



LINCOLN COUNTY BOARD OF COMMISSIONERS

January 17, 2012
Commission Chambers
Lincoln County Courthouse
181 Main Street
Pioche, Nevada

Commissioners

Paul Mathews
Kevin Phillips
Tommy Rowe
Paul Donohue
Ed Higbee

#1-CALL TO ORDER/ROLL CALL/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Tommy Rowe called the meeting to order at 9:06 a.m. Clerk Lisa Lloyd called the roll.

PRESENT: KEVIN PHILLIPS
ED HIGBEE
TOMMY ROWE
PAUL DONOHUE
ABSENT: PAUL MATHEWS

LISA LLOYD, Clerk
DANIEL HOOGE, District Attorney

There is a quorum present and the agenda was posted on 1-11-12. The Invocation is offered by Tommy and Kevin led the Pledge of Allegiance.

#2-PUBLIC COMMENT

Tommy called for public comment. None offered.

CONSENT AGENDA

- #3 Approve/Deny minutes of the January 3, 2011 meeting.
- #4 Approve/Deny reappointment of Ron Kozak, Bill Devlin, and Keith Stever to the Housing Board.
- #5 Approve/Deny reappointment of Keith Larson to the Regional Transportation Commission as a representative from Caliente, per the recommendation from the City of Caliente.
- #6 Approve/Deny original and renewal business licenses with staff recommendations (an itemized list of business licenses is available for public review in the Building Department prior to the meeting).

Ed made a motion to approve the consent agenda, with the exception of Item 3 as the date listed on the agenda is incorrect; seconded by Kevin. All voted in favor.

#7-VOUCHERS

Recorder/Auditor Leslie Boucher presented the vouchers and cash balance report. General County has a balance of \$394,311.95 with estimated expenditures being \$137,158.45. This leaves General County with a balance of \$257,153.50. Transportation has a cash balance of \$2,469.86 with estimated expenditures being \$4,114.25. This will leave Transportation with a negative balance of \$1,644.39. Senior Nutrition has a balance of \$2,632.51 with estimated expenditures being \$9,977.07. This will leave Senior Nutrition with a negative balance of \$7,344.56. Detention Center has a negative cash balance of \$116,520.49 with estimated expenditures being \$74,997.95. Detention Center will have a negative balance of \$191,518.44. November's payment has been received, but we are still waiting for December. Solid Waste has a balance of \$31,900.67 with no expenditures. Solid Waste owes LC Water Special Projects, Fund 87, \$27,484.15. Airport has a balance of \$3,546.52 with estimated expenditures being \$331.81. Airport will have a balance of \$3,214.71. Planning has a balance of \$25,163.03 with expenditures being \$2,608.84. Planning will have a balance of \$22,554.19. Leslie received a letter from the Department of Taxation outlining violations. Actual expenditures/expenses of the following funds have exceeded budgeted appropriations: Alamo Town Special Revenue Fund, Panaca Town Special Revenue Fund, Senior Nutrition Special Revenue Fund, Ambulance Special Revenue Fund, Pioche Public Utility Electric Enterprise Fund, and Senior Nutrition Special Revenue

Fund. Senior Nutrition has been overspent by \$15,571. \$20,163 was budgeted for this year. In order to fix the problem, Leslie would have to augment \$35,734. The fund can be augmented or Senior Nutrition will have to cut expenditures; the Board will have to decide. Leslie is looking for direction as she has already extended every avenue of help that she can think of to help them not go over budget. A letter must be written to the Department of Taxation within 60 days. Dan McArthur will meet with Pioche Town on 1-26. Paul D. believed that the problems were resolved when this happened before. No; the problems continue and this is a different violation from last year. Toni Pinkham has submitted a letter of request to RTC for funding to make Transportation whole. The Airport Fund has a loan payment of \$6,000 due at the end of June. BLM has an office at the LC Airport. BLM hasn't paid rent on the building they have their equipment in as they've said they are going to erect a new building. Ed spoke with someone at BLM and was advised that they will pay the amount of rent that they owe. LC Airport needs more funds budgeted next year or this fund will continue in the red. **Paul D. made a motion to approve the vouchers as presented with the exception of LCTS and Mountain Mercantile; seconded by Ed. All voted in favor. Ed made a motion to approve the vouchers for Mountain Mercantile; seconded by Paul D. Kevin disclosed that he is part owner of Mountain Mercantile; he refrained from all discussion pertaining to MM and abstained from the vote. Motion carries. Kevin made a motion to approve the vouchers for LCTS; seconded by Ed. Paul D. abstained and disclosed he is an employee of the telephone company. Motion carries.**

