

Northeastern Great Basin Resource Advisory Council (NERAC)  
Ely, Nevada  
September 30, 2010

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

Vince Garcia	(3) Native American
Barry Perryman	(3) Academic
Patsy Tomera	(3) Public-at-Large
Dave Gaskin	(3) Environmental
Sheri Eklund-Brown	(3) Elected Official
Neil Frakes	(2) Environmental
Kevin Lee	(1) Transportation/ROW
Larry Hyslop	(2) Wildlife
John Winnepenninx	(2) Wild Horse & Burro Specialist

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

Gerald "Jerry" Smith	District Manager – Battle Mountain District
Ken Miller	District Manager – Elko District
Rosey Thomas	District Manager – Ely District
Travis Young	Ely District
Amanda Anderson	Range Management Specialist – Ely District
Tim Coward	Renewable Energy Coordination Office (RECO) Project Manager – Battle Mountain District
Chris Worthington	Planning & Environmental Coordinator – Battle Mountain District
Schirete Zick	Public Affairs Officer – Battle Mountain District
Judy May	Resource Assistant – Elko District

**Other Attendees:**

Bruce Holmgren	Incoming RAC Member, Nevada Department of Environmental Protection (NDEP)
Don Phillips	Rancher – Ely
Dan Nelson	UNR Cooperative Extension - Ely

**Call to Order** Vince Garcia, NERAC Chairperson, called the meeting to order at 8:10 a.m. Vince welcomed everyone and asked for self introductions. After introductions were made a video of the Montazuma and Paymaster Wild Horse and Burro gather was shown to those present.

**Approval of Minutes from March 4, 2010 and June 18, 2010** Sherrie Eklund-Brown motioned to approve the minutes of the March 4, 2010 meeting. The motion was second by Barry Perryman and motion passed. Vince Garcia motioned to approve the minutes of the June 18, 2010 meeting. The motion was second by Patsy Tomera and motion passed.

**Cooperative Monitoring** Gary McCuin gave a video presentation of the cooperative monitoring efforts that are being done on the Big Springs Ranch and the following is the ensuing discussion that followed the video presentation or was stated by Mr. McCuin during the presentation.

- Cooperative monitoring began back in the 1990s when the Standards & Guides were being written to give guidance as to the attainment of rangeland health.
- A Cooperative Monitoring workshop will be held on October 1, 2010 at 9 a.m. at the Bristlecone Convention Center in Ely, Nevada. The Gund Ranch will host the event.

- Input from others (i.e. permittees) assist in the decision process as to what needs to happen out on the ground. Cooperative monitoring benefits the permittees and the Bureau of Land Management (BLM). The BLM cannot be at all the places all of the time, and monitoring is needed to properly manage the lands.
- Cameras are a good resource for monitoring conditions as they can show before and after effects.
- Rosey Thomas encouraged everyone to put Cooperative Monitoring Agreements into place.
- Ken Miller stated that Megan Brown with the Nevada Cattlemen's Association would like to see a Cooperative Monitoring workshop be held on the Elko District. Ken also stated that Ron Wenker supports cooperative monitoring across the state and would like to see more happening within the state.
- Larry Hyslop would like to see a Rancher's guide to cooperative monitoring.
- Barry Perryman would like to see a standardized agreement. Ken Visser is working on getting one out by the end of the year. Barry also stated that the Districts need to help in getting agreements in place with the permittees.
- Jerry Smith stated permittees need to be monitoring to reach objectives. Winnemucca has included cooperative monitoring in their Resource Management Plan (RMP).
- Sherrie Elkund-Brown asked why the ranchers are not jumping on the opportunity cooperative monitoring provides. Barry Perryman answered in that cultural resource issues are a big reason and maybe why ranchers are reluctant to participate in cooperative monitoring efforts.
- Cooperative monitoring is new to everyone, and it is beginning to get off the ground.
- Dan Nelson stated that the ranchers want to know what the benefits are to cooperative monitoring.
- Sherrie Eklund-Brown commented that Western Watersheds Project (WWP) will never approve of anything that involves the BLM.
- Jerry Smith stated that some ranchers do not have the time or the money to spend on monitoring, so they want someone else to do it. With that in mind the more data we have, the more it will stand up in court. Especially if the BLM and the rancher's data shows the same thing regarding the resource.
- Vince Garcia mentioned that litigation is a big expense to the ranchers and the BLM needs to be out doing the monitoring not spending all of their time in the office writing responses to appeals filed by WWP.
- Jerry Smith has received a lot of flak for inviting WWP into the permit renewal process. Saval Ranch sat down with WWP and discussed the issues. By involving WWP it has helped them to understand the process and Jerry feels it has lead to WWP not filing appeals on grazing decisions issued by the Battle Mountain District Office.
- Sherrie Eklund-Brown stated that WWP may litigate and they may not litigate.
- Jerry Smith stated that WWP has made it clear that they do not like fuel reduction projects, especially when it comes to burns or mowing. However they do not seem to have problems with thinning projects where the trees are cut down. Battle Mountain BLM went to WWP headquarters a while back and Katie Fite indicated it was the first time that anyone from the BLM had been to their office. Jerry also feels the procedure is the issue with WWP not necessarily the data. Jerry told those present to make sure to get involved with all your publics. Invite all your interested publics to field tours because communication is very important. Vince Garcia did inform those present that WWP had been invited to the joint meeting of the Resource Advisory Council (RAC) that was held in Jackpot, Nevada awhile back. They did not show up.

