

1 The Honorable Board of Lander County Commissioners met in  
2 regular session in the Commission Chambers of the Lander County  
3 Courthouse in Battle Mountain, Nevada, on April 10, 2014, at  
4 9:00 a.m.

5  
6 **PRESENT:** DEAN BULLOCK, COMMISSIONER  
7 STEVEN STIENMETZ, COMMISSIONER  
8 DAVID MASON, COMMISSIONER  
9 PATSY WAITS, COMMISSIONER  
10 SADIE SULLIVAN, COUNTY CLERK  
11 NICOLE TING, DEPUTY DISTRICT ATTORNEY  
12 ROGENE HILL, FINANCE DIRECTOR  
13 JOY SWEENEY, HUMAN RESOURCES DIRECTOR  
14

15 **ABSENT:** BRIAN GARNER, COMMISSIONER  
16  
17

18 Let the record reflect the presence of a quorum of four  
19 commissioners.  
20

21 Let the record reflect the presence of Austin via telephone  
22 conference.  
23

24 [Meeting commenced on April 10, 2014, at 9:00 a.m.]  
25

26 VICE CHAIRMAN BULLOCK: Okay. We'll go ahead and call to  
27 order the meeting of Lander County Commissioners, Town Board of  
28 Battle Mountain, and Austin Board of County Highway  
29 Commissioners.

30 Please stand for the pledge.

31 Sadie, will you lead us, please.  
32

33 (Pledge of Allegiance.)  
34  
35

36 **APPROVAL OF AGENDA NOTICE**  
37

38 VICE CHAIRMAN BULLOCK: Discussion for possible action  
39 regarding approval of agenda notice.

40 DEPUTY DISTRICT ATTORNEY TING: Hi. Nicole Ting, for the

1 record.

2 I just wanted to make a small clerical correction for  
3 agenda item number 10. It's regarding the curfew hours for the  
4 Junior-Senior Prom, which will occur on April 12<sup>th</sup> rather than  
5 April 20<sup>th</sup>.

6 COMMISSIONER WAITS: I'll move we accept the agenda notice  
7 for April 10<sup>th</sup> with the correction.

8 COMMISSIONER STIENMETZ: I'll second the motion.

9 VICE CHAIRMAN BULLOCK: Any comments?

10 (No comment.)

11 VICE CHAIRMAN BULLOCK: All those in favor?

12 COMMISSIONER MASON: Aye.

13 COMMISSIONER STIENMETZ: Aye.

14 COMMISSIONER WAITS: Aye.

15 VICE CHAIRMAN BULLOCK: Aye.

16 Any opposed?

17 (No comment.)

18

19

20 **APPROVAL & ACCEPTANCE OF MINUTES**

21

22 VICE CHAIRMAN BULLOCK: Okay, discussion for possible  
23 action regarding approval and acceptance of minutes of the March  
24 12<sup>th</sup>, 2014, special session, budget workshop.

25 COMMISSIONER WAITS: Thank you. I do have some corrections  
26 on March 12<sup>th</sup>.

27 The first one is page 72, line number 8. It was a comment  
28 made by Ray Williams. And the correct wording is there: "I  
29 thought the hospital board funded all that money."

30 Page 79, that would be line number 8. And they're talking  
31 about we've gotten support from NCOT. That's Nevada Commission  
32 on Tourism, N-C-O-T.

33 And page 201, line 26, the correct name is Kim Buffington,  
34 B-U-F-F-I-N-G-T-O-N.

35 I do have a question on the minutes of March 27<sup>th</sup>.

36 VICE CHAIRMAN BULLOCK: Haven't got there yet.

37 COMMISSIONER WAITS: Do you want us to just --

38 VICE CHAIRMAN BULLOCK: We haven't got there yet.

39 COMMISSIONER WAITS: I was going to say, can we just  
40 approve this one first and go on?

1 VICE CHAIRMAN BULLOCK: Mm-hm.  
2 COMMISSIONER WAITS: Okay.  
3 I'll make a motion we approve the minutes for March 12<sup>th</sup>,  
4 special session, budget workshop with the corrections.  
5 COMMISSIONER STIENMETZ: I'll second that motion.  
6 VICE CHAIRMAN BULLOCK: Any comments?  
7 (No comment.)  
8 VICE CHAIRMAN BULLOCK: All those in favor?  
9 COMMISSIONER MASON: Aye.  
10 COMMISSIONER WAITS: Aye.  
11 COMMISSIONER STIENMETZ: Aye.  
12 VICE CHAIRMAN BULLOCK: Aye.  
13 Those opposed?  
14 (No comment.)  
15 VICE CHAIRMAN BULLOCK: Okay. March 24<sup>th</sup>, 2014, special  
16 session. We do not have those minutes.  
17 And then March 27<sup>th</sup>, 2014, regular session.  
18 COMMISSIONER WAITS: Thank you. I just have actually a  
19 question because I wasn't sure what the audio actually said on  
20 this. And we'll have to look into it.  
21 But it's page 28, line 30. And it was your comment,  
22 Commissioner Bullock, where you said, I thought sure you said,  
23 I'm not accusing. I was pretty sure that's what you said. It  
24 came out I'm accusing. But we'll have to check the audio  
25 because --  
26 We can stand as is or pick up the "not." I'm not sure.  
27 COUNTY CLERK SULLIVAN: And what we can do is we'll go back  
28 and listen to it after the meeting and then just, if you want to  
29 approve it with the correction depending on what is --  
30 COMMISSIONER STIENMETZ: Find out.  
31 COUNTY CLERK SULLIVAN: -- actually stated. Correct.  
32 COMMISSIONER STIENMETZ: I'll make a motion --  
33 VICE CHAIRMAN BULLOCK: Hold on. We got to correct  
34 something else on the very first page, line 17. The record  
35 needs to reflect there was four -- quorum of four.  
36 COMMISSIONER WAITS: Four commissioners.  
37 VICE CHAIRMAN BULLOCK: Yes.  
38 COMMISSIONER STIENMETZ: Because Brian wasn't here.  
39 VICE CHAIRMAN BULLOCK: Mm-hm. That's the only thing I  
40 have.

1 COMMISSIONER STIENMETZ: I'll make a motion to approve the  
2 minutes of March 27<sup>th</sup>, 2014, regular session, with the  
3 corrections as noted.

4 COMMISSIONER WAITS: I'll second that.

5 VICE CHAIRMAN BULLOCK: Okay. Any comments?

6 (No comment.)

7 VICE CHAIRMAN BULLOCK: All those in favor?

8 COMMISSIONER MASON: Aye.

9 COMMISSIONER WAITS: Aye.

10 COMMISSIONER STIENMETZ: Aye.

11 VICE CHAIRMAN BULLOCK: Aye.

12 Those opposed?

13 (No comment.)  
14  
15

#### 16 COMMISSIONER REPORTS

17  
18 VICE CHAIRMAN BULLOCK: Okay. Commissioner reports on  
19 meetings, conferences and seminars attended.

20 Dave?

21 COMMISSIONER MASON: Last night, I went to the planning  
22 commission meeting at 6:00 p.m. And there was one agenda item,  
23 which they approved. And there was some good discussion about  
24 future sewer. But that's about all there was.

25 And that's all I have.

26 VICE CHAIRMAN BULLOCK: Okay. Patsy?

27 COMMISSIONER WAITS: Thank you. On March 28<sup>th</sup>, I actually  
28 had three meetings.

29 The FAA had one of their conventions in Minden.

30 There was a NACO meeting in Carson City and Nevada Land  
31 Management Task Force.

32 On the FAA, I think Mark will -- Mark is here to probably  
33 bring us up to date, but I'll just give you the hand over.

34 VICE CHAIRMAN BULLOCK: He's not going to be here.

35 COMMISSIONER WAITS: He's not going to be here?

36 Okay. Robin Hunt is our current manager out of the San  
37 Francisco Airport district office. And that is now being  
38 changed to the Phoenix office.

39 So Mike Williams will be our manager from the Western  
40 Pacific region and handle all of our airport areas.

1 Both of them were there. Lew Lott was there representing  
2 us. And Mark was there. And we did bring up the things on the  
3 delays and such. But it was just a matter of meeting them, I  
4 think, and hoping some of the things that are already in  
5 progress will be out before Robin leaves.

6 So she assured us she'd look at a couple of things we were  
7 looking at, like our master plan for Battle Mountain.

8 On the NACO meeting, there was a question last month  
9 because our formula had gone up apparently for our dues for  
10 NACO.

11 We paid \$16,218 last year. This year they're asking for  
12 \$18,746.52. And they didn't give us reason. So the question  
13 was: Did everyone's go up?

14 The formula that they gave us, I did send on to our finance  
15 office. The base assessment is based on the most recent audited  
16 revenues submitted by each county to the tax commission. That's  
17 really what raised it. The other key is the population  
18 assessment, which hasn't really changed.

19 So they will go up accordingly with the formula, but not  
20 just an automatic set increase.

21 The other information, just kind of general, NACO is  
22 looking to have an open house to celebrate the state's 150<sup>th</sup>.  
23 And they are going to do an education on Nevada history in  
24 September.

25 Under Nevada Land Management Task Force, we actually did  
26 some voting on some of the areas. We will have a draft out on  
27 our next meeting, which is the 25<sup>th</sup> of April. That draft will  
28 come before our commissioners and every county to approve and  
29 change and review on that. That will go back then for the  
30 meeting on May. And they will do a final draft and come back  
31 again before the commissioners. So we'll have a chance to vote  
32 on everything in July for the final before it actually is  
33 adopted by the Nevada Land Task Management Force.

34 On March 31<sup>st</sup>, I did attend with our DA, the ORNI --  
35 O-R-N-I -- dash 39 abatement hearing with the Office of Energy  
36 in Carson City. We had made our presentations earlier for them  
37 to review. It was the deputy that actually took the hearing.  
38 Ormat was there with their attorney and one of their main  
39 managers.

40 And you have probably heard that they -- they denied it.

1 They thought they had dotted all their i's and crossed their  
2 t's. And hopefully, we will have a review on that. Nicole,  
3 when that comes up, are we reviewing any on the old one or not?  
4 No?

5 DEPUTY DISTRICT ATTORNEY TING: It -- as far as you guys  
6 reviewing through --

7 COMMISSIONER WAITS: Right.

8 DEPUTY DISTRICT ATTORNEY TING: -- the old one?

9 COMMISSIONER WAITS: Right. Because my understanding was  
10 the DA is going to continue.

11 But our question for denial was on the actual wording of  
12 the statute, not the fact that we were meeting criteria enough  
13 to deny it or anything like that.

14 So my understanding was the DA was going to continue with  
15 that. And I was hoping you might give us a -- a review of that  
16 at some point.

17 On April 2<sup>nd</sup>, The Bugle did have an open house and  
18 introduced their new editor, Rick Hoover. And I did come up for  
19 that.

20 On the April 5<sup>th</sup>, we had Austin community meeting regarding  
21 our oil and gas leasing with BLM that's coming up for July 1<sup>st</sup>.  
22 And we had over 53 people that actually attended that. Of  
23 course, that's on the agenda. We'll talk more.

24 And on April 7<sup>th</sup>, I had a public lands meeting. There was  
25 a question on the Gold Park Road. And if Burt's on, I'm sure he  
26 can probably address that. But our construction and road  
27 maintenance agreement is still waiting to be signed. And when  
28 Ray Williams questioned where it was, they came back and said  
29 it's still in the Forest Service. So it isn't anything that  
30 we're holding up. So we're still looking at that, but  
31 everything else is done.

32 Ken Brown did announce to us there was an increase in the  
33 PILT. And also they have two requests. There is a bill in the  
34 House of Representatives. And there is a bill, a companion  
35 bill, in the Senate for permanent funding for the Payment In  
36 Lieu of Taxes.