#8-OFFICER/DEPARTMENT HEAD REPORTS

DISTRICT ATTORNEY Daniel Hooge met with attorneys for C&O and Mesquite last week. C&O and Mesquite are determined to get time for discovery, in spite of the fact that the last stay ended five months ago. They are looking to depose some of the Commissioners. Discovery will continue for about 90 more days, then Daniel will file a motion for summary judgment. Daniel's new deputy, Tony Graff, will start work in February. Mr. Graff has been working for the US Attorney for about one year.

#9-RESOLUTION #2012-02

Kevin made a motion to approve a resolution authorizing the creation of the Property Management Fund; seconded by Paul D. This fund is tailored for the old Panaca Elementary School and will be used for the operation/maintenance of the building. **All voted in favor.**

#10-BUDGET TRANSFER

Kevin made a motion to approve the transfer of \$53,194 from the Lincoln County Water Special Projects fund to the Property Management Fund; seconded by Ed. All voted in favor.

#11-HIGHWAY COMMISSION

This item is handled under separate agenda.

#12-BUREAU OF LAND MANAGEMENT ROAD AGREEMENT

This item is a continuation of discussion held at the last meeting concerning a road maintenance agreement with Bureau of Land Management (BLM). Shirley Johnson and Ty Chamberlain are present on behalf of BLM. Tommy outlined his concerns. Paragraph 1, Section B, is very confusing and Tommy asked for clarification. Ty responded that this paragraph states that whatever this document does, it doesn't impair any of the county's rights already in existence. Tommy feels that, unless it's a new road, all the roads going back through the years belong to the county under RS2477. Ty stated that this is an argument that the county could make, but would have to do so through the court system. This agreement isn't nullifying any existing rights and pertains only to the maintenance of the roads. Tommy discussed Item 2 (Routine Maintenance), which requires no less than 48 hours notice before the planned activity. Ty responded that he is working with Steve Chouquer on roads that fall under routine maintenance. This section applies to emergency, unexpected situations and BLM would like to be notified if it is anything that doesn't fall under normal maintenance. Ty will meet with Steve and Paul D. on a quarterly basis to discuss the schedule; should there be any changes to what is discussed at these meetings, 48 hours notice would be required. There is some discussion about the cattle guard that got washed out at Bankhead Jones. It can be repaired as early as this week as BLM will authorize the work. Victoria Barr has stated that she will sign the permit, but Tommy questioned the need for a permit to conduct routine maintenance on this cattle guard. Ty stated that the contention is that it isn't on a county road; the county doesn't have a right-of-way (ROW) on this road granted by BLM. A permit is required to do the repair as it is outside the border

of routine maintenance. Tommy asked how the repair of the cattle guard will be affected if the road agreement isn't signed today. Ty stated that it would have no effect on the repairs. Kevin stated that if this is routine maintenance the Board is hesitant about getting into a schedule of notification that shouldn't be required based on the fact that it is routine maintenance. Ty agreed. BLM is trying to make certain that both sides are notified and aware of what's going on. Most of the problems that have arisen in the past are a direct result of lack of communication. Tommy disagrees with the 20 year term of the agreement. Ty stated that the county will have ROWs on nearly all of the roads before the agreement expires. The agreement can be terminated following one year's written notice to the other party; Tommy thinks this is too long. A correction is made to terminate the agreement 90 days after written notice. Even if we have the ROWs through RS2477 we still have to work with BLM to maintain them. Tommy had an older version of the agreement, including maps. Paul D. advised that he is concerned somewhat about the language outlining who gets paid for what. **Kevin made a motion to propose counter-language and continue this issue to the next meeting; seconded by Ed.** Ronda Hornbeck discussed the fifth whereas, which says that the county believes it is primarily responsible, needs to be researched. Ronda stated that the county maintains the roads; BLM hasn't had an operator out maintaining the roads. It is the county's responsibility. Ty responded that this isn't correct; they have a grader out working today. Steve advised that the grader is working on wilderness roads. **All voted in favor.**