**On-Going NEPA – Minerals and Grazing** Each of the District Manager's previously submitted to the RAC Coordinator a list showing their district's on-going NEPA projects. Below is discussion regarding the handouts presented during the meeting.

Battle Mountain District Office has had during the 2010 Fiscal Year 108 CXs; 26 DNAs; 18 EAs of which took 4 to 6 months or a year to prepare; 1EIS which usually take approximately 18 months to 4 years to prepare.

- Mining notices do not require NEPA.
- Chris Worthington stated that the Battle Mountain District Office processes approximately 200 NEPA related documents a year. Of which most are done as CXs with the exception of fuel treatments.
- Ken Miller stated EISs will be associated with RMPs. As far as Ruby Pipeline goes the Elko District was not the lead on the project so many of the specialists are pulled off of internal projects to provide input on documents that have been contracted out. Emigrant mine expansion was thought to take 18 months, however we are in year 6 and the EIS is still not complete due weaknesses in the draft according to the EPA (Environmental Protection Agency). Ron Wenker, Nevada State Director will be meeting with the EPA in Washington, DC on October 14, 2010 to work out the

issues or concerns. Simple EAs take a long time due to change in staff members, policy etc. Workloads increase each day and the staff it takes to meet the deadlines decreases. Environmental groups need to be invited to participate from the beginning.

- Patsy Tomera does not understand how her neighbor can get a pipeline installed in a year while she is still waiting after 8 years.
- According to Rosey Thomas the Ely District had 18 EISs on the books at the start of their RMP process and due to the number of Renewable Energy projects that are coming through the door that number has changed to around 160 projects needing NEPA.
- Barry Perryman asked if the workload has gone down with regards to NEPA because of EIS being done when the RMP was written. Rosey responded by saying that they are already looking at an amendment. Such as the Robinson Mine and the expansions that go along with a mine. Also Solar was not looked at when the RMP was written. So yes the EIS related to the RMP has helped in some respect to the workload. However it has severely increased in the Renewable Energy arena.
- The Battle Mountain District will begin the fuel reduction project in the 7 Mile area. DOJ is trying to settle the lawsuit. Will not be in Judge Windmill's court. Jerry Smith is unsure if Judge Windmill dismissed the case or not. WWP trying to get TRO on the 7 Mile prescribed burn.
- Gary McCuin commented on the amount of time goes into completing an EA or EIS only to have it appealed and then the time it takes to litigate the issue.

#### **9:35 a.m. Break – reconvened at 9:45 a.m.**

**Public Comment Period** – Vince Garcia solicited for public comments. Don Phillips commented that he will be attending the cooperative monitoring session tomorrow at the Bristlecone. Mr. Phillips has dealt with the Forest Service regarding monitoring and if it was not for him doing the monitoring it would not get done. He has seen a lot of turnover in Rangeland Management Specialist in the last 5 years. He wondered what goes on in the BLM, so he decided to take the opportunity to attend the meeting to find out what goes on with the BLM workload. After sitting here today and listening to the issues at hand, he believes all permittees need to get more involved with the BLM.

**\*\*Vince Garcia would like to see Cooperative Monitoring on the agenda for the Tri-RAC meeting to be held November 3 through November 5, 2010.**

**On-Going NEPA – Minerals and Grazing continued** - Barry Perryman stated that the whole NEPA process takes so long and by the time it is settled in Court, you basically start over again. The NEPA planning process is not very effective and feels the RAC needs to ask Congress for ways to help the BLM in dealing with the NEPA process. Jerry Smith stated that the BLM is making contractors very rich in participating in the NEPA process. NEPA has become a mechanism for litigation, not so much the act itself but what the environmental groups get out of it.