37 The public lands also approved the official Lander County  
38 Road Mapping Project. And Summit Engineering is working on the  
39 mylar. So that will be coming before us very, very soon.

40 And I also had the couple conference calls with our

1 Division for Aging and our subcommittee that works on the  
2 tobacco funds that I have spoken about earlier. That's NRS 459.

3 And we are in the middle of completing our surveys that  
4 will finish up our report to give to the governor on what some  
5 of our independent living grant money can be used for.

6 I have been to the Battle Mountain Senior Center. I've  
7 been to Carlin. I'm scheduled for Tonopah and Eureka and Elko  
8 coming up yet the end of the month. And some of my other  
9 companions are doing the other areas of Washoe and Clark County  
10 and many of the other areas. But the rurals will be represented  
11 on that.

12 and I thank you.

13 VICE CHAIRMAN BULLOCK: Steve?

14 COMMISSIONER STIENMETZ: I just attended The Bugle open  
15 house on the fourth and met the new editor, Rick Hoover.

16 And that's all I have to --

17 VICE CHAIRMAN BULLOCK: Okay. And I have nothing.

18  
19  
20 **STAFF REPORTS**

21  
22 VICE CHAIRMAN BULLOCK: So staff reports on meetings,  
23 conferences, and seminars attended.

24 Jim, anything?

25 JIM OLSON: Nothing really at this time.

26 VICE CHAIRMAN BULLOCK: Okay, Nicole?

27 DEPUTY DISTRICT ATTORNEY TING: I have no reports.

28 VICE CHAIRMAN BULLOCK: Okay. We'll go on to public  
29 comment for non-agendized items only.

30 Actually, I skipped a couple there. Let me back up. I  
31 could see the pout over there.

32  
33  
34 **PAYMENT OF THE BILLS**

35  
36 VICE CHAIRMAN BULLOCK: So discussion for possible action  
37 regarding payment of the bills.

38 JANE BIANCHI: I just have one to ratify this morning:  
39 Check #47750 in the amount of \$250 to Winnemucca Publishing  
40 Company.

1 COMMISSIONER WAITS: I do need to abstain from Check #47817  
2 for travel.

3  
4 (Commissioners reviewing payment of the bills.)  
5

6 **Winnemucca Publishing Co., Inc.**  
7

8 COMMISSIONER STIENMETZ: I'll make a motion to ratify Check  
9 #047750 in the amount of \$250 to Winnemucca Publishing Company,  
10 Incorporated.

11 COMMISSIONER MASON: I second it.

12 VICE CHAIRMAN BULLOCK: Any comments?

13 (No comment.)

14 VICE CHAIRMAN BULLOCK: All those in favor?

15 COMMISSIONER MASON: Aye.

16 COMMISSIONER WAITS: Aye.

17 COMMISSIONER STIENMETZ: Aye.

18 VICE CHAIRMAN BULLOCK: Aye.

19 Those opposed?

20 (No comment.)  
21

22 COMMISSIONER STIENMETZ: I'll make a motion to approve  
23 submitted expenditures in the amount of \$199,179.35 from Check  
24 #47751 through 47822.

25 COMMISSIONER MASON: Second.

26 VICE CHAIRMAN BULLOCK: Any comments?

27 (No comment.)

28 VICE CHAIRMAN BULLOCK: All those in favor?

29 COMMISSIONER WAITS: Aye.

30 COMMISSIONER MASON: Aye.

31 COMMISSIONER STIENMETZ: Aye.

32 VICE CHAIRMAN BULLOCK: Aye.

33 Those opposed?

34 (No comment.)  
35

36 (Commissioners reviewing payment of the bills.)  
37

38 COMMISSIONER WAITS: Thank you, Jane.

39 VICE CHAIRMAN BULLOCK: Thanks, Jane.

40 JANE BIANCI: Thank you.

1 COMMISSIONER STIENMETZ: Thank you, Jane.  
2  
3

4 **PAYROLL CHANGE REQUESTS**  
5

6 VICE CHAIRMAN BULLOCK: Discussion for possible action  
7 regarding payroll change requests.

8 We have one for Employee #1297. I just have one question.  
9 This is a pay decrease? Is that right on this request?

10 The way I see it, it's --

11 JOY SWEENEY: Yes.

12 VICE CHAIRMAN BULLOCK: -- it's a decrease in pay.

13 JOY SWEENEY: Yes. Yes, it is.

14 VICE CHAIRMAN BULLOCK: Just making sure --

15 JOY SWEENEY: Yeah.

16 VICE CHAIRMAN BULLOCK: -- there's no --

17 JOY SWEENEY: Yes.

18 VICE CHAIRMAN BULLOCK: -- error in it. So.

19 JOY SWEENEY: No.

20 VICE CHAIRMAN BULLOCK: Okay.

21 JOY SWEENEY: That is correct.

22 COMMISSIONER STIENMETZ: I make a motion to approve payroll  
23 change request for Employee #1297.

24 COMMISSIONER WAITS: I'll second that motion.

25 VICE CHAIRMAN BULLOCK: Any comments?

26 (No comment.)

27 VICE CHAIRMAN BULLOCK: Those in favor?

28 COMMISSIONER MASON: Aye.

29 COMMISSIONER WAITS: Aye.

30 COMMISSIONER STIENMETZ: Aye.

31 VICE CHAIRMAN BULLOCK: Aye.

32 Those opposed.

33 (No comment.)  
34  
35

36 **PUBLIC COMMENT**  
37

38 VICE CHAIRMAN BULLOCK: Okay. Now, we'll go to public  
39 comment for non-agendized items only.

40 (No comment.)

1 VICE CHAIRMAN BULLOCK: Okay, seeing none, we'll go ahead  
2 and go on to item number one.

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4  
5 **FINANCE**

6  
7 1) **Discussion for possible action regarding budget review,**  
8 **contracts, financial update, and other matters properly**  
9 **relating thereto.**

10  
11 VICE CHAIRMAN BULLOCK: Discussion for possible action  
12 regarding budget review, contracts, financial update, and other  
13 matters properly relating thereto.

14 NAN ANCHO: Good morning.

15 COMMISSIONER STIENMETZ: Morning.

16 COMMISSIONER WAITS: Good morning.

17 VICE CHAIRMAN BULLOCK: Good morning, Nan.

18 NAN ANCHO: Nan, Finance.

19 The tentative budgets are complete. And once I have the  
20 signatures, I will get them sent off to the Department of  
21 Taxation. They are due there by the 15<sup>th</sup> of April.

22 The quarterly economic survey has also been completed.

23 I will be gone April 24<sup>th</sup> and 25<sup>th</sup> to the POOL/PACT meeting  
24 in Sparks.

25 And then my last item is: Due to a fiscal year '13/'14  
26 budget input error, please read into the minutes a debit to  
27 052-052-53947 in the amount of \$6,000 for golf cart contract, a  
28 debit to 052-052-53979 in the amount of 4,600 for clubhouse  
29 utilities and a credit in the amount of 10,600 from parking --  
30 parks golf cart contract, which was done in error.

31 VICE CHAIRMAN BULLOCK: Is that 10,600 or 16,000?

32 NAN ANCHO: 10,600.

33 VICE CHAIRMAN BULLOCK: Okay. Okay.

34 NAN ANCHO: And that's all I have.

35 VICE CHAIRMAN BULLOCK: Somebody have those?

36 NAN ANCHO: All right. Thank you.

37 VICE CHAIRMAN BULLOCK: Let's make a motion to do that.

38 COMMISSIONER STIENMETZ: Oh. I didn't write them down.

39 VICE CHAIRMAN BULLOCK: Give those numbers again, please.

40 NAN ANCHO: The numbers? Okay.

1 COMMISSIONER WAITS: Give you the form.  
2 NAN ANCHO: A debit to 052-052-53947 for \$6,000. A debit  
3 to 052-052-53979 for 4,600.  
4 VICE CHAIRMAN BULLOCK: Oh, okay.  
5 NAN ANCHO: And a credit from the golf cart parks of  
6 052-053-5397 -- Was it 79? -- for 10,600.  
7 COMMISSIONER STIENMETZ: Now, you make sure I have this  
8 correct.  
9 I make a motion that we approve the debit to 052-052-5397  
10 for \$6,000?  
11 ROGENE HILL: Five, three, nine, four, seven.  
12 VICE CHAIRMAN BULLOCK: Four, seven.  
13 NAN ANCHO: Five, three, nine, four, seven.  
14 COMMISSIONER STIENMETZ: Oh. Four, seven. All right. For  
15 \$6,000 and a debit to 052-052-53979 of \$4,600. And the other  
16 was --  
17 NAN ANCHO: Credit.  
18 COMMISSIONER STIENMETZ: Credit to golf cart?  
19 NAN ANCHO: Zero, five, two.  
20 COMMISSIONER STIENMETZ: Oh, you didn't give us the  
21 numbers.  
22 NAN ANCHO: Zero, five, three.  
23 COMMISSIONER STIENMETZ: All right. Zero, five, two.  
24 Zero, five, three.  
25 NAN ANCHO: Five, three, nine, four, seven.  
26 COMMISSIONER STIENMETZ: Five, three, nine, four, seven in  
27 the amount of \$10,600.  
28 NAN ANCHO: Yes.  
29 COMMISSIONER MASON: I second that.  
30 VICE CHAIRMAN BULLOCK: Okay, any comments?  
31 (No comment.)  
32 VICE CHAIRMAN BULLOCK: All those in favor?  
33 COMMISSIONER MASON: Aye.  
34 COMMISSIONER WAITS: Aye.  
35 COMMISSIONER STIENMETZ: Aye.  
36 VICE CHAIRMAN BULLOCK: Aye.  
37 Those opposed?  
38 (No comment.)  
39 COMMISSIONER STIENMETZ: Thank you, Nan.  
40 NAN ANCHO: Okay. Thank you.

1 VICE CHAIRMAN BULLOCK: Thanks, Nan.  
2  
3

4 BUILDING DEPARTMENT  
5

6 2) Discussion for possible action regarding operations and  
7 projects for the Building Department, and other matters  
8 properly related thereto.  
9

10 VICE CHAIRMAN BULLOCK: Item number two, discussion for  
11 possible action regarding operations and projects for the  
12 Building Department, and other matters properly related thereto.

13 JOE LINDSEY: Good morning.

14 VICE CHAIRMAN BULLOCK: Good morning, Joe.

15 COMMISSIONER WAITS: Good morning.

16 JOE LINDSEY: Joe Lindsey, Building Department.

17 The month of March, the building department issued 23 new  
18 building permits.

19 We had two non-permitted inspections.

20 Our ongoing projects: We've got a lot of communication  
21 projects. ATT mobility at Stony Point. Antelope Valley and  
22 Cortez are still ongoing. And AT&T at Stony Point in Austin are  
23 ongoing. And they're just adding and replacing antennas and  
24 upgrading the systems up there.

25 COMMISSIONER MASON: While we're on that, --

26 JOE LINDSEY: Sure.

27 COMMISSIONER MASON: -- are they planning to pick up more  
28 towers between Austin and Battle Mountain?

29 JOE LINDSEY: I haven't heard anything about picking up any  
30 new towers between the two. They are upgrading the towers they  
31 have existing, and they're adding antennas to try to make  
32 service a little better.

33 COMMISSIONER MASON: The reason I ask is that they have  
34 some black spots -- dark spots -- what? -- about every 30 miles?