#13-LINCOLN COUNTY FIRE DISTRICT

This item is handled under separate agenda.

#14-PANACA FIRE DISTRICT

This item is covered under separate agenda.

#15-LEADERSHIP EDUCATION

The training would be sponsored by the Extension Office and would be fully funded. **Ed made a motion to approve a letter of support indicating an interest or need for Leadership Education in Lincoln County; seconded by Paul D. All voted in favor.**

#16-POSSESSORY USE TAXES

This item concerns the Possessory Use Tax due and owed to LC as set forth in NRS 361.157 and the contract with Ashley Hall & Associates. Paul D. reviewed the history of this issue. Since the initial meeting, Paul D. has met with several different people. Paul D. stated that it isn't possible to collect taxes and then pay a person a percentage of those taxes. Paul D. reviewed a letter from the NV Tax Board that states that LC must not understand that we are already receiving taxes from the NV Test Site. Paul D. stated there are some elected officials who are concerned about this and have said they wash their hands of this as it will all fall apart. Tommy asked Daniel to research this issue. Paul D. commented that the percentage of take that would result from this is very high. The county has people that have been elected by the public to handle the collection of taxes and the assessments. Kevin responded that he and Ed have made efforts to ensure that the Assessor is included, but she doesn't want to be part of the team. Our entire ad valorem revenue is about \$2.5 million; this is primarily private property. The first swag we are looking at is taxes owed under the law. The amount we are receiving from the US Treasury is about \$95,000, but should be about \$2.5 million more per year. Kevin feels we have an obligation to the residents of the county to collect taxes due and payable to residents of LC. It should be received to the maximum amount as required by the law. Kevin stated the Assessor is under the constitutional obligation to identify and request taxes owed to the LC Treasurer and taxpayers. There is a substantial pile of money of owed tax revenue. Kevin stated that the Assessor needs to be, and feel, a part of the team; she will make the assessments. With the difficulty of her assignment on this type of property, it is obvious that it isn't happening or it would be in the treasury. The Board can help bring her the information needed to assess the possessory use tax owed to the county. Paul D. stated that we must be careful. If you push a possessory use tax policy, then taxes could be assessed and enforced on other companies like the telephone company. When this happens and the company is required to pay retroactive costs and current costs, it will be passed on to the taxpayers. Entities that could be included are PPU, LCTS, LC Power District, or anyone who has items in the rights-of-way. Paul D. feels this item could be opening the flood gates. Paul D. stated that years ago DA Phil Dunleavy went after Area 51 heavily for taxes. Paul D. discussed the history of this, and stated that this is how we ended up getting the little bit of money that we do now. It is a huge ball of wax, this possessory use tax issue. All of the fees charged will be passed back onto the people. Kevin responded that the intent of this effort

is to pursue possessory use tax on federal installations. Kevin stated this is a significant amount of money that will be a huge benefit to the citizens of this county. If it is received, taxes could be cut and the benefit could be shared with the people of the county. Kevin is comfortable with this effort; all is legal. DA Daniel Hooge stated that he is concerned that the contract has already been executed; it is a performance contract. If the Board decides to back out now, the county is liable for the time spent. The legality of the contract was addressed at the last meeting and subsequent changes were made. Any information presented to the county will be shared with the Assessor; it is Mr. Hall's job to outline how things proceed forward. If it comes back that there is money owed, it will be up to the Assessor to pursue it. Vaughn Higbee stated that the law is very specific about the things that can't be done, including AUMs. Vaughn will provide Paul D. with that section of the law, which was written that way to protect the items that Paul has been talking about (utilities). Paul D. asked, if Mr. Hall brings a proposal to the Board, and the Assessor refuses to pursue it, will the county have to pay Mr. Hall? No. The entire contract is based on what arrives in the treasury. No action is taken on this item.