Sherry Eklund-Brown commented that Counties are very aware of the problems NEPA has caused, which makes Counties as equally interested in the Right for Equal Justice.

**Renewable Energy – update from each District** – The Ely and Battle Mountain Districts gave a handout of Renewable Energy Projects that are or will be happening on those Districts and below is the discussion that ensued. The Ely District has seen an increase in applications and will see more of an increase once SWIP South is actually connected to SWIP North. The Notice to Proceed has been issued on both the South and North with the Plan of Operation approved on September 10, 2010. Also discussed was the fact that the EIS was approved in 1993 and the Decision Record issued in 1994. The expected completion of the entire line is 2012.

Ely's RMP did not address Solar Energy due to it not being in high demand at the time. So issues of nesting and perching birds were not addressed in the RMP with regards to Renewable Energy, and where lines should be or should not be installed. Sage Grouse tend to move away from the power lines which in turn affect the leks. Rosey Thomas said that Spring Valley Wind is first project to come in off of Highway 6 in Spring Valley. The Company doing the project feels all the hoops have been cleared to do this as an EA not an EIS. Each project has its issues and most people see Renewable Energy projects as "not in my backyard."

Ken Miller stated it is important to get help from the RAC in addressing the RMP Amendments, such as prioritizing the issues; where to allow renewable energy projects.

Sherry Eklund-Brown suggested using GIS more often and showing how all of the projects overlap into areas that are heavily impacted.

Kevin Lee commented that wind is going to be the first impact that the Districts feel and then solar. So the BLM should let the RAC know what the needs are.,

Vince Garcia does not want to see his cows sitting under a power line and he does not want to see acres of solar panels. Vince asked if there was anything that the BLM said no to. Just because the yellow areas of a map indicated public lands should not mean that is the preferred area companies should be looking at.

Tim Coward – Based on the results from current testing that have been done, no company has wanted to proceed in regards to wind. Most of the Solar in the District is going in near Tonopah. Battle Mountain District currently has a draft EIS which may be permitted by the end of the year on a 653 foot solar tower. The location has been cleared by the Military with regards to flight paths. Mirrors will be used on the tower and molten salt will be used to generate the heat. Battle Mountain does not have any proposed transmission lines in their district. The district has geothermal energy projects. When energy projects are proposed, they require several Rights of Ways. Renewable energy projects being done under fast track do not lighten the work load it increases it, due to the RMP needing to be amended. Geothermal projects require two types of water to be used which are deep waters and shallow waters. The shallow waters have an impact on sage grouse.

Ken Miller – Elko District has not seen any proposed solar power projects. As far as geothermal energy projects go, Spruce Mountain has been deferred and the Ruby Marsh/Ruby Mountain areas have been denied applications because of the cultural resource issues. This area is sacred to the Western Shoshone and currently has been appealed. China Mountain wind energy project is currently in the EIS stage and is being worked on by both Idaho and Nevada BLM offices the draft EIS to be completed by December 2010. Several Met Towers have been put in around West Cherry Creek and the Pequop Mountain ranges. Larry Hyslop asked if the wind towers would be placed on the mountain peaks. Ken Miller answered by stating that is the reason for the Met Towers to record the wind speeds and therefore will indicate the best placement of the Wind Turbines.

Tim Coward stated that solar projects disturb roughly 2,500 to 3,500 acres while Wind projects take approximately 1 to 2 acres per tower. The Air Force is currently testing solar panels to see if they blow apart when the jets fly at mach speeds. Cities and Counties need to get in on the discussion when it comes to Renewable energy projects due to the impacts to the landscapes. Wind towers maybe seen in the same light as Communication towers are with respect to where they would be located and the acreage needed to put them up. Neil Frakes stated, “We need to take a good hard look at these types of projects and the impacts they will have.”

**SNWA Pipeline Update**- Rosey Thomas stated that with the decrease in population Las Vegas has seen a decrease in applications being submitted for water. The current models being used to show demand are not giving a clear picture of the impacts. The Snake Valley agreement between Nevada and Utah EIS was to be out in February 2010 with the Record of Decision (ROD) out sometime in 2011. With the population decreasing and the demand diminishing, hopefully things are being looked at as to the wide spread impacts. Sherry Eklund-Brown asked if the ROD would have timelines as to when things would need to be completed. Rosey Thomas did not have the answer because there has not been much talk about the project due to the decrease in demand.