35 JOE LINDSEY: Approximately that, yes. Once you hit  
36 Antelope Valley, between Antelope Valley until you get out  
37 onto the -- into the rolling hills, 20 miles north of Austin,  
38 it's kind of a dead zone in there. I don't know of anybody  
39 planning on upgrading anything out -- putting -- including any  
40 more towers out in that area.

1 COMMISSIONER MASON: Are you in touch with AT&T?  
2 JOE LINDSEY: Frequently, yes.  
3 COMMISSIONER MASON: Would you ask them?  
4 JOE LINDSEY: Certainly.  
5 COMMISSIONER MASON: Yeah. Okay.  
6 JOE LINDSEY: Okay. South county we've got the Verizon  
7 tower in Austin, doing upgrades. And we presently have ten open  
8 construction permits in the south county.  
9 Ormat is working on their civil improvements. I made a  
10 site visit yesterday. They hopefully will have their plant pad  
11 constructed by the end of the week. And they will start on  
12 their fire line piping next week.  
13 Battle Mountain General Hospital is looking at installing a  
14 new solar project over there in the parking area on the south  
15 side of the hospital, which will be a covered, carport-type  
16 area. Looks like they've done the research. It looks like it's  
17 going to save them \$20,000 or better a year, so -- in their  
18 electric bills by installing this project.  
19 So that's all I've got right now.  
20 COMMISSIONER WAITS: I just have a quick question, Joe.  
21 JOE LINDSEY: Sure.  
22 COMMISSIONER WAITS: And you've been out to Ormat to  
23 McGinness Hills --  
24 JOE LINDSEY: Yes, ma'am.  
25 COMMISSIONER WAITS: -- with them starting on the new one.  
26 Now, if they decide to do any RVs out there for security or  
27 anything, then that comes way back before --  
28 JOE LINDSEY: Planning commission.  
29 COMMISSIONER WAITS: -- the planning commission. And they  
30 pay the extra fee; --  
31 JOE LINDSEY: That's correct.  
32 COMMISSIONER WAITS: -- is that correct?  
33 JOE LINDSEY: They have to get a special-use permit for  
34 that.  
35 COMMISSIONER WAITS: Okay.  
36 JOE LINDSEY: Yes. And I noticed in my visit yesterday,  
37 there were -- the drilling outfits have a number of RVs out  
38 there. So that's been brought to the attention of planning  
39 commission and --  
40 COMMISSIONER WAITS: So you will be handling that?

1 JOE LINDSEY: -- our assessor's office. Yes, we will be  
2 working on that.

3 COMMISSIONER WAITS: Thank you.

4 JOE LINDSEY: Thank you. Anything else?

5 Have a good day.

6 VICE CHAIRMAN BULLOCK: Thanks, Joe.

7 COMMISSIONER STIENMETZ: Thanks, Joe.

8 COMMISSIONER MASON: Thank you.

9  
10  
11 **FINANCE**

12  
13 1) **Discussion for possible action regarding budget review,**  
14 **contracts, financial update, and other matters properly**  
15 **relating thereto.**

16  
17 COMMISSIONER STIENMETZ: Nan wants to tell us --

18 VICE CHAIRMAN BULLOCK: Okay.

19 NAN ANCHO: I need to make a correction to the account  
20 number for the golf cart --

21 VICE CHAIRMAN BULLOCK: I wondered.

22 NAN ANCHO: -- contract.

23 For the \$6,000, it should be 052-052-53497.

24 COMMISSIONER STIENMETZ: Oh.

25 NAN ANCHO: And for the 10,600, it should be 052-053-53497.

26 VICE CHAIRMAN BULLOCK: Can you amend your motion?

27 COMMISSIONER STIENMETZ: All right. I'd like to amend my  
28 motion to change the debit of -- zero, five -- to 052-052-53497  
29 of \$6,000. And then the other debit to 052-053-53979 in \$4,600.  
30 Just --

31 That's all I need to correct in my motion?

32 NAN ANCHO: No, the 10,600 was a correction also.

33 COMMISSIONER STIENMETZ: Oh, what was that the number?

34 NAN ANCHO: Five -- 052-053-53497.

35 COMMISSIONER STIENMETZ: Oh, 497. All right. And then  
36 also the 052-053-539 -- 53497 in the amount of \$10,600.

37 COMMISSIONER MASON: You want a second?

38 VICE CHAIRMAN BULLOCK: Mm-hm.

39 COMMISSIONER MASON: Second.

40 VICE CHAIRMAN BULLOCK: Okay. Any comments?

1 (No comment.)  
2 VICE CHAIRMAN BULLOCK: All those in favor?  
3 COMMISSIONER WAITS: Aye.  
4 COMMISSIONER STIENMETZ: Aye.  
5 COMMISSIONER MASON: Aye.  
6 VICE CHAIRMAN BULLOCK: Aye.  
7 Those opposed?  
8 (No comment.)  
9 VICE CHAIRMAN BULLOCK: We're good now?  
10 NAN ANCHO: We're good.  
11  
12

13 **SAFETY**

- 14  
15 3) Discussion for possible action regarding approval/disapproval  
16 of a list of Lander County Safety Sensitive positions,  
17 provided by POOL/PACT, to be included in the Lander County  
18 Drug and Alcohol policy random test pool, and other matters  
19 properly related thereto.  
20

21 VICE CHAIRMAN BULLOCK: Okay, item number 3, discussion for  
22 possible action regarding approval/disapproval of a list of  
23 Lander County safety-sensitive positions provided by POOL/PACT  
24 to be included in the Lander County Drug and Alcohol policy,  
25 random test pool, and other matters properly related thereto.

26 Keith, our safety director, has asked to defer that.  
27  
28

29 **ENGINEER**

- 30  
31 4) Discussion for possible action regarding operations and  
32 projects of the Lander County Engineer, and other matters  
33 properly related thereto.  
34

35 VICE CHAIRMAN BULLOCK: Item number four, discussion for  
36 possible action regarding operations and projects of the Lander  
37 County engineer and other matters properly related thereto.

38 COMMISSIONER STIENMETZ: He's gone.

39 VICE CHAIRMAN BULLOCK: Yeah, he had a family emergency, so  
40 he won't be reporting on that today.

1 ROAD AND BRIDGE SOUTH DEPARTMENT

2

- 3 5) Discussion for possible action regarding operations and  
4 projects of the Road and Bridge South Department, and other  
5 matters properly related thereto.

6

7 VICE CHAIRMAN BULLOCK: Okay, item number five, discussion  
8 for possible action regarding operations and projects for the  
9 Road and Bridge South Department and other matters properly  
10 related thereto.

11

You there, Bert?

12

DEE HELMING: No, Bert is not here yet.

13

VICE CHAIRMAN BULLOCK: Okay.

14

15

16 ROAD AND BRIDGE NORTH DEPARTMENT

17

- 18 6) Discussion for possible action regarding operations and  
19 projects of the Road and Bridge North Department, and other  
20 matters properly related thereto.

21

22 VICE CHAIRMAN BULLOCK: Item number 6, discussion for  
23 possible action regarding operations and projects for the Road  
24 and Bridge North Department and other matters properly related  
25 thereto.

26

COMMISSIONER STIENMETZ: Donnie's not here.

27

VICE CHAIRMAN BULLOCK: And no Donnie.

28

29

30 PUBLIC WORKS

31

- 32 7) Discussion for possible action regarding operations and  
33 projects for the Public Works Department, and other matters  
34 properly related thereto.

35

36 VICE CHAIRMAN BULLOCK: Item number 7, discussion for  
37 possible action regarding operations and projects for the Public  
38 Works Department and other matters properly related thereto.

39

JAKE EDGAR: Morning.

40

COMMISSIONER STIENMETZ: Good morning, Jake.

1 VICE CHAIRMAN BULLOCK: Good morning, Jake.

2 COMMISSIONER WAITS: Good morning.

3 JAKE EDGAR: I'll start with the water and sewer. We have  
4 two different projects going right now: North and Front Street  
5 Alleys. It's going fairly well. Kind of had a little bit of a  
6 slowdown, but they're back to normal now.

7 They started dewatering -- they'll start dewatering today,  
8 actually, pumping. So we're going to take some tests in the  
9 field to test for total dissolved solids, which will be going  
10 out to the sewer plant. We're actually putting the dewatering  
11 water back into the sewer system, which then in turn will go to  
12 the sewer plant, then from the sewer plant to the Reese River  
13 and then from the Reese River to the Humboldt River. So we have  
14 to do some testing before that all happens.

15 Other than that, the project south of town for the new Well  
16 #9. They are averaging about 3500 pipe of foot a day, which is  
17 really good. They should be to the building by Friday, by the  
18 end of tomorrow. They just poured the trough yesterday, the  
19 bottom of the trough yesterday. So that's our pump-to-waste  
20 trough. Then they'll start on the pad shortly after that. And  
21 then I think the week following, they will start the block work  
22 if we can get the door frames that we want. So basically, that  
23 project is really going fairly well right now.

24 So -- we lost a steady -- steady bearing -- steady --  
25 steady balance bushing in the Well #8, which they're going to  
26 come out and fix the end of -- what did you say? Next week?

27 JAY FISCHER: Week after.

28 JAKE EDGAR: When did Dan get ahold of you?

29 Oh, the week after next. So we should have the -- should  
30 have that all back together.

31 Other than that, it's just business as normal. A few water  
32 leaks here and there. That's about it for that.

33 Parks-wise, we got the sprinklers going. Grass is looking  
34 good.

35 Marilyn's doing a good job. We didn't seem to have too  
36 many issues coming out of winter, so that was great.

37 Other than that, that's pretty much business as usual too.  
38 Questions?

39 VICE CHAIRMAN BULLOCK: No.

40 COMMISSIONER STIENMETZ: No.

1 COMMISSIONER WAITS: Thank you, Jay.

2 JAKE EDGAR: Thank you.

- 3
- 4 8) Discussion for possible action regarding approval/disapproval  
5 of fees for consultants from Walla Walla Community College to  
6 analyze and make recommendations for improvements to the  
7 Mountain View Golf Course, in an amount not to exceed  
8 \$3,500.00, and other matters properly related thereto.  
9

10 VICE CHAIRMAN BULLOCK: Item number eight, discussion for  
11 possible action regarding approval/disapproval of fees for  
12 consultants from Walla Walla Community College to analyze and  
13 make recommendations for improvements to the Mountain View Golf  
14 Course in an amount not to exceed \$3,500 and other matters  
15 properly related thereto.

16 JAKE EDGAR: Before we get started, the only concern I have  
17 -- and I'm not a commissioner -- but the only concern I have is  
18 this is where the money comes from.

19 We do have money left over from the project that we started  
20 and are still in the middle of or partially in the middle of.  
21 The money can come out of there.

22 Any help that I can get out there -- I'm not a botanist or  
23 a professional greenskeeper -- so any help that I can get, I  
24 would highly appreciate.

