape Coalition tour and Saturday is volunteer day.

**Noon – Lunch break**

**1:05 p.m. – Meeting Resumed**

**V. COOPERATIVE RANGELAND MONITORING UPDATE**

- Barry Perryman gave the Rangeland Monitoring update. The Cooperative Agreement is being advertised. At the range school yesterday in Winnemucca, people were encouraged to look at the Cooperative Agreement. The Nevada State Office has direction on how to proceed and mechanism is in place. One permittee in north Washoe will be signing up and Art Gale is the other permittee.

- Art Gale said we have had some meetings, but have not made much progress other than buying equipment for photo points.

- Barry Perryman commented they are planning three permittee monitoring schools. One will be at the Gund Ranch the end of August. He has contacted Agee Smith and spoke at a Stewardship Group meeting on this subject. They are interested in sponsoring a school. There will be schools held in Elko and one in Ely in the next two to three weeks. There is a window of opportunity - emphasizing they need knowledge of monitoring, need some training so that they know on the ground what it is.

- Art Gale said there needs to be a reason for them to participate. The reason is what's in it for me.

- Barry Perryman remarked that monitoring will allow you to become a better manager. There should be other objectives. Meeting those objectives means things are looking good in the future, which means that it will carry you. There are some cases that you may be able to increase your AUMs.

- Helen Hankins said we launched into this because we do not have the sufficient staff to do all the monitoring. In a recent case in Elko, the judge did not support multiple uses. We had to do the NEPA work over. Then they came in with removal of livestock, and the permittee said I should have had my own data.

- Jerry Smith commented that BLM will collect enough data to see if we meet our standards. Having the permittee out there is beneficial.

- Art Gale remarked that you don't get to make very many mistakes; maybe they are taking this information home and are looking or thinking about it. We have reached 60 permittees already.

- Helen said there are several permittees that are not meeting with BLM and are hiring consultants to collect data which is a change. Elko is doing permit renewals which propose changes based on monitoring data. We will be doing 150 permits in the next three years.

- Sheri Eklund-Brown said the Nevada Cattlemen's Association is encouraging groups to get involved.

## **VI. MINING UPDATE**

- Jeff White gave the Mining Update. On behalf of the mining industry, he recognized Del Fortner's efforts and thanked him for all he's done. These will be some big shoes to fill on Del's retirement.

- Gold is up to \$600 an ounce and is driving exploration activities up. BLM is working on bonding issue there is no backlog which has helped the mining industry. Voluntary mercury emissions replacement program controls are required. Parts of the environmental communities are opposed to the regulations. The Forest Service is seeing additional activities in the Mountain City and North Cumberland area.

- Sheri Eklund-Brown asked about abandon mine shafts on recreation trails and remedies, and what sources do we have for remediation of these shafts.

- Jeff White responded that Newmont and other mining companies are working with the Division of Mining in an effort to do total closure versus fencing. In the biological reviews, bats are a holdup. Money is being spent on these reviews instead of closing shafts. Newmont would cooperate in joint efforts.

- Jerry Smith commented that the Battle Mountain Field Office cooperated and closed 50 shafts most in the Tonopah area this year.

Sheri Eklund-Brown commended Newmont for stepping up to the plate for these efforts.

## **VII. FIELD MANAGERS' AND DISTRICT RANGERS' REPORTS**

- Dave Palmer with the U.S. Forest Service gave District Ranger Pat Irwin's updates. They concluded a feral cow removal (KD Livestock) project and removed 80 animals. They are looking at an option for a sage grouse enhancement project removing pinion juniper around springs. The NEPA work will be done in 2007.

- Sheri Eklund-Brown discussed a district-wide grazing study showing socio-economic impacts of livestock and management thru UNR. Eklund-Brown is to contact Gary McCuin and Bill Griggs. Cooperating extension is willing to participate.

- Stephanie Connolly said that Gene Kolkman's retirement date is May 3<sup>rd</sup>. Connolly will be the Acting Field Manager and will bring in an Associate Field Manager. Hiring will be quicker than it used to be as they have a pool of applicants. The Assistant Field Manager for Renewables position was filled by Bill Dunn. The Caliente Field Station Field Manager and Associate Field Manager positions are vacant. There is a projects partnership with Merlyn Flake and Gracian Uhalde. There is public lands bill language to change the Lincoln County Lands Act that would give us funding resources. SNPLMA nominations for projects are open in July.

- Sheri Eklund-Brown reported that there will be a Hill Air Force Base Expansion project teleconference on Tuesday. Fifty percent of Nevada's air space is restricted and we are not open for anymore in Elko County. There is no economic base for Elko or White Pine Counties as the work force is out of state. There are horror stories of them doing other activities that are not approved—dead deer, etc.

- No additional updates from Jerry Smith or Helen Hankins.

- Sheri Eklund-Brown will invite Boyd Spratling to represent ranchers at the next meeting.

**Jeff White moved the meeting adjourned and the motion was seconded by Barry Perryman. All in favor. Meeting adjourned at 3:45 p.m.**

Date Approved:

Approved by:

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Minutes by Stephanie Trujillo and Mike Brown