#17-OLD PANACA ELEMENTARY SCHOOL

Paul D. discussed the ownership of the Panaca Elementary School and reviewed the history of how the county came to be in possession of it. Paul D. has been approached by several different people interested in putting businesses in the old school. Paul D. stated that this needs to be done and the building needs to be opened to people that have a use for it. The school district will keep two rooms in the building for adult education; Paul D. understands that the school is waiting for a letter of approval from the Board. Once that's received, the school district will cut a check for \$40,000 to the county. DA Daniel Hooge stated that he attended the school board meeting and presented a deed/rental agreement. The only thing lacking at that time was the legal description of the property and a map showing the two rooms they would be using. Daniel understood that the school board didn't have the funds to have the property surveyed, but they thought they could get it done for free. Once the map is completed it will be recorded with the deed. This is the hold up at this point. Paul D. stated that the county has the keys to the building. The deed and lease agreement are ready to go; we just need the survey completed. The insurance money will not be released until the deed is signed and recorded. Gary Elmer is working to find out about a biomass furnace/air conditioner. The county is currently paying the power/water on this building. No action is taken.

#18-PIOCHE TOWN BYLAWS

Ed made a motion to approve the bylaws adopted by the Pioche Town Board on December 13, 2011; seconded by Paul D. All voted in favor.

#19-LINCOLN COUNTY HIGH SCHOOL DONATION

Tommy advised that Lori Cheeney, the teacher taking the students to DC, is his daughter. Lori addressed the Board and discussed the school trip to Washington, DC. Lori is the Government History teacher at LC High School. There was a large gap in the time that LCHS participated in Close-up, so Lori put together a program. The trip is from February 28-March 5. There are 19 kids going this year. Steven Freitas stated he's never been to DC and is excited to see our history and how our government works. Kaleigh Soderborg discussed what she is learning in government class. Kaleigh is excited to go to DC. Hatty Brown stated that she has always loved history and government; this is a good opportunity to go and learn. Hatty has always been interested in the Holocaust. Brooke Stever is interested in the hands-on experience of going to DC. Neil Cheeney stated he's been to DC twice and loves it there; he wants to go again. Lori advised that all the regular monuments are toured. Ford's Theater, the Pentagon, Holocaust Museum, Smithsonian, Old Town Alexandria, Mt. Vernon, and several other points of interest are on the itinerary. Kevin asked the kids to not the inscription on the statuary as you climb the staircase to the National Archives; he asked them to remind themselves that those pieces of paper govern the most powerful and the freest nation on earth. **Ed made a motion to approve \$1,900 from Land Act Education Fund, Fund 94; seconded by Paul D. Tommy abstained. Motion carries 3-1.**

#20-COMMISSIONERS' ADMINISTRATIVE ASSISTANT

Mike Cowley, Meadow Valley Justice of the Peace, presented discussion concerning the restructuring of time allocations for the 3rd floor administrative assistant. Mike reviewed the history of this position; the position is paid for three ways. Mike stated that he is getting much more than his 1/3 and he is requesting a review of the position to reallocate the times to 50% for the Justice Court, 25% for Commissioners, and 25% for Grants. Mike has spoken with the Grants Administrator, Elaine Zimmerman, who agrees that she isn't getting a full 1/3 of the