25 You know, again, I'm not a botanist. So any help I can get  
26 is awesome. And I'm willing to accept any help.

27 So on my behalf, I'm asking you to please approve this.  
28 Any information that I can get is good information. So --

29 VICE CHAIRMAN BULLOCK: Let me just go into this just a  
30 little more. I'm the one that contacted these guys.

31 ~~This is a turf school. They actually have a two-year~~  
32 ~~program for teaching individuals how to take care of turf,~~  
33 ~~whether it be golf courses, whatever. This is what they are.~~  
34 ~~This is two instructors looking at coming down here.~~

35 As far as the fees, they are just coming down as travel  
36 expenses and their lost wages by not being where their school  
37 is. So there's no added -- they're not charging an outrageous  
38 consulting fee or whatever. This is just to come to help us  
39 out. And travel to here from there is not cheap, especially  
40 airlines. There's no really direct route, which is causing part

1 of this. But they're more than willing to come. So --  
2 COMMISSIONER WAITS: So are they going to give us report  
3 afterwards with the condition and ideas and --  
4 VICE CHAIRMAN BULLOCK: They won't give us -- they'll refer  
5 to Jake and let him know of everything.  
6 JAKE EDGAR: I'll give you a report.  
7 VICE CHAIRMAN BULLOCK: Yeah.  
8 COMMISSIONER STIENMETZ: Yeah.  
9 COMMISSIONER WAITS: I mean, they will give you a report.  
10 JAKE EDGAR: I'm -- I don't know what they're going to do  
11 to be truthfully honest as far as the report goes or what they  
12 have. But that's what they do every day. So I mean, I don't  
13 think they actually are going to have a --  
14 COMMISSIONER STIENMETZ: They're going to tell you what you  
15 need to --  
16 JAKE EDGAR: Yeah. I mean, I don't know what you're -- are  
17 you looking for like a --  
18 COMMISSIONER MASON: A written report of what they -- of  
19 what they've found.  
20 VICE CHAIRMAN BULLOCK: Oh, they'll write a -- yeah,  
21 they'll write it out.  
22 JAKE EDGAR: Yeah.  
23 VICE CHAIRMAN BULLOCK: It's not -- they'll make  
24 recommendations.  
25 COMMISSIONER MASON: And you can bring that to us.  
26 JAKE EDGAR: Yeah. I'm just not sure what you're looking  
27 for as far as the report goes. I mean, are you -- do you just  
28 want the total information? Or are -- I mean, is there  
29 something specific that you'd be looking for? Sorry to get into  
30 this.  
31 ~~COMMISSIONER WAITS: I'm concerned whether we're going to~~  
32 ~~have a couple that are going to walk around and say, Jake, this~~  
33 ~~is bad. You need to use this kind of chemical. Da da da da.~~  
34 JAKE EDGAR: Oh.  
35 COMMISSIONER WAITS: And it's up to you to do it? Or are  
36 they going to make a report and give to you, like, so you don't  
37 have to remember every single thing they said? And maybe go  
38 back and they have to check things.  
39 And I was trying to get a timeframe. I mean, we're not --  
40 are we doing a contract with them or how are --

1 JAKE EDGAR: No.

2 VICE CHAIRMAN BULLOCK: No, just a one time, try to get  
3 some advice and everything. We've got a little bit of issues  
4 with the greens right now. We don't want to lose them again.  
5 And so pretty much everybody we talked to is a contractor  
6 or a vendor. And these guys are not non-partisan. They have no  
7 interest other than to try to better our course, because this  
8 is, you know, what they teach and instruct. So there's not an  
9 outcome they're looking for. It's just to come down and give us  
10 some advice.

11 COMMISSIONER MASON: It is a training --

12 JAKE EDGAR: And I'm sure we can --

13 COMMISSIONER MASON: It is a training program for their  
14 students, right?

15 JAKE EDGAR: Sure. A report of some kind.

16 VICE CHAIRMAN BULLOCK: Well, their students -- it's just  
17 two instructors are coming down.

18 COMMISSIONER MASON: Okay.

19 VICE CHAIRMAN BULLOCK: So --

20 COMMISSIONER MASON: So everybody benefits, but we've got  
21 to have something in writing that we know that we can work with.

22 COMMISSIONER STIENMETZ: So we can pay them.

23 VICE CHAIRMAN BULLOCK: Well, yeah.

24 JAKE EDGAR: Yeah. Absolutely. I'm sure we can handle  
25 that.

26 VICE CHAIRMAN BULLOCK: Go ahead, Jay.

27 JAY FISCHER: Jay Fisher, the vice president of the  
28 Mountain View Golf Club.

29 Just a question. So are these people that are coming,  
30 are -- they're instructors for greenskeeping or is it --

31 COMMISSIONER STIENMETZ: It's turf.

32 VICE CHAIRMAN BULLOCK: They do greenskeeping. They -- you  
33 know, I mean, whatever. They do all kinds of turf. When I say,  
34 they do golf courses --

35 JAY FISCHER: Yep.

36 VICE CHAIRMAN BULLOCK: -- and I can be more on the  
37 background.

38 But one guy goes around before a US Open and sets up the  
39 greens.

40 JAY FISCHER: Okay.

1 VICE CHAIRMAN BULLOCK: This is how -- this guy is very  
2 familiar with what's going on.  
3 JAY FISCHER: Sure.  
4 VICE CHAIRMAN BULLOCK: I mean, he sets them up ahead of  
5 time so that they're properly for the PGA Tour.  
6 JAY FISCHER: Okay.  
7 VICE CHAIRMAN BULLOCK: So they have a lot of background in  
8 this, and so -- but do they do other turfs? Yes, they do soccer  
9 fields, baseball fields, and other types of things.  
10 JAY FISCHER: Okay. If I could -- what I'd like to ask  
11 if -- we have a greens committee that we formed for the golf  
12 course. And, you know, the golfers are on that course every  
13 day. And if -- if a representative could be allowed from the  
14 greens committee to attend this meeting and report back to the  
15 golf club and that group, you know, I would -- that -- that  
16 would help us stay in the loop of what's going on with the  
17 course.  
18 Not -- We're not there to make recommendations. We're not  
19 greenskeepers either. But we are a large group. And we're  
20 interested and vested in that course and its care.  
21 VICE CHAIRMAN BULLOCK: Well, personally, I don't see a  
22 problem with that because bottom line is they're not going to be  
23 able to come and see, here's the problem right off.  
24 JAY FISCHER: Sure.  
25 VICE CHAIRMAN BULLOCK: They're going to need a background.  
26 JAY FISCHER: Yep.  
27 VICE CHAIRMAN BULLOCK: And so they're -- I'm sure they're  
28 going to open to hearing what people have to say.  
29 JAY FISCHER: Yeah. Absolutely.  
30 COMMISSIONER MASON: As far as the fee goes, can we take it  
31 out of that million and a half we're holding?  
32 VICE CHAIRMAN BULLOCK: There's -- it doesn't need to be a  
33 capital project. We have professional fees that we can take it  
34 out of and take it out of the --  
35 JAKE EDGAR: Yep.  
36 VICE CHAIRMAN BULLOCK: There's -- I wouldn't go right into  
37 the capital project with this.  
38 COMMISSIONER MASON: Okay.  
39 COMMISSIONER STIENMETZ: No.  
40 VICE CHAIRMAN BULLOCK: This is more of a consulting fee.

1 Just needs approved so they can come. They -- they would  
2 have been here tomorrow, and they still might. But because of  
3 the delay in having to approve this, you know, I mean, they  
4 didn't want to make plans only to have to, you know, go back  
5 off. Go ahead.

6 ROD DAVIS: Rod Davis with the cooperative extension.

7 I worked extensively in Wyoming on these type of issues.  
8 And I can tell you that -- that bentgrass is mystery all in and  
9 of itself on the greens. And I think that kind of expertise  
10 would be of real value.

11 I don't think there's anything else out there that is a  
12 great mystery relative to the -- the fairways, et cetera. But  
13 the value of that expertise on greens management, especially  
14 since we're starting over.

15 Jake, you might keep in mind that encroachment of annual  
16 poa under the bentgrass is probably my biggest concern.

17 JAKE EDGAR: Okay.

18 ROD DAVIS: But I'd have to say that expertise is going to  
19 be worthwhile, especially getting it -- getting it up front  
20 rather than trying to fix it after the fact.

21 JAKE EDGAR: Thank you.

22 COMMISSIONER MASON: I'll make a motion regarding the  
23 approval of fees for consultants from Walla Walla Community  
24 College to analyze and make recommendations for the improvements  
25 of the Mountain View Golf Course in the amount not to exceed  
26 \$3500.

27 COMMISSIONER WAITS: I'll se- --

28 COMMISSIONER STIENMETZ: To be paid out of professional  
29 fees.

30 COMMISSIONER WAITS: I'll second that motion.

31 VICE CHAIRMAN BULLOCK: Okay, any other comments?

32 (No comment.)

33 VICE CHAIRMAN BULLOCK: All those in favor?

34 COMMISSIONER STIENMETZ: Aye.

35 COMMISSIONER MASON: Aye.

36 COMMISSIONER WAITS: Aye.

37 VICE CHAIRMAN BULLOCK: Aye. Those opposed?

38 (No comment.)

39 COMMISSIONER STIENMETZ: Thanks, Jake.

40 JAKE EDGAR: Thank you, guys.

1 VICE CHAIRMAN BULLOCK: Thanks, Jake.  
2 COMMISSIONER MASON: Thanks.  
3 COMMISSIONER WAITS: Thank you, Jake.  
4  
5

6 LANDER ECONOMIC DEVELOPMENT AUTHORITY  
7

8 9) Discussion for possible action regarding approval/disapproval  
9 of Resolution No. 2014-04, a resolution approving the 2014  
10 Comprehensive Economic Development Strategy for Lander  
11 County, and other matters properly related thereto.  
12

13 VICE CHAIRMAN BULLOCK: Item number 9, discussion for  
14 possible action regarding approval/disapproval of Resolution  
15 Number 2014-04, a resolution approving the 2014 Comprehensive  
16 Economic Development Strategy for Lander County and other  
17 matters properly related thereto.

18 JAN MORRISON: Jan Morrison, Community Services Officer.  
19 This is following up on the approval of the CEDS document  
20 that was approved previously by the planning commission and the  
21 county commission. This is the formal resolution that's  
22 required as part of the process.

23 And we have here Professor Fred Steinmann if you have any  
24 questions on it.

25 COMMISSIONER WAITS: I'm fine with it. Thank you.

26 I will make a motion that we approve Resolution Number  
27 2014-04 and authorize the chair to sign.

28 VICE CHAIRMAN BULLOCK: Vice.

29 COUNTY CLERK SULLIVAN: Have the vice chair. Vice chair.

30 COMMISSIONER STIENMETZ: Vice chair.

31 COMMISSIONER WAITS: Vice chair. Oh, I'm sorry. Excuse  
32 me, Dean. I'm sorry. Let's get this done today.

33 COMMISSIONER STIENMETZ: And I'll second the motion.

34 VICE CHAIRMAN BULLOCK: Okay.

35 COUNTY CLERK SULLIVAN: May I get a spelling on Fred's name  
36 that you had stated.

37 DR. FRED STEINMANN: S-T-E-I-N-M-A-N-N.

38 COUNTY CLERK SULLIVAN: Thank you.

39 VICE CHAIRMAN BULLOCK: Okay, any --

40 COMMISSIONER MASON: I second the motion.

1 COMMISSIONER WAITS: With our thank-you's again, Fred, for  
2 all the work --  
3 VICE CHAIRMAN BULLOCK: Okay.  
4 COMMISSIONER WAITS: -- that you have done.  
5 VICE CHAIRMAN BULLOCK: Any other comments?  
6 (No comment.)  
7 VICE CHAIRMAN BULLOCK: All those in favor?  
8 COMMISSIONER MASON: Aye.  
9 COMMISSIONER WAITS: Aye.  
10 COMMISSIONER STIENMETZ: Aye.  
11 VICE CHAIRMAN BULLOCK: Aye.  
12 Those opposed?  
13 (No comment.)  
14 JAN MORRISON: Thank you.  
15 VICE CHAIRMAN BULLOCK: Thank you.  
16 JAKE EDGAR: Are you going to contact?  
17 VICE CHAIRMAN BULLOCK: I'll talk to you later.  
18 JAKE EDGAR: Perfect. I'm out of here.  
19  
20

21 **COMMISSIONERS**

- 22  
23 10) Discussion for possible action regarding Lander County Code  
24 9.12.040 and the request by Leslie Jorgensen, Battle Mountain  
25 High School teacher representing the Battle Mountain High  
26 School Junior Class, to extend the curfew hours for one hour,  
27 from 12:01 a.m. to 1:01 a.m., for the Junior-Senior Prom on  
28 April 20, 2014, and other matters properly related thereto.  
29

30 VICE CHAIRMAN BULLOCK: Okay, item number 10, discussion  
31 for possible action regarding Lander County Code 9.12.040 and  
32 the request by Leslie Jorgensen, Battle Mountain High School  
33 teacher representing the Battle Mountain High School Junior  
34 Class, to extend the curfew hours for one hour from 12:01 a.m.  
35 to 1:01 a.m., for the Junior-Senior Prom on April 12<sup>th</sup>, 2014,  
36 and other matters properly related thereto.

