

**WHITE PINE COUNTY PUBLIC LAND USERS ADVISORY
COMMITTEE**

TUESDAY, September 8, 2020

6:00 p.m.

**White Pine County Library Conference Room
950 Campton Street, Ely, NV 89301**

AGENDA

- I. Call to Order**
- II. Pledge of Allegiance and Introductions**
- III. Public Comment**
- IV. *Discussion/for Possible Action - Approval of August 11, 2020 Meeting Minutes**
- V. Liaison Report**
- VI. *Discussion/for Possible Action**
 - A. *Update/Discussion/for Possible Action – Bureau of Land Management**
 - B. *Update/Discussion/for Possible Action – U.S. Forest Service**
 - C. *Update/Discussion/for Possible Action – National Park Service**
 - D. *Update/Discussion/for Possible Action – Nevada State Parks**
 - E. *Update/Discussion/for Possible Action – RCI, Jeremy Drew**
- VII. *Discussion/for Possible Action – Update from CRM on the White Pine County Public Lands Management Plan, OHV Section, County-Wide OHV Policy.**
- VIII. *Discussion/Action – Updates, Issues Contained in White Pine County’s Public Land Use Policies Including OHV Use, Energy, Minerals, Water, Land Sales, Greater Sage-Grouse, and Wild Horse and Burros.**
- IX. *Discussion/Action – Committee Vacancies, Resignations, Appointments**
- XI. Next Meeting Time and Date Announcement**
- XII. Public Comment**

XII. *Adjournment

Asterisks (*) Denotes possible action items of the White Pine County Public Land Users Advisory Committee

Public Commentary: A period devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. (NRS 241.020(2) (c) (3).)

Public Comment: Public Comment during the White Pine County Public Land Users Advisory Committee meeting on September 8, 2020 will be for all matters both on and off the agenda and be limited to three minutes per person. Additionally, public comment of three minutes per person will be heard during the individual action items. The Board reserves the right to reduce the time or limit the total time allowed for public comment. The Board may prohibit comment if the content of the comments is willfully disruptive of the meeting by being slanderous, offensive, inflammatory, irrational, or amounting to personal attacks or interfering with the rights of other speakers. Persons are invited to submit comments in writing on the agenda items and/or attend and make comment on the item at the White Pine County Public Land Users Advisory Committee meeting.

Note: All times are approximate except for items agendized at a specific time. Action may be taken on all items except where otherwise indicated. Items not scheduled for a specific time may be considered at any time and in any order to promote efficiency. The Board may combine two or more agenda items for consideration and may remove an item from the agenda or delay discussion at any time. Sponsorship of an Agenda Item by a member of the White Pine County Public Land Users Advisory Committee may not signify agreement with the requested action.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodation at the meeting are requested to notify the W.P. County Clerk's Office at 801 Clark Street, Suite #4, Ely, NV 89301 or by calling (775) 293-6509 at least two (2) days in advance.

I, Elanie Calderwood, did on the 2nd day of September, 2020 post four (4) notices of the White Pine County Public Land Users Advisory Committee Agenda in the County of White Pine, to-wit: At the White Pine County Library, White Pine County Courthouse, White Pine County Administration Offices, and Ely City Hall. The meeting notice is also posted to the White Pine County website at <http://whitepinecounty.net> and on the State of Nevada Public Notices website at <http://notice.nv.gov>. An additional copy of the Agenda along with supporting material, if any, are on display and available at the front counter of the White Pine County Clerk's Office at 801 Clark Street, Suite #4, Ely, NV 89301.



**WHITE PINE COUNTY PUBLIC LAND USERS ADVISORY
COMMITTEE**

TUESDAY, August 11, 2020

6:00 p.m.

**White Pine County Library Conference Room
950 Campton Street, Ely, NV 89301**

MEETING MINUTES

MEMBERS PRESENT: Jacob Carter, Mary Kerner, Craig Baker, Mark Tefft, and Bill Wilson

MEMBERS ABSENT: Dana Johnson

PUBLIC PRESENT: Jose Noriega, USFS, Laurie Carson, WPC Commission, Jeremy Drew, RCI via phone, Danny Reed, Elanie Calderwood.