Vince Garcia called for a lunch break.

**11:45 a.m. Break for Lunch – Reconvened at 1:15 p.m.**

**Battle Mountain Resource Management Plan (RMP) Update and Subgroup Discussion of roles and tasks** – Chris Worthington announced that EPSI was awarded the bid for the Battle Mountain RMP. October 13 and October 14, 2010 there will be a meeting with the ID team. They will also hold a “Jump Start your RMP” meeting the 2<sup>nd</sup> week of October to begin the Visual Resource Inventory (VRI) sampling points. Federal Register process should not slow down the process, which

scoping cannot begin until it has been posted in the Federal Register. VRM has different levels of potential uses, such as mining; minerals; ghost towns, historical areas etc. A meeting was planned where the Southern and Northern RAC members would meet to discuss the RMP, however a date has not been set due to conflict with dates. Jerry Smith stated that all the information needed to write an AMP will take a long time to gather and there will always be the need for updates. The RAC primary function is to provide information on the RMP's and not knowing what will be coming down the pipe in 20 years is the challenge in writing an RMP. Solutions need to be developed and offered for any RMP. Barry Perryman offered to help Battle Mountain with proof reading the RMP and adding input as needed.

**Manager's Reports** - Jerry Smith reported the following members terms are up: Jeff White; Patsy Tomera; Sherry Eklund-Brown; Neil Frakes and Dave Gaskin. Jerry thanked the outgoing members for their time and commitment to RAC. The new members of RAC will be: Bruce Holmgren (NDEP); William Wolf (Public at Large); Laurie Carson (Elected Official); Jacob Carter (Grazing); John Prier (Environmental). There will need to be further discussion at the next Tri-RAC meeting as to who will be replaced on the Tri-RAC Board.

Jerry Smith also reported on the issue with the Dalton horses. Mr. Dalton had a permit to graze in the Underwood Allotment in the 1990's. You could say he became somewhat of a Sagebrush Rebellion by not paying his grazing fees in 1993. Mr. Dalton lost his base property which was water. So when this occurred he moved next door, which was on public land. The process took 5 years to obtain the Court Order to move him off of the public land. In the mean time Mr. Dalton had moved everything and anything onto the land which created more problems. The Battle Mountain District had to pay the fees associated with the removal of the items Mr. Dalton had acquired over the years and pay the disposal fee. Jerry said he met with Mr. Dalton several times and basically Mr. Dalton knew he was on public land but did not have the financial means to move nor the willpower to move. Mr. Dalton also had 3 horses on the land and after July 1, 2010 the Court deemed that the horses had been abandoned by Mr. Dalton. When it came time to deal with the horse issue the Department of Agriculture would not take the horses. After all was said and done the BLM ended up with the horses and the Battle Mountain District Office paid out a lot of money to dispose of Mr. Dalton's abandoned property.

Vince Garcia asked the Managers how they feel about the proposed Treasured Landscapes Act. Ken Miller stated unless it is an actual Act, Nevada will not have any worries. The issue will be addressed in RMPs as needed with regards to WSAs (Wilderness Study Areas). WSAs will remain WSAs until such a time as Congress addresses the issue.

Ken Miller went on to inform those present that the Elko District has been approached about a Wild Horse sanctuary on the Spruce allotment which contains both public and private land. BLM is working with the organizations and individuals on the issue. There may be newspaper articles on the subject however there are several hurdles that need to be overcome to make this a reality. The wild horse sanctuary would be managed much in the same way cattle grazing on public lands are managed. The Emigrant and Genesis EIS are ready to be printed, however the EPA is holding up the Notice to Proceed. They would like to see no risk involved. Emigrant will be the 3<sup>rd</sup> EIS to go to CEQ since its creation. The California Trail Center will be a subject for the RAC in the future as to whether a fee will be charged to visit the Center. The 2010 Fire season was a success. There were 77 fires on the District with 36 of those fires started by lightning and the rest were human caused. SNPLMA 2007 Rock Creek is moving forward with a settlement. Rodeo Gold Corporation owns the property but they do not want to sale. They would like to preserve the area and they say money is not an issue. Round 12 of SNPLMA is now open. Offices in Las Vegas, Ely, Carson City and Battle Mountain will be looking for support in regards to habitat restoration, watershed protection and campgrounds.

Jerry Smith handed out Certificates to the outgoing RAC members and thanked them for their time and dedication to the RAC.

Patsy Tomera motioned for adjournment and Sherri Eklund-Brown seconded the motion. The meeting adjourned at 2:25 p.m.