37 COMMISSIONER MASON: April 20<sup>th</sup>, I think.  
38 VICE CHAIRMAN BULLOCK: We corrected it in the -- when we  
39 did the agenda.  
40 COMMISSIONER MASON: Okay.

1 COUNTY CLERK SULLIVAN: If you'll state your name for the  
2 record.

3 LESLIE JORGENSEN: Leslie Jorgensen.

4 I came before, last year, and hoping that we could do this  
5 and so that we don't have to come back every year. We're hoping  
6 that we could get a resolution so that it -- we could just call  
7 and say, this is when we're having prom, so we don't have to  
8 come back every year to extend curfew.

9 COMMISSIONER MASON: I think you do have to come back every  
10 year just because the dates and times. Dates, I mean.

11 COMMISSIONER STIENMETZ: No, as long as we -- I thought we  
12 were -- that's what I thought we were going to last year too is  
13 have a resolution just stating that -- so they could just call  
14 the sheriff's office and say, prom is this so we're extending  
15 the curfew from 12:01 to 1:01.

16 LESLIE JORGENSEN: Right.

17 COMMISSIONER STIENMETZ: But that never happened so --

18 COMMISSIONER WAITS: Actually, you could work with our  
19 clerk on that for the resolution number so that at least --

20 COUNTY CLERK SULLIVAN: Would you like me to type a  
21 resolution?

22 COMMISSIONER WAITS: We can do it --

23 COUNTY CLERK SULLIVAN: Is that what you're looking at?  
24 And then have --

25 COMMISSIONER WAITS: We can do it later.

26 COUNTY CLERK SULLIVAN: -- legal look over it?

27 COMMISSIONER STIENMETZ: Yeah, --

28 COMMISSIONER WAITS: No.

29 COMMISSIONER STIENMETZ: -- please.

30 COUNTY CLERK SULLIVAN: Okay.

31 COMMISSIONER STIENMETZ: Well, we can approve this now.

32 COMMISSIONER WAITS: Yeah.

33 VICE CHAIRMAN BULLOCK: Another agenda item.

34 COUNTY CLERK SULLIVAN: Okay.

35 COMMISSIONER STIENMETZ: Yeah.

36 COMMISSIONER WAITS: And just bring it before us so we can  
37 take care of it, and you might not have to come back next year.

38 LESLIE JORGENSEN: Okay. Perfect.

39 So, yeah, we're just looking to get prom extended for this  
40 Saturday, April 12<sup>th</sup>, for one hour.

1 COUNTY CLERK SULLIVAN: So what are we do- -- we want to --  
2 COMMISSIONER STIENMETZ: I'll make a --  
3 COMMISSIONER WAITS: Just one night.  
4 COMMISSIONER STIENMETZ: -- a motion regarding Lander  
5 County Code 9.12.004 and the request by the --  
6 VICE CHAIRMAN BULLOCK: Zero, four, zero.  
7 COMMISSIONER STIENMETZ: Oh, excuse me -- .040 and the  
8 request by Leslie Jorgensen, Battle Mountain High School  
9 teacher, representing the Battle Mountain High School class to  
10 extend the curfew hours for one hour from 12:01 a.m. to  
11 1:01 a.m. for the Junior-Senior Prom on April 12<sup>th</sup>, 2014.  
12 COMMISSIONER MASON: Second.  
13 COMMISSIONER WAITS: On April --  
14 COMMISSIONER STIENMETZ: Twelfth.  
15 COMMISSIONER WAITS: Twelfth.  
16 COMMISSIONER STIENMETZ: That's wrong. They corrected it  
17 when we --  
18 COMMISSIONER WAITS: I thought we corrected it to the 19<sup>th</sup>  
19 I guess, I thought.  
20 It's right here.  
21 VICE CHAIRMAN BULLOCK: Okay. Dave, did you second?  
22 COMMISSIONER WAITS: He did.  
23 VICE CHAIRMAN BULLOCK: Okay. Any other comments?  
24 (No comment.)  
25 VICE CHAIRMAN BULLOCK: I just want to make the comment  
26 that I will be abstaining from this vote due to the fact that  
27 Leslie Jorgensen is my daughter. So -- okay.  
28 All those in favor?  
29 COMMISSIONER MASON: Aye.  
30 COMMISSIONER WAITS: Aye.  
31 COMMISSIONER STIENMETZ: Aye.  
32 VICE CHAIRMAN BULLOCK: Those opposed?  
33 LESLIE JORGENSEN: Thank you.  
34 DEPUTY DISTRICT ATTORNEY TING: Mrs. Jorgensen, before you  
35 leave, do you -- Commissioners and Mrs. Jorgensen -- do you want  
36 the resolution to cover junior high school dances also or just  
37 high school?  
38 LESLIE JORGENSEN: No. Just high school.  
39 DEPUTY DISTRICT ATTORNEY TING: Okay.  
40 LESLIE JORGENSEN: Those junior-high schoolers don't need

1 to be out that late.

2 I'm sure their parents wouldn't appreciate me for that.

3 DEPUTY DISTRICT ATTORNEY TING: And just dances or like  
4 school events?

5 LESLIE JORGENSEN: We don't have an event ever besides a  
6 dance that would go that late.

7 DEPUTY DISTRICT ATTORNEY TING: Okay.

8 LESLIE JORGENSEN: So just dances.

9 VICE CHAIRMAN BULLOCK: Okay.

10 LESLIE JORGENSEN: Is that it? Thank you.

11 COMMISSIONER STIENMETZ: Thank you.

12 COMMISSIONER WAITS: Thank you.

13

14 11) Discussion for possible action regarding review and  
15 ratification of comments submitted to the Bureau of Land  
16 Management (BLM) concerning the Preliminary Draft  
17 Environmental Impact Statement (DEIS) for the Battle Mountain  
18 District's Resource Management Plan (RMP), and other matters  
19 properly related thereto.

20

21 VICE CHAIRMAN BULLOCK: Item number 11, discussion for  
22 possible action regarding review and ratification of comments  
23 submitted to the Bureau of Land Management (BLM) concerning the  
24 Preliminary Draft Environmental Impact Statement (DEIS) for the  
25 Battle Mountain Resource Management Plan (RMP), and other  
26 matters properly related thereto.

27 COMMISSIONER WAITS: Good morning, Rex.

28 REX MASSEY: Good morning. Rex Massey.

29 You have as item number 11 the comments to chapters one and  
30 three.

31 Just to give the board a little more information on  
32 chapters. One and three are probably the least important of the  
33 environmental impact statements so the comments are not all that  
34 extensive.

35 I did want to bring attention to the board the cover letter  
36 and specifically the first paragraph where we have, again,  
37 requested that Lander County along with the other cooperating  
38 agencies have an opportunity to meet with BLM and discuss in  
39 more detail alternative two which -- or chapter two, which is  
40 the alternatives and proposed action. We have been requesting

1 that for almost a year now with -- with very little real  
2 meaningful response to that request.

3 And I know that recently Eureka County has sent in another  
4 letter to BLM to the -- to the state office as well as to the  
5 congressional delegation discussing that issue.

6 I'm becoming concerned with the lack of interaction to  
7 where we're almost getting to a process that is, I think, is  
8 somewhat broken, I think is a fair description. And  
9 particularly in light of, I think, Lander County and the rest of  
10 the counties that have been interacting with BLM on this issue  
11 have been fairly constructive.

12 I'm not sure what to do about it at this point other than  
13 to -- to put together another letter expressing our concerns and  
14 sending that to the delegation as well.

15 But we have not been afforded the kinds of interactions and  
16 the rights that we ought to have as a cooperating agency.

17 So with that -- if you have any questions, I'm happy to  
18 answer them at this point. And the comments are what they are.  
19 And as usual, we seek the board's ratification of comments that  
20 we send under Commissioners Waits.

21 COMMISSIONER MASON: What about a letter that goes directly  
22 to the Department of Interior about no response?

23 I mean, it's a year and this is important stuff.

24 REX MASSEY: Yes. We could -- we could include that.  
25 Probably elevating at least to the state office is a good place  
26 to start.

27 We could include something directly to Washington, DC.

28 COMMISSIONER MASON: I mean, can we build a fire here, or  
29 is the state office going to do anything about it?

30 REX MASSEY: I -- I can't answer that.

31 UNIDENTIFIED PARTICIPANT: I can answer that question for  
32 you.

33 COMMISSIONER MASON: Would you have a thought on the  
34 matter? Do you have a thought on the matter?

35 REX MASSEY: Oh, I think sending it to the state office is  
36 the first appropriate step. And then, again, notifying our --  
37 our delegation that we're not getting the cooperation that we  
38 should -- we should have based on our MOU and our status as  
39 cooperating agency.

40 COMMISSIONER MASON: Could you draft such a letter for us?

1 REX MASSEY: Certainly.

2 COMMISSIONER WAITS: I just have a quick comment. And as  
3 you know, this has been ongoing. But they have been very  
4 gracious in saying they will meet with us. They've done that to  
5 all of the four counties. And yet, no dates come up.

6 And I know one of our main contacts, Chris Worthington  
7 left -- what? -- a couple of months ago. And I heard maybe he  
8 might even be coming back. So that might do a little bit.

9 But the other concern is, once we get that, these are not  
10 our first comments going in. And they seem to be overlooking  
11 our comments and our plans that we've had before them. And they  
12 just seem to be going on like they're on that main track and  
13 they're just doing that regardless of what the rest of the  
14 counties are inputting.

15 And I think that's -- that's what we're saying. This is  
16 reaching levels that we're really have a concern about that's  
17 getting serious.

18 The letter he refers to that Eureka sent was actually to  
19 what? All our legislatures? And -- and Department of Interior,  
20 and the new BLM director that just took office. So maybe that  
21 will help. So if it's your pleasure, we'd love to do that and  
22 bring it before you.

23 REX MASSEY: Okay.

24 COMMISSIONER MASON: As far as the agenda item number 11, I  
25 make a motion that we ratify -- the Commission makes  
26 ratification of comments submitted to the Bureau of Land  
27 Management (BLM) concerning the Preliminary Draft Environment  
28 Impact Statement (DEIS) for the Battle Mountain District  
29 Resource Management Plan (RMP).

30 COMMISSIONER STIENMETZ: I'll second the motion.

31 ~~VICE CHAIRMAN BULLOCK: Okay. Any comments?~~

32 (No comment.)

33 VICE CHAIRMAN BULLOCK: All those in favor?

34 COMMISSIONER MASON: Aye.

35 COMMISSIONER WAITS: Aye.

36 COMMISSIONER STIENMETZ: Aye.

37 VICE CHAIRMAN BULLOCK: Aye.

38 Those opposed?

39 (No comment.)