position. Mike stated that the court should be paying its fair share. Eventually, Mike would like to petition for a full time position; there is no way to run the court effectively with only one clerk. Initially, when the job description was drawn up this position was listed as a confidential employee. Reviewing confidential employee, this position doesn't even come close. Mike feels this position should be classified as clerical, which would allow her to have the benefits covered by the clerical contract. Denice Brown, the employee being discussed, has worked here for four years, but has never received a pay increase as she was classified as confidential. Paul D. asked where this position would begin on the clerical pay scale. Mike stated that right now she's at the bottom of the scale with no representation. Mike stated that anything we put forward along these lines would be appreciated by the employee. Mike stated this request isn't just for Denice Brown; it's for the position that has been incorrectly classified from the start. Mike suggested that Denice be given a couple of steps. DA Daniel Hooge stated that this Board is bound by the union agreement and the contract would have to be followed. There is nothing wrong with Denice being part of the contract, but the Board can't unilaterally decide to start her at a different step. That would have to be negotiated with the unit. Mike advised that you don't have to be a member of a labor union to work in this state. Denice doesn't have to be a member of the labor group to receive the benefits; that's a personal choice to be made by her. Mike is simply asking that this position be equal to other positions under the agreement. **Paul D. made a motion approve the reallocation of time for the 3rd floor assistant (50% Justice Court, 25% Commission, 25% Grants); seconded by Ed. All voted in favor.**

#21-COMMISSIONERS' ADMINISTRATIVE ASSISTANT

This item is limitedly discussed in Item 20. Paul D. asked that the Board get familiar with the numbers prior to approving the change from confidential employee to clerical. Mike will present information depicting what a step increase will cost. **Paul D. made a motion to look into the numbers prior to reclassification; seconded by Ed. All voted in favor.**

#22-ROAD MAINTENANCE AGREEMENT

This item was tabled.

#23-LINCOLN COUNTY TREASURER

This item concerns the process that will be employed to appoint a new LC Treasurer; Treasurer Kathy Hiatt will be retiring January 31, 2012. There is no legal process established by statute. DA Daniel Hooge opined that a committee should be formed and this position should be advertised and applications should be received. Interviews should be held, recommendations brought forward, and then the Commissioners will appoint to fill the vacancy. **Paul D. made a motion to form a separate committee (including Daniel, Kathy Hiatt, Lisa Lloyd, Ed & Kevin), to have Denice advertise the position, to hold interviews and present 2-3 names to the Commission for appointment; seconded by . All voted in favor.**

#24-TEMPORARY TREASURER

Paul D. made a motion to temporarily appoint Shawn Frehner as Treasurer, effective February 1, 2012; seconded by Ed. Daniel will research whether or not Shawn will have to resign as deputy and whether or not she will be paid elected officials' wages. **All voted in favor.**

#25-RIGHT OF WAY N-25629 IN DELAMAR MOUNTAINS

Right-of-Way (ROW) N-25629 is located in the Delamar Mountains east of Gregerson Basin. Cory Lytle stated he and Richard Simpson will take a couple of pick ups and some guys to help clean up this site. **Paul D. made a motion to approve the renewal of right-of-way N-25629 and to clean up this area; seconded by Ed. All voted in favor.**

#26-ORDINANCE #2012-01

This item is a continuance of the previous discussions concerning an ordinance authorizing the Building and Planning Department to issue penalty fees associated with various code enforcements. Kevin read the proposed ordinance into the record. Paul D. asked if this ordinance will be in effect as of the date passed, or will it be retroactive. The ordinance reads that those who get red-tagged will have to pay the fee. It is not retroactive, unless the person was red-tagged and it was never cleared up. Cory works to clear up the red-tag issues long before resorting to this. Paul D. questioned whether or not this ordinance is needed if there is an avenue in the LC Code that provides for enforcement. There is some overlap between this proposed ordinance

and the Code. Regulations exist, but they give the authority to issue red-tags. There is no code enforcement; this helps with that, and recovering costs for dealing with the violations. **Kevin made a motion to propose the ordinance and set it for public hearing on February 21, 2012 at 1:00 p.m.; seconded by Paul D. All voted in favor.**