- I. **Call to Order** Jacob Carter called the meeting to order @6:00 pm
- II. **Pledge of Allegiance and Introductions**
- III. **Public Comment**
- IV. ***Discussion/for Possible Action - Approval of July 14, 2020 Meeting Minutes**
Craig Baker made a motion to approve the minutes as presented. Bill Wilson seconded the motion. The motion passed.
- V. **Liaison Report** Laurie Carson reported that the CRM meeting was not held as the BLM is still closed to the public. The Pine Valley water line in Utah was discussed because of the potential impact to Snake Valley. The County submitted a letter in opposition of holding virtual meetings, the meeting should be held in the County that is impacted. She also spoke of the road issues on WP 1177 in Newark Valley.
- VI. ***Discussion/for Possible Action**
 - A. ***Update/Discussion/for Possible Action – Bureau of Land Management** No one was present.
 - B. ***Update/Discussion/for Possible Action – U.S. Forest Service** Jose Noriega spoke of the drought, other districts have been having issues with human caused fires so far this district has not. We are currently in Stage 2 for fires, which means no camp fires on any Federal Lands. He reported that the Forest Service is also having issues with Western Oil/Gold on WP 1177. He spoke on a new issue in the White Pines with the Tom Plain allotment there is a new permittee and the first day on the allotment they received their first notice of serious non-

compliance, and 30 days in they got their second serious notice of non-compliance. 25% percent of their permit has been suspended for three years. The office is still closed to public because of COVID-19 but services are available.

- C. ***Update/Discussion/for Possible Action – National Park Service** No one was present
 - D. ***Update/Discussion/for Possible Action – Nevada State Parks** No one was present
 - E. ***Update/Discussion/for Possible Action – RCI, Jeremy Drew** Jeremy Drew reported that in July they provided comments on the BLM Targeted Grazing EA, and the Moriah Herd Gather Plan EA. They are currently looking at the Pine Valley Pine Line Project in Utah. He did attend a scoping meeting asking if anyone in Nevada had been contacting, which they had not, he is composing comments on concerns of State of Nevada. Jeremy also spoke on a NV Energy project which is in preliminary stages. This is a project for renewable energy.
- VII. ***Discussion/for Possible Action – Update from CRM on the White Pine County Public Lands Management Plan, OHV Section, County-Wide OHV Policy.** Laurie Carson reported that the next scheduled meeting is September 4, 2020 due to COVID-19 it is unlikely that the meeting will take place. Jose Noriega reported that they did have the TRT meeting will limited participation. He will be sending out an email of rough notes from the meeting, he did not know when they will be able to schedule a next meeting. They are trying to gather information from other entities on their OHV plans/policies. Jacob Carter felt that committee would like the policy to meet all uses and balance out for everyone.
- VIII. ***Discussion/Action – Updates, Issues Contained in White Pine County’s Public Land Use Policies Including OHV Use, Energy, Minerals, Water, Land Sales, Greater Sage-Grouse, and Wild Horse and Burros.** Laurie Carson reported that there will be a meeting with NV Energy on August 25th regarding their new project, which is basically a meet and greet.
- IX. ***Discussion/Action – Committee Vacancies, Resignations, Appointments** There is on vacancy on the board
- XI. **Next Meeting Time and Date Announcement** The next meeting is September 8, 2020 @ 6:00 pm
- XII. **Public Comment** Jeremy Drew commented that White Pine County is not the only County dealing with OHV and RCI will assist when needed in the process
- XII. ***Adjournment the Meeting** was adjourned at 7:02 pm.

Asterisks (*) Denotes possible action items of the White Pine County Public Land Users Advisory Committee

**White Pine County Natural Resource and Public Land Issues Tracking List
For Resource Concepts, Inc. Project #20-125:
As of August 10, 2020**

June:

- Robinson Mine Expansion, Scoping
 - Comments submitted on 6/25/2020

July:

- BLM, Nevada State Office, Targeted Grazing Environmental Assessment
 - Comments submitted on 7/8/2020
- USFS Moriah Herd Area Wild Horse Gather Plan Environmental Assessment
 - Comments submitted on 7/22/2020

August:

- Pine-Wah Wah Valleys Pipeline Project, Scoping Comment Period
 - Comments due on 8/14/2020, Virtual Scoping Meeting on 8/5/2020
- NDWR Hearing on Proposed Designation of Long Valley and Newark Valley Hydrographic Basins 8/12/202
 - Delayed Until October, see attached letter
- NV Energy Green Link Transmission Project
 - Initial Meeting with County on 8/25/2020

Future Items:

- USFS Greater Sage-grouse Objection Period, Still Pending (Timeline TBD)
- DOI Grazing Regulation Updates (Timeline TBD)
- NDWR Hearing on Proposed Designation of Long Valley and Newark Valley Hydrographic Basins (Delayed until October: date, time and location TBD)

Upcoming Meetings:

- Public Land Use Advisory Council: 2nd Tuesday of each Month @ 6 pm (August 11)
- Water Advisory Council: 3rd Tuesday of each Month @ 6 pm (August 18)
- NV Legislative Committee on Public Lands: Aug. 11, Locations TBD (Virtual)
- NACO Public Lands and Natural Resources Committee: Aug. 27 @ 3 pm, Carson City
- White Pine County CRM: September 4, 2020 (Subject to Change)

**Final Draft:
For Commission Review and Possible Approval
On August 12, 2020**

August 12, 2020

Via email: pvwsproject@gmail.com

Bureau of Land Management
Attn: PVWS
176 DL Sargent Drive
Cedar City, Utah 84721

RE: *White Pine County, Nevada Scoping Comments to the Proposed Pine Valley Water Supply Project*

Dear Pine Valley Water Supply Project Team:

White Pine County, Nevada (County) offers these scoping comments to the Bureau of Land Management's (BLM's) Proposed Pine Valley Water Supply Project Environmental Impact Statement (EIS). Of the approximately 5.7 million acres that make up the County, about 4.5 million acres are public lands managed by the BLM. BLM-managed public land in the County supports multiple uses, critical watersheds, scenic values, and critical wildlife habitat.

In particular, the County is concerned about the potential for effects of this project to both ground and surface water in the Snake Valley Hydrographic Basin. Snake Valley borders Pine Valley to the north and west and is in both Nevada and Utah, including a portion in White Pine County. The above listed values help to support the County's customs, culture and economy, and all of these values are at risk of irreparable harm if the project reduces the current or future availability of groundwater or reduces flows of surface waters, particularly critical spring sources located in the Snake Valley.

Further, the County maintains a Water Resources Plan Element as part of its overall Master Plan. The below excerpts from that Element are pertinent to this project:

- 2. White Pine County recognizes that the protection and development of its water resources are essential to its short and long term economic and cultural viability.*
- 3. White Pine County shall consider the impact of water uses on existing as well as future water rights for agricultural, municipal, industrial, and domestic purposes.*
- 6. It is the intent of the White Pine County government to be notified of all state, interstate and other actions that have any impact on the water of the County prior to such actions being initiated.*
- 8. White Pine County shall participate in the development of riparian management plans in concert and coordination with landowners, rancher and the appropriate public agencies.*

The White Pine Master Plan, and specifically the Water Resources Plan Element, should be cited in the project EIS given the potential for direct and indirect impacts to water resources in White Pine County. A full updated copy can be provided to the Project Team upon request.

A review of the preliminary scoping documents, and participation in the project's virtual public meetings resulted in the following findings and concerns:

**Final Draft:
For Commission Review and Possible Approval
On August 12, 2020**

- The County was concerned that the “area of focused effects analysis” labeled as the “Child Model Boundary” on the map labeled “Pine Valley Water Supply Project – Groundwater”, included a significant portion of the Snake Valley in Utah, but did not extend into the Nevada side of Snake Valley. Given the potential hydrological connection between Snake and Pine Valley, this boundary should be adjusted in coordination with affected Nevada counties (White Pine and Lincoln) and the Nevada Division of Water Resources.
- The County was concerned that neither the Plan of Development, nor the scoping materials disclosed the location of proposed groundwater monitoring wells. All locations of monitoring wells as well as surface water monitoring locations should be identified and clearly disclosed. Locations should include areas in Nevada and/or along the Nevada-Utah state line to determine if affects are in fact bi-state in nature. Monitoring locations should be identified in coordination with affected Nevada counties and the Nevada Division of Water Resources.
- The County was concerned that many of the affects of groundwater pumping in Pine Valley will be “mitigated” through an Adaptive Management Plan. This means that mitigation will occur after negative impacts have already occurred. There was no additional detail provided regarding the Adaptive Management Plan or the process to develop and implement it. This must be included in the Draft EIS and include a role for affected Nevada counties and the Nevada Division of Water Resources.
- The County was disappointed to hear during the virtual scoping meeting that to this point in the process, neither the State of Nevada nor potentially affected Nevada counties had been formally consulted. This situation should be rectified, particularly as related to impact assessment, surface and groundwater monitoring, and development of an Adaptive Management Plan and process.

Based on these findings, the County has serious concerns with this project and its potential to impact water and other natural resources in the Snake Valley within White Pine County, Nevada. The County would reiterate its request for the BLM and other appropriate entities (such as the project proponent, US Geological Survey, etc.) to coordinate directly with the State of Nevada through its Nevada Division of Water Resources, affected Nevada counties, and the Central Nevada Regional Water Authority.

The County appreciates this opportunity to review and provide comments to this project. If you have any questions regarding this letter or require further information, please contact the County’s consultant, Jeremy Drew with Resource Concepts, Inc. at (775) 883-1600.