40 COMMISSIONER STIENMETZ: Thanks, Rex.

1 VICE CHAIRMAN BULLOCK: Thanks, Rex.

2 COMMISSIONER WAITS: Thank you, Rex.

3  
4 12) Discussion for possible action regarding presentation by  
5 Jamie Greer of the Nevada Department of Agriculture on  
6 noxious weed issues in Lander County, and other matters  
7 properly related thereto.  
8

9 VICE CHAIRMAN BULLOCK: Item number 12, discussion for  
10 possible action regarding presentation by Jamie Greer of the  
11 Nevada Department of Agriculture on noxious weed issues in  
12 Lander County, and other matters properly related thereto.

13 JAMIE GREER: All right. Hello. For the record, my name's  
14 Jamie Greer. I'm with the Nevada Department of Agriculture  
15 noxious weed program.

16 First, I would like to commend your county clerk and all  
17 the folks that I've been working with to do this presentation.  
18 It's been very, very easy for me.

19 In other counties, we've had a little bit more troubles  
20 just because we're traveling, and it hasn't been this easy. So  
21 I'd like to thank them.

22 So first, I -- I -- we want to cover basically start from  
23 the beginning, make sure we're all on the same page as far as:  
24 what is a noxious weed; what is some of the things the Nevada  
25 Department of Agriculture is trying to do; some of the noxious  
26 weed concerns for Lander County; the general noxious weed  
27 statutes; county responsibilities per statute; and some future  
28 directions.

29 We as -- as our office, I've been in the noxious weed  
30 program for five years, but a lot of background, paperwork kind  
31 of work. And it's been two years now since I've actually been  
32 in my position as a grants and outreach coordinator. And so we  
33 know that we've kind of -- we've lost touch with a lot of the  
34 different counties as far as our change in personnel.

35 And so with increase in pressure and just some more  
36 happenings across the state as far as noxious weeds go, we've  
37 gone to every county to just start the conversation back up with  
38 you regarding noxious weeds.

39 So what is a noxious weed? It's an invasive plant that has  
40 been listed and regulated per statutes by the state. The state

1 definition is: any species of plant which is or is likely to be  
2 detrimental or destructive and difficult to control or  
3 eradicate.

4 And right now the State of Nevada lists 47 different  
5 noxious weeds that are found in NAC 555. And we also categorize  
6 them based on distribution across the states.

7 There's A, B, and C. C are the more common ones. And A  
8 are even some we don't have in Nevada yet.

9 So basically, usually in a nutshell to describe this, we  
10 say, okay, everybody's familiar with a dandelion. And that is a  
11 weed. It's a nuisance and annoying. We're trying to get it out  
12 of our lawns.

13 And the noxious weeds are weeds that are dandelions on  
14 steroids. You know, they're more destructive. They're much,  
15 much harder to control. And most of the -- and almost all of  
16 them aren't from here. You know, they're invasive and not from  
17 the United States at all.

18 So what our program was designed to do is to help  
19 coordinate the prevention and spread of noxious weeds and then  
20 also coordinate the control of noxious weeds.

21 We, right now, have a lot of different subprograms within  
22 our general noxious weed program. And a lot of programs of  
23 which Lander County we haven't had a lot of local connection as  
24 far as taking advantage of some of the programs we have.

25 Education and outreach. That's part of what I do. That's  
26 anywhere from working with 4-H and FFA clubs to general public  
27 to legislators, just sort of educating folks that there are such  
28 things as invasive plants. And -- and they can have a lot --  
29 wide range of impacts, you know, from agriculture to recreation  
30 to, you know, our habitats.

31 Next is noxious weed grants. This, again, you know, is  
32 something for the local group, Lander County, I think, could be  
33 taking advantage of.

34 I run our grant programs. We get federal grant money from  
35 the Forest Service State and Private Forestry, which is to use  
36 on non-federal ground. And every year it's been varying. And  
37 it has been going down a little bit. But every year we offer up  
38 money for local groups to apply.

39 Mapping and surveys. This is something that we've taken on  
40 a large project to do, get a statewide noxious weed map.

1           We get reports of noxious weeds. But in all honestly,  
2 Lander County is kind of our gap just because we don't have --  
3 you know, we haven't had that communication with local efforts  
4 and surveys.

5           So we'll be out here, hopefully, a lot this season and, you  
6 know, in years to come as far as just surveying for  
7 infestations.

8           Biological control. This is the use of insects to control  
9 some of the invasive plant species.

10          Our most popular in Lamo- -- in the Lamoille area is the  
11 leafy spurge flea beetle. And so that's a beetle that is  
12 specific. It only eats leafy spurge. It can only survive off  
13 of a leafy spurge. And we have some landowners that are very  
14 happy with how it's reduced the amount of leafy spurge on their  
15 property.

16          So I hold the -- a state permit that I can use and help  
17 anybody to get biocontrol agents from our neighboring partners  
18 if -- for free, you know, if possible. If we decide, well,  
19 yeah, your infestation might be good for biological control  
20 versus, no, it's pretty small. It's just, you know, get rid of  
21 it right away kind of thing.

22          General vegetation monitoring. This is usually, you know,  
23 to kind of decide, okay, are the treatments working? Are they  
24 not working? Do we have desired crops or desired plants there,  
25 or do we need to change it up?

26          CWMA coordination. This is cooperative weed management  
27 areas. We have a lot of local groups across the state. I know  
28 the Lander County -- I have old records of the Lander County  
29 conservation districts having, you know, a similar program, kind  
30 of like a CWMA, where you're trying to get volunteer landowners  
31 to come, you know, either get herbicides, cost-share  
32 herbicides -- kind of strategically go about controlling some of  
33 the noxious weeds. But in recent years, we haven't had any CWMA  
34 coordination here in this county.

35          Weed-free certification. We also do those inspections.  
36 It's required to have certified weed-free forage on forest  
37 service lands. And the BLM is slowly starting to require it as  
38 well. And so sometime -- you know, if you're on the  
39 Humboldt-Toiyabe, you sometimes see those signs. And so the  
40 state has those authorities to give those certifications to

1 producers.

2 I did have some straw out -- out of Battle Mountain here  
3 get certified last year.

4 COURT REPORTER: Who was that again? The name?

5 JAMIE GREER: I believe -- let's see -- I get the two  
6 confused.

7 COURT REPORTER: Who got certified?

8 JAMIE GREER: It's either Bob Burnham or Dennie Kars. I  
9 don't remember which one is here and the other one is Eureka.

10 ROD DAVIS: Burnham probably Eureka. He was county  
11 commissioner for a while.

12 JAMIE GREER: Okay. Then it's Kars probably. I could  
13 check and send you the -- the stuff. But --

14 And then the last is statute enforcement.

15 So Robert Little is my colleague. And that he is the  
16 regulatory specialist, and he has to deal with a lot of the  
17 statutes that I'll be talking about a little bit more today.

18 So some of the biggest concerns for -- for Lander County.  
19 One is this leafy spurge. Lander County is near large  
20 infestations of leafy spurge. We have known infestations in the  
21 Paradise Valley outside of Winnemucca and then also a lot of  
22 infestations in the Lamoille and in Spring Creek.

23 And you know, with I-80, we could -- we know that there's  
24 kind of a high threat for leafy spurge to get into your county.  
25 This plant if you talk to anybody from Montana or Oregon, this  
26 can cause serious problems as far as just hay production and  
27 livestock production. It's toxic to a lot of livestock and  
28 wildlife. And it's really, really hard to control.

29 Next, we have some thistle forest complaints. None of this  
30 has been confirmed as far as going out and confirming on the  
31 ground from our office. But I know last year, we did get a few  
32 calls of some landowners in the Battle Mountain/Carlin area  
33 wanting to know some suggestions of how to control thistles.  
34 Thistles is one of our -- the scotch and musk thistle, those are  
35 both listed as noxious weeds. And those are our C category, so  
36 they are more common.

37 But whenever we get complaints or we get calls, we'll give  
38 you the, you know, best -- best available science as far as  
39 treatment methods. We'll also come out and do a site -- site  
40 visit as far as identifying some of the desirables that we think

1 you could either plant or help grow to compete with those  
2 noxious weeds as well.

3 Next is your -- Lander County is near large medusahead  
4 infestations. Medusahead has been Nevada's priority noxious  
5 weed for a while now just because it is a scary, invasive,  
6 annual plant or annual grass. It's a winter annual. It's very,  
7 very much like cheatgrass, except for it can outcompete  
8 cheatgrass. And it also has really high silica content so it  
9 creates a bigger thatch layer and then also can even grow on top  
10 of itself without reaching the soil.

11 So in other states, Utah and Oregon, they have thousands  
12 and thousands of acres of this. And so Nevada has kind of been  
13 watching our neighboring states saying, we don't want that.

14 One of the big things with medusahead is it's a huge fire  
15 threat, just like cheatgrass. But like I said, it'll even --  
16 that picture on the bottom there is from Paradise Valley, that  
17 thatch layer, you know, can get a couple feet deep and surround  
18 -- be surrounding the brush there. And it's very dry. You  
19 know, one cigarette, one lightning strike away from a big wild  
20 fire.

21 Next, these are some more general concerns. Infestations  
22 of noxious weeds obviously pose a threat to critical sage grouse  
23 or other wildlife habitat. We put the sage grouse in here  
24 because that's one of the big pressures that we've been having  
25 from our office to do more treatments, expand our surveys, you  
26 know, get into some of the sage grouse habitats so that we can  
27 doing habitat restoration to hopefully make sure that that bird  
28 doesn't get listed.

29 Then the second is, again, the more general riparian and  
30 other habitat loss, which, you know, obviously if the wildlife  
31 don't have habitat that could potentially be an economic impact  
32 to your county as far as the recreation revenues for Lander  
33 County.

34 And then the last, you know, bullet point we have here is  
35 just a general lack of communication regarding the activity and  
36 general noxious weeds throughout Lander County. Partly because  
37 our office we've had a lot of change in personnel and then, you  
38 know, also we haven't had those local contacts that probably  
39 folks from our office had in the past.

40 So that kind of gets me into the statutes. The statutes

1 were set up to help the state and counties address some of the  
2 noxious weed problems.

3 And these can be found in NRS 555.

4 The general sense of the statute say it's prohibited to  
5 possess, grow, or transport noxious weeds in Nevada.

6 One-fifty says every landowner, or occupier, private, city,  
7 and federal shall control their noxious weeds. Most of the time  
8 when I'm showing people these statutes, I say, now, now, we know  
9 that we have noxious weed laws. And I'm sure that everyone here  
10 knows where some noxious weeds are and you're not getting, you  
11 know, the police coming after you with a ticket because you have  
12 noxious weeds.

13 Most of the time the way that we look at these statutes is  
14 that they're here so that we can potentially enforce them,  
15 especially if it's a noxious weeds that we don't know -- or we  
16 know that we don't have across the state already and we know  
17 it's severely impacting a certain area or certain revenue, you  
18 know, revenue stream, that sort of thing.

19 And in general, across the state, you know, we know there's  
20 needed improvement for us to first of all locate where we have  
21 some of the noxious problems and then potentially enforce the  
22 statutes.

23 And again, we have pressure that's been increasing in  
24 recent years. Because of the sage grouse, a lot of stake  
25 holders, as far as hay growers that are getting premiums. And  
26 some of the other counties for their certification for  
27 weed-free. We've had a little more pressure to kind of look  
28 again at the statutes and start increasing our activity.

29 One-sixty is kind of what -- the Statute 160 is where it  
30 gets into how our office could go about enforcing the statutes.  
31 State quarantine officer, which is technically Jim Barbie, our  
32 director, but then his duties go down to Robert Little, our  
33 regulatory specialist for our noxious weeds program -- can serve  
34 notice to a landowner to control their noxious weeds.