#27-TRANSFER STATION SITE PATENT APPLICATIONS

Ty Chamberlain is present from Bureau of Land Management (BLM). Cory Lytle stated that currently we have pending patent applications for Hiko, Rachel, Beaver Dam, Dry Valley, Mt. Wilson, and Eagle Valley transfer station sites. Each site is approximately 5 acres. Cory is working to create an easy reference for each of the sites. Hiko and Eagle Valley are definitely in need of ROW. The reason that the maps are drawn the way they are is because it is a simple legal description. Eagle Valley and Hiko are the only two that Cory will be approaching for ROW. Fencing on three sides will be needed for prevailing winds. The entire five acres won't have to be fenced. ROW would be granted for Beaver Dam now and it would be moved to the top of BLM list. The road will be handled separately but concurrent with the application. **Kevin made a motion to approve the submission of patent applications and ROWs; seconded by Ed. All voted in favor.**

#28-TRANSFER STATION SITE FENCING

Cory Lytle advised that these fences are three sided, 75 feet long, six foot tall chain link. Paul D. stated that he would feel better if we had prices. Cory will choose a few contractors to obtain prices. The fencing will only be around the dump site, not the entire proposed five acres for Beaver Dam and Mt. Wilson. **Paul D. made a motion to approve the fencing for the Beaver Dam and Mt. Wilson transfer station sites and to ask Recorder/Auditor Leslie Boucher for a good funding source; seconded by Kevin. All voted in favor.**

#29-RESOLUTION #2012-01

Maggie Orr presented a resolution with the Conservation District to authorize them to act on behalf of LC to repair Mathews Drop structure and other structures in Meadow Valley Wash. A committee will need to be formed, points of contact identified, and communication lines opened for the Mathews Drop Structure. Daniel recommended handling this through resolution as opposed to memorandum of understanding. **Paul D. made a motion to approve the resolution; seconded by Ed. All voted in favor.** Maggie requested that information be passed on to the Courthouse staff advising that Cory is in charge of this project. **Ed made a motion to appoint Cory Lytle as Project Manager, Maggie Orr as Project Coordinator, and to appoint Rob Mathews, Susan Hansen, Kevin, Maggie, and Cory to the committee; seconded by Paul D. All voted in favor.**

#30-MATHEWS DROP STRUCTURE

This item concerns the method needed to address the head cutting of the Mathews Drop Structure. Shane Cheeney stated that the Road Department will put some fill in, but they aren't certain where the funding will come from. Ronda Hornbeck suggested that the Board send a letter to Congressman Heller about this situation. Glenn Zelch suggested there might be funding in the Flood Control District's budget; if there is, they are willing to apply it to the emergency repair. Total costs are unknown at this point. Paul D. stated that there is about \$15,650 in the flood control fund. The county will cover the repair costs. Ronda further stated that this is an emergency situation and there is a fund set up specifically for that.

#31-CALIENTE 250 TRUCK/BUGGY RACE

Cory Lytle stated that he hasn't received a complete application for the Caliente 250 conducted by Bonneville Off Road. No action is taken.

#32-YUCCA CHUCKER RACE

Kevin made a motion to approve the Yucca Chucker motorcycle race on March 31, 2012, located on Six Mile Hells Half Acre Flat; seconded by Ed. All voted in favor.

#33-HIGHWAY 318 NEVADA OPEN ROAD CHALLENGE/SILVER STATE CLASSIC

Ed made a motion to approve the Highway 318 Nevada Open Road Challenge on May 20, 2012, and the Silver State Classic Challenge on September 16, 2012; seconded by Paul D. All voted in favor.

#34-LC NUCLEAR OVERSIGHT PROGRAM

Connie Simkins reported that we have received a letter from Assistant Secretary of Nuclear Energy, Peter Lyons, which says we will get five weeks more funding from the current year's budget. Mike Baughman is in San Francisco speaking at an international biomass conference. There is another hearing on renewable transmission initiative on January 26; Connie will attend this meeting in Reno. Connie will be visiting with Bret Whipple concerning his advice on possible close-down activities that will be coming our way. Vaughn Higbee stated that it was assumed that there would be funding that would come due to the pressure. Paul Seidler spent a whole day with Jaczko, the NRC chairman. It was believed that Jaczko would be gone, that Congress would remove him, but that isn't going to happen. This reinforces the delay in everything. From a political side, it doesn't look like anything is going to happen until after the 2012 elections. Paul S. will be in DC the next few weeks to try and find out how they want us to begin gearing down. Once the elections are over, depending on the politics, Congress will continue to actively pursue Yucca Mountain. No action is taken on this item.