Respectfully,

Richard Howe, Chair
White Pine County Board of Commissioners

JLD/nb/ca

cc: Nevada Division of Water Resources
White Pine County Public Land Use Advisory Committee
White Pine County Water Advisory Committee
Lincoln County, Nevada
Central Nevada Regional Water Authority



WHITE PINE COUNTY DISTRICT ATTORNEY
MICHAEL A. WHEABLE
mwheable@whitepinecountynv.gov

August 5, 2020

Tim Wilson, P.E.
Nevada State Engineer
Division of Water Resources
901 South Stewart Street, Suite 2002 Carson City, Nevada 89701-5250

RE: Proposed Order to Designate Basins Within White Pine County

Dear Mr. Wilson,

We have reviewed the Notice of Hearing on Proposed Order to Designate Basins Within White Pine County, and the Proposed Order Designating and Describing the Newark Valley (154) and Long Valley (175) Hydrographic Basins Within White Pine County, Nevada, posted on or about July 10, 2020.

Please provide the undersigned, as counsel for White Pine County, with the data and information available to you at this time, under the provisions of Chapter 534 of the Nevada Revised Statutes, that warrant the designations of Newark Valley (154) and Long Valley (175) within White Pine County, Nevada, as referenced in your Proposed Order in the first.

White Pine County objects to the State Engineer's decision to hold a hearing virtually and not physically in White Pine County or the basins proposed to be designated as required by NRS 534.030(2). The purpose of the hearing as mandated in NRS 534.030(2) is to take testimony from owners of wells in the groundwater basins to determine whether administration of the basins is justified. There is no need or justification that this basin designation hearing needs to be held during the period Governor Sisolak's Emergency Directive 006 is in effect and no physical location provided for this hearing, especially when the Notice of Hearing states that the hearing will be scheduled for a later date if Emergency Directive 006 is NOT in effect. Many of the groundwater right holders in these basins do not have reliable internet service and would not be able to participate via video conference. We see absolutely no reason to rush this through by having the public hearing done remotely, when the statute requires the hearing be held in White Pine County. If the hearing cannot be held at this time in White Pine County, the hearing should

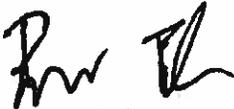
be delayed until it can be held in White Pine County. Failure to do so instead creates the appearance that this scheduling decision was made simply to make it more convenient for you and your staff. The COVID-19 pandemic should not be used as a basis to avoid compliance with the public hearing requirements contained in NRS 534.030(2).

Further, it does not appear your office has consulted with White Pine County regarding this basin designation. For example, White Pine County could advise the State Engineer that the majority of water rights in these basins are for irrigation and that it would be pointless to have a hearing in the middle of the irrigation /growing season when the water rights owners are most likely to be unavailable. White Pine County could further advise the State Engineer, based upon experience, that even if the owners of the water rights in the basins had access to reliable internet, which many do not, they are unlikely to attend and provide input at a virtual meeting. White Pine County would request that the State Engineer engage White Pine County in an advisory capacity before proceeding with the proposed hearing, including revised scheduling or accommodations that make this hearing available to all affected or interested citizens of the County.

Please be advised that White Pine County may consider legal action to stop the hearing should you attempt to hold it virtually with no location within the County as required by NRS 534.030 (2).

If you have any questions regarding the above, please feel free to contact the undersigned.

Sincerely,



Bryan Pyle
Deputy District Attorney
White Pine County District Attorney's Office

JLD/bp

CC:

Elko County (via email)
Eureka County (via email)
Lincoln County (via email)
Vidler Water Company (via email)
Central Nevada Regional Water Authority (via email)



**DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES**

901 South Stewart Street, Suite 2002

Carson City, Nevada 89701-5250

(775) 684-2800 • Fax (775) 684-2811

<http://water.nv.gov>

NOTICE OF CANCELLED HEARINGS

Please be advised that the **Hearings on Proposed Orders to Designate Basins**, previously scheduled for **Wednesday, August 12, 2020**, will be rescheduled for dates in October 2020:

- Pueblo Valley (001), Continental Lake Valley (002), and Gridley Lake Valley (003) Hydrographic Basins
- Dry Valley (198), Rose Valley (199), Eagle Valley (200), Spring Valley (201), Patterson Valley (202), and Clover Valley (204) Hydrographic Basins
- Newark Valley Hydrographic Basin (154) and Long Valley Hydrographic Basin (175)

Notices will be published in newspapers of general circulation in the related counties and posted on the Division of Water Resources website.