35 Usually this first notice, it might even be, hey, Jamie,  
36 can you call that guy. He had X weed. And I'll call and I say,  
37 did you know that that flower that you have there -- and this  
38 usually happens when I'm in Reno the flower that you had there  
39 is not a beautiful flower. It's actually a noxious weed. And  
40 it's impacting, you know, XYZ down from you. Most of the time

1 it's educational, you know, because a lot of people don't know  
2 about the plants. And we can't expect everybody to know which  
3 is, you know, good and which one's bad. And most of the time  
4 it's educational. We let the landowner know. And we give them  
5 tools. We set them up with a local group if they have  
6 cost-share program. And we can get the weeds controlled.

7 If the education route doesn't go, we can serve notice, a  
8 letter, that would say, you have this noxious weed. Here's the  
9 control measures. And here's the recommended time frame that  
10 we'd like you to control these by so that they're not seeding,  
11 and then you're going to make your infestation worse next year.

12 There is a series of letters that Robert Little will send.  
13 And each one could get a little more strict as far as the  
14 response that we get from the landowner. In all honesty, if the  
15 landowner says -- calls you backs and says, I had no idea. What  
16 can I do? You know, they've done -- they've done their job as  
17 far as just working with us and we just want to try to work. We  
18 know that most of these infestations it's not a one-time fix,  
19 you know, overall going to be happy with one treatment. We know  
20 that for weeds, you're going to have to continually work on  
21 them.

22 Where we kind of have -- where we've kind of fallen short  
23 is if compliance doesn't get reached -- so we have a landowner  
24 just plain just refuses to control noxious weeds. You know,  
25 that infestation could continue to grow and be spread onto other  
26 properties.

27 And that's where in statute -- I guess it was probably, I  
28 think, three years ago, the gentleman that was a regulatory  
29 specialist from our office, he wanted to initiate an abatement  
30 in Washoe County. And our district attorney general said, well,  
31 ~~the counties need to be involved as far as it can't just be the~~  
32 state going in. We need county involvement.

33 So here's the statutes where it says that. Again, it's in  
34 the same chapter, 555.

35 One-seventy says, the state quarantine officer may notify  
36 the board of county commissioners in which the county is prop -  
37 is situated. Then it's really the board of county commissioners  
38 that proceed to control. And control cost not paid by the  
39 landowner would be a lien on the property.

40 Now, right now as this sits and from our office, we -- we

1 look at this as, you know, a lot out of our counties don't have  
2 an infrastructure. They don't -- you know, a lot of them don't  
3 have an actual weed program. So this is kind of an unfunded  
4 mandate as far as if we wanted to do an abatement and then we --  
5 the state said, okay, Lander County, do this abatement. You  
6 know, we don't really think that would be very successful.

7 So the way we've gone around this and for some of the  
8 counties that have that infrastructure in place and have put --  
9 have been more proactive on the weeds and have been more  
10 aggressive on their weeds, we have developed a cost-share  
11 abatement program, an MOU. So -- and this is -- this is hot off  
12 the press. We're just trying it out this year. The program and  
13 MOU were created to allow state funds to be used to do the  
14 abatement. NDA would provide up to 80% of the funds to do an  
15 abatement of weeds as long as the county put the lien on the  
16 property to recover the costs. I know as far as I'm concerned,  
17 you know, 100% would be great, but we need to have a county  
18 buy-in so that we know that the lien would be placed.

19 And then per statute, NDA would still remain that authority  
20 that goes through the notices and, you know, determines when  
21 abatement is really necessary. And then the county would remain  
22 that entity that would basically place the lien and follow  
23 through with the abatement.

24 We're using this actually next week in Douglas County.  
25 Douglas County has been our example county. They've taken a big  
26 approach as far as basically targeting any noxious weed  
27 infestations that they have in their county.

28 And so we're using Douglas as an example to share with all  
29 the other counties to see how we can make this state/county  
30 relationship work and then also get weeds treated.

31 So they -- we will be doing an abatement in Douglas County  
32 next week. And really the big reason why Douglas County has  
33 been so aggressive is because they do have about half of the  
34 state's certified weed-free producers in their county. And so  
35 that is a very local group of land -- vocal group of landowners  
36 that wants to see noxious weeds controlled. Also, being close  
37 to Tahoe obviously they have a lot -- a lot of folks interested  
38 in invasive plants.

39 So with that, kind of what is the future directions? This  
40 presentation was meant to just be first, you know, it's first

1 time talking to you guys. Hopefully, you can recognize my face.  
2 We'll be back here, you know, I would assume after the season  
3 and throughout the season to continue working with the counties.

4 But here are some of the future directions we see we can  
5 go.

6 First, with your approval today, I would like to send to  
7 your district attorney this MOU and the cost-share abatement  
8 program draft just so that you guys can take a look at it,  
9 decide if you like the language, don't like the language, and  
10 see if we can get it in place just in case if there was ever  
11 future abatements that were -- that were going to be performed  
12 in Lander County.

13 Right now, like I said, we haven't been in Lander County  
14 very often. And so I, you know, I don't -- you know, I don't  
15 foresee any abatements happening any time soon. But we want to  
16 make sure that we have the right things in place in case it did  
17 get to that point.

18 Two was consider establishing a county weed district or a  
19 program or potential -- maybe just make that connection between  
20 us and you as far as: what is Lander County doing about the  
21 weeds? And see if we can get a real local -- local effort as  
22 far as weed control goes.

23 Our long-term goal -- these are Utah and Idaho, two  
24 examples. All the western states besides Nevada actually has --  
25 they all have county weed programs and a county weed supervisor  
26 and a full crew where local efforts they can go after weeds.  
27 And then all of their weed districts have -- that officer has  
28 the same regulatory authority as we do at the state. That would  
29 be our long-term goal. We know that that's -- we're a ways off.  
30 But really does make weed control a lot more effective because  
31 the local landowners know more about what weeds they have and  
32 what's working and what's not.

33 Lastly, is just to maintain and start up this regular  
34 communication about noxious weeds. Between the state, the  
35 county and then other local entities, the conversation district  
36 and anyone else who's interested in noxious weeds and invasive  
37 plants.

38 Like I said, this was our -- really our first objective  
39 behind this presentation is to start this now.

40 So with that, there's my contact information. Like I said,

1 Robert Little is also in my office. And he handles more of the  
2 statutes and regulatory aspects of the noxious weed program.

3 But if you have any questions, I'll be happy to take them.

4 COMMISSIONER MASON: I think the -- one of the reasons you  
5 haven't been very active in Lander County is because 87% of  
6 Lander County is under the control of BLM and --

7 JAMIE GREER: Mm-hm.

8 COMMISSIONER MASON: -- Forest Service. So with that said,  
9 what little we control physically --

10 JAMIE GREER: Mm-hm.

11 COMMISSIONER MASON: -- would be the ranchers.

12 JAMIE GREER: Yeah. Definitely. So we have had contact  
13 with the BLM office here. And we plan on having much more  
14 contact throughout this year as far as doing surveys and getting  
15 that data of which noxious weeds are here or not.

16 We have been going to all the counties over this last --  
17 this last month and doing the same presentation. And I always  
18 get, well, what about the feds? You know, Nevada has so much  
19 federal land. And there's a lot of noxious weed infestations  
20 that are on federal ground. And so we're aware of that. And in  
21 Douglas County, in particular, we -- it looks like we probably  
22 will be serving notices from the state office to our county --  
23 to our federal districts. We can serve notice. We can go  
24 through that same process. Where it gets tricky and obviously  
25 really sticky is -- we cannot, you know, there's not going to be  
26 liens on federal ground. But the way we look at it is so that  
27 we can all make that connection that the state supports the  
28 county that wants to control their noxious weeds. And we want  
29 to pressure the feds to make sure that they're controlling those  
30 infestations that are affecting the private landowners or the  
31 county lands. So I would assume that that would be the same for  
32 you guys. I think the first thing is to make sure we get all  
33 the data and the surveys in this area on the federal ground.

34 COMMISSIONER MASON: So you're going to send us material to  
35 look over?

36 JAMIE GREER: Yeah, if I have your approval. We didn't  
37 want to ask for an action item without going through this  
38 background of why the heck we're here.

39 And so with your approval, I'd like to send you all and  
40 your district attorney the template of the abatement cost-share

1 program that we've set up with Douglas County and the MOU. And  
2 the MOU is a per abatement document. And so it's in draft form.  
3 But we would like to send that to you after I -- basically, when  
4 I get back to the office today so you guys can review. And then  
5 we can come back whenever you guys are ready to discuss it.

6 COMMISSIONER MASON: I would like to -- do you have any  
7 kind of MOU with BLM?

8 JAMIE GREER: We -- BLM. On the local -- on the local  
9 level for the Cooperative Weed Management Areas, depending on  
10 the district, the BLM has been a -- and -- let's see -- a  
11 partner in those.

12 And so some of the CWMA's will have the BLM sign the MOU but  
13 some of them not. For Lander County, in particular, we haven't  
14 had a -- or either we don't know of all the local folks that are  
15 interested in forming a CWMA. So right now for Lander County,  
16 we don't have an MOU with BLM.

17 COMMISSIONER MASON: We'd like to -- I would like to see  
18 more information about what -- what the responsibility to this  
19 weed con -- noxious weed control, which is now a statute, of how  
20 BLM is handling theirs so we could read in how we're going  
21 handle ours. I mean, they're the lion's share.

22 JAMIE GREER: Yeah. Yeah. I would agree with you. So  
23 that will be the first thing is to make sure we work with this  
24 district. We have had a lot of -- I know when Mike Vermeys was  
25 the head gentleman, I -- I did meet him. And we had some good  
26 communication back and forth. I know that -- you know, I knew  
27 what the BLM was doing, but that was a couple of years ago. And  
28 so we've just lost contact.

29 Yeah, that will be my number one thing for Lander County is  
30 go and discuss with the BLM what they're doing, and we can come  
31 back and share with you.

32 COMMISSIONER MASON: Otherwise, you know, we're talking  
33 about abatement for a county that's got -- what? --  
34 2 million acres?

35 JAMIE GREER: Yeah.

36 COMMISSIONER MASON: And we don't control it.

37 JAMIE GREER: Yeah. Yeah. And like I said, abatements for  
38 this county I know would be a ways away if ever happening. --

39 COMMISSIONER MASON: Okay.

40 JAMIE GREER: But we -- we want to make sure that you're

1 aware of what's happening in other counties and that we do have  
2 the pressure, you know, coming through. And so we want to make  
3 sure that we approach all the counties the same way.

4 COMMISSIONER MASON: We have an executive director now that  
5 you can contact.

6 JAMIE GREER: Okay. If you guys -- if you have a card, --

7 UNIDENTIFIED PARTICIPANT: Sure.

8 JAMIE GREER: -- I would be happy to take it home with me.

9 COMMISSIONER MASON: Thank you.

10 COMMISSIONER WAITS: Jamie, just a clarification, if you  
11 would please. You had mentioned there were possibly grants  
12 available to groups.

13 JAMIE GREER: Mm-hm.

14 COMMISSIONER WAITS: Now, is that -- that's aside from the  
15 abatement with the county?

16 JAMIE GREER: Yeah.

17 COMMISSIONER WAITS: You're talking about a group. What  
18 constitutes a group?

19 JAMIE GREER: Yeah, so we --

20 COMMISSIONER WAITS: Could a large rancher contact you --

21 JAMIE GREER: Yeah.

22 COMMISSIONER WAITS: -- for some help with some costs?

23 JAMIE GREER: For -- so the forest service money that I  
24 have, it has to go to Cooperative Weed Management groups, which  
25 we clarify as anything that's a CWMA, a Cooperative Weed  
26 Management Area, which is -- could be a group of local  
27 landowners, organizations, whoever wants to form a CWMA.