#35-SOLAR ENERGY DEVELOPMENT

This item concerns a letter regarding comments to the Draft Supplemental Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States. Connie Simkins addressed the Board and reviewed the letter. Connie stated that in four different places we offer support for the Air Force training and testing. The Board agreed that "we want more coordination and consultation" should be added. **Ed made a motion to approve the letter and comments and to authorize Tommy to sign it when it's ready; seconded by Kevin. All voted in favor.**

#36-COMMISSIONER REPORTS

COMMISSIONER KEVIN PHILLIPS spent a great deal of time in Pahranaagat Valley working to understand the situation with 2nd North. **COMMISSIONER TOMMY ROWE** attended a meeting with Cory, Connie, Mike Scott, and Jeremy Drew regarding Wilson Wind. Tommy attended a Local Elected Officials meeting in Las Vegas on the 10th. **COMMISSIONER ED HIGBEE** attended a meeting with Paul Seidler, Ashley Hall, Vaughn Higbee and Kevin concerning the possessory use tax. Ashley's idea is only to bring the county intelligence, not to dictate to the county. Ed and Kevin went to Alamo to review the Robinson/Steele issue. **COMMISSIONER PAUL DONOHUE** suggested a way to divide the property up on 2nd North; he has it drawn up. Tommy suggested that the 20 foot roadway should be placed right up against the property that has been quiet titled. There was discussion concerning possibilities for dividing up the road. Nothing was decided.

#37-PUBLIC COMMENT

Tommy called for public comment. Connie Simkins advised that in March/April in Elko Congressman Amodei will be setting a field hearing on the ROD Travel Management Plan for Public Land in Elko County. Connie believes this will be aimed at LC in the future and that attendance at this hearing is important. Connie has been working (on her own time) to coordinate a wild horse tour in the area of Las Vegas for the National Association of Conservation Districts; it will be on 2-1. Connie attended the sage grouse scoping meeting in Ely on her own time on January 10. Connie recommended that she work with Cory to draft comments for the Commission to discuss pertaining to how they will keep the sage grouse from being listed. Connie opined that there needs to be more consultation and coordination between BLM, Forest Service, NDOW, and the Governor's Office. There is a NV Recovery Plan for sage grouse, but there has never been money to implement it. Comments should contain a direct connection to the county public lands use plan. We need to make sure the grazing lease renewals that have taken place since 2008 Ely Management Plan was implemented won't be negatively impacted with the sage grouse plan. Plans need to be written that will provide for our ranchers to keep their operations in place. Connie presented a series of five maps showing sage grouse and grazing allotments. Five energy projects that have preliminary applications in the Ely District office under the name of NV Wind have been sold to Apex Wind. Ely BLM has received a formal letter from Wilson Creek Wind/Champlain Energy asking for a 6-8 month stop on the project while this entity gets more information to put on their application. There are 5-7 months left before BLM sends Champlain a letter advising them to finish their application professionally or it will be cancelled. Connie referred to an article from Las Vegas Review Journal that advises of eagles nesting in the area of wind farm projects by Reno. Vaughn Higbee stated that when the Board is dealing with BLM the landfill in Dry Lake/Delamar needs to be addressed. Vaughn has had several different BLM people tell him that it doesn't exist, but he's had several Commissioners tell him it *does* exist. Paul D. understands there are about 900 acres designated for this.

#38-ADJOURN

There being no further business for the Board to attend to, Tommy adjourned the meeting at 3:52 p.m.

Attest: _____ Approve: _____

DRAFT