28 Conservation districts, I also include them as local weed  
29 management groups. And so they just have to set up as a Nevada  
30 vendor.

31 And I can send you the last RFP or that you guys could  
32 disperse throughout that -- that talks about the eligibility.

33 And then also, any county weed programs. So Douglas  
34 County, their program, their weed program is actually under  
35 their parks and rec department. And so they applied -- they can  
36 apply for that funding (indiscernible).

37 COMMISSIONER WAITS: We have a couple of home owners  
38 associations that are in the southern Lander County. So would  
39 that constitute a group if they found some weeds and they could  
40 get the grant and --

1 JAMIE GREER: Yeah. I'm thinking --  
2 COMMISSIONER WAITS: -- do some of the clearing.  
3 JAMIE GREER: -- we would want to work with the landowners  
4 to form a CWMA, which --  
5 COMMISSIONER WAITS: Okay, that's part of the definition  
6 has --  
7 JAMIE GREER: Yeah.  
8 COMMISSIONER WAITS: -- to be that. Okay, but let me ask  
9 --  
10 JAMIE GREER: Which actually isn't that hard. It's just  
11 that you decide, yep, we're all going to work together on weeds.  
12 COMMISSIONER WAITS: So let me ask, okay, you come out on  
13 the property and say, oh, those are bad. And you need to get  
14 rid of those. Okay. And I go over and cut them off with my  
15 lawn mower. I mean, you have -- you have a specific way that  
16 you're going to watch how I poison these so they don't come back  
17 again? Or what happens when you identify you've got a problem.  
18 JAMIE GREER: When we identify them, we give you a list of  
19 effective controls. So if it is a plant that reproduces by its  
20 roots, if you're going to go mow it down, you're going to see  
21 them sprout back up --  
22 COMMISSIONER WAITS: Of course.  
23 JAMIE GREER: -- very fast. We give you a list of  
24 effective measures and that way everyone can decide which one  
25 they're going to go with. And normally, it's just keeping our  
26 communication up with the landowner. You know, give us a call,  
27 an e-mail. Hey, I did this. Here's what it's looking like.  
28 And then we would check back, you know, later in the season to  
29 see how it's going and adapt, you know, what the control is.  
30 COMMISSIONER WAITS: Thank you.  
31 COMMISSIONER STIENMETZ: Sean.  
32 VICE CHAIRMAN BULLOCK: Go ahead.  
33 SEAN BAKKER: I'm Sean Bakker. I'm part of the  
34 conservation district.  
35 They -- they also have a 50% cost-share program. And I  
36 think what the commission paid for -- the spray material and  
37 we're paying for the spraying. And they're also spraying for  
38 noxious weeds in the Indian Creek project starting Monday.  
39 JAMIE GREER: Cool.  
40 SEAN BAKKER: Some information.

1 JAMIE GREER: Yeah. I would like to get your card as well.

2 SEAN BAKKER: But Lander County with the conservation  
3 district have started programs already to get rid of noxious  
4 weeds.

5 JAMIE GREER: Yeah. I had old files of the conservation  
6 district in Lander County with their cost-share, but we didn't  
7 know the contact now.

8 SEAN BAKKER: Well, it's 50% --

9 JAMIE GREER: So we haven't heard --

10 SEAN BAKKER: -- and we're spraying landowners. Landowners  
11 that want to spray their own property, we are covering a  
12 thousand dollars of the spray material out of the Conservation  
13 District Fund.

14 Lander County Commissioners approved the -- for the spray  
15 material for that project. So --

16 COMMISSIONER STIENMETZ: I was told by -- that they  
17 would -- they would reimburse me 50% up to a thousand dollars --

18 SEAN BAKKER: Yeah.

19 COMMISSIONER STIENMETZ: -- if I kept my receipts on my  
20 spray material to spray my property.

21 SEAN BAKKER: Right.

22 VICE CHAIRMAN BULLOCK: Go ahead.

23 PAUL ANDREOLA: Don't they -- they also cover --

24 VICE CHAIRMAN BULLOCK: Name first, please.

25 PAUL ANDREOLA: Oh, Paul Andreola, Reese River.

26 They also pay up to a thousand dollars on gopher bait and  
27 traps and so on and so forth, I believe.

28 SEAN BAKKER: Yeah. That's -- yeah. They have a program.  
29 You guys got the same --

30 PAUL ANDREOLA: Yeah. So we're -- I've used it.

31 COMMISSIONER MASON: How do they figure that? By footage?  
32 By acreage? By what?

33 SEAN BAKKER: Pardon me?

34 COMMISSIONER STIENMETZ: Receipts.

35 COMMISSIONER MASON: How do they figure that 50/50 split?

36 PAUL ANDREOLA: You send in your bill. You send in your  
37 bill for what you paid for. And they reimburse you up to a  
38 thousand dollars, whether it's Roundup and 2,4-D, or it's gopher  
39 bait and traps, and so forth.

40 COMMISSIONER MASON: Is that part of the county's

1 understanding agreement? MOU?

2 SEAN BAKKER: No, I don't think so.

3 JAMIE GREER: Are you talking about the MOU that I talked  
4 about?

5 COMMISSIONER MASON: Yeah.

6 JAMIE GREER: The MOU that I talked about is strictly just  
7 if we were going to go down abatements.

8 But the grant funding that I have could easily go to the  
9 conservation district to support any of that as far as herbicide  
10 cost-share or treatment cost-share.

11 KARLENE ANDREOLA: That's through the conservation  
12 district.

13 JAMIE GREER: It could be through conservation districts or  
14 CWMAs or any other county weed program.

15 But it is -- we release RFPs, and the conservation district  
16 would have to apply.

17 COUNTY CLERK SULLIVAN: Tiffany, that was Karlene Andreola.

18 KARLENE ANDREOLA: I'm sorry.

19 COUNTY CLERK SULLIVAN: Thank you.

20 KARLENE ANDREOLA: That's who we go through is  
21 conservation. So I was just putting that out because they do it  
22 the same way.

23 COMMISSIONER MASON: Okay, so let me get this straight.  
24 You have a couple of runners run around their cars looking for  
25 this? Or do you answer weed control through the mail? How do  
26 you -- how do you get involved? I mean, are you out here  
27 patrolling our weeds?

28 JAMIE GREER: We have, in all honestly, like I said, Lander  
29 County we haven't been very active in. So, no, you know, other  
30 than if it's we're going through I-80 and, you know, happen to  
31 see something or stop for lunch and see something, you know,  
32 kind of thing.

33 What we would like to do is yes. But right now, the state  
34 office, we have me and Robert are the actual full-time  
35 positions. And then we hire, this year, which is the first year  
36 in a couple years, we will have a group of seasonals that we  
37 plan on having for surveys.

38 And so we're going to out -- focus them on areas where we  
39 haven't done surveys or we don't have data for. So I assume  
40 that we will just -- go, you know, contact the BLM and the

1 Forest Service and send our seasonals out to get -- to get a  
2 better general sense of where the weeds are.

3 On a day-to-day basis, it's we are responding to if we get  
4 any reports. We have an online reporting form and then also  
5 e-mails, phone calls.

6 If we get anybody that reports, you know, it looks like  
7 this is a weed infestation or I know this is, you know, scotch  
8 thistle and it's a large infestation, then that instigates us to  
9 go out to that area to do a larger survey.

10 COMMISSIONER MASON: I think we're going to have to see  
11 that MOU and --

12 JAMIE GREER: Yeah, I will send --

13 COMMISSIONER MASON: -- work off of that to see, you know,  
14 because we've got such a vast area under BLM control.

15 JAMIE GREER: Yeah, I'll send the MOU to your district  
16 attorney. And then I can send -- e-mail it to all of you.

17 And then, like I said, as far as the MOU and the  
18 abatements, I really don't think that Lander County has to be as  
19 concerned about this. But I'm glad that we came, you know, to  
20 start the discussions, because as far as the grant funding and,  
21 you know, surveys and everything else and making those contacts  
22 again, that's what we'll be looking for, for this year.

23 COMMISSIONER WAITS: Thank you, Jamie.

24 JAMIE GREER: Thank you.

25 VICE CHAIRMAN BULLOCK: Thank you.

26 COMMISSIONER MASON: Thank you.

27  
28 13) Discussion for possible action regarding the request from  
29 William E. Schaeffer, Esq. to appoint a local attorney to  
30 provide no cost or low cost legal services in civil cases to  
31 the elderly, persons of limited means, victims of domestic  
32 violence, and/or children in need of protection, or to seek  
33 requests for qualifications to provide such services starting  
34 July 1, 2014, and other matters properly related thereto.  
35

36 VICE CHAIRMAN BULLOCK: Okay. Item number 13, discussion  
37 for possible action regarding the request from William E.  
38 Schaeffer, Esquire, to appoint a local attorney to provide  
39 no-cost or low-cost legal services in civil cases to the  
40 elderly, persons of limited means, victims of domestic violence,

1 and/or children in need of protection, or to seek requests for  
2 qualifications to provide such services starting July 1<sup>st</sup>, 2014,  
3 and other matters properly related thereto.

4 WILLIAM SCHAEFFER: Good morning, everybody.

5 This is basically a follow-up to the March 13<sup>th</sup> meeting  
6 with Washoe Legal Services. I anticipate that they would  
7 possibly be back here based on attending and what everybody had  
8 to say at the special meeting in Winnemucca back on the 24<sup>th</sup>.

9 I guess I would like some direction because back on the  
10 13<sup>th</sup>, Commissioner Bullock, you indicated specifically that you  
11 would be more interested in them having somebody local and, of  
12 course, Washoe Legal Services indicated that they could not do  
13 that.

14 I think, I can do just about everything they do without it  
15 being a conflict of interest, because all of that stuff that  
16 is -- usually, like, the elderly are going to be wanting wills  
17 or things along those lines. Persons of limited means are going  
18 to be looking like at evictions, which can be -- that would be a  
19 bit of a problem for me. But -- but on a lot of these other  
20 things, there shouldn't be. Children in need of protection is  
21 district court. Most of this stuff that people would need would  
22 be district court.

23 And so I just mainly wanted to put my hat into the ring.  
24 That was my goal here. The reason I phrased it the way I did,  
25 as far as elderly persons of limited means, victims of domestic  
26 violence, and/or children in need of protection, is each of  
27 those is mentioned in specific statutes that would allow you to  
28 fund this.

29 Washoe Legal Services, that is, Mr. Elcano indicated that  
30 you could pass ordinances, but he didn't get into the specifics  
31 of them. What the ordinances that are available are to put  
32 extra fees on all documents recorded at the recorder's office,  
33 essentially the same as -- as they do now. It's a \$3 fee that  
34 would be added on top of all the others for a -- for recording  
35 the documents. And it -- that's exactly the same and would  
36 appear to work the same as the current fee that is used for  
37 their technology fund. Some of you might be familiar with that.

38 The justice courts -- Commissioner Waits is probably very  
39 familiar with this -- have the same technology fee added onto  
40 fines when we fine people. So it would work the same way.

1 My calculations are that at a minimum, if you were to pass  
2 ordinances along those lines, you would get 9,000. I base that  
3 on you would get 7,000 for sure, at least you have this past  
4 year at the recorder's office, because that's what they've  
5 got -- they've got for their technology fund. And the fee is  
6 exactly the same. And I don't think an extra three bucks per  
7 document is going to cause people to stop filing documents with  
8 the county recorder.

9 So these are the resources that you would have. It gets a  
10 little -- one of the things Mr. Elcano didn't get into that gets  
11 a little tricky is that the -- there's percentages involved. So  
12 you got to track the money and then the individual involved  
13 would have to track the time as to which things he spent time  
14 on. Because some of the money can be spent just for domestic  
15 violence, some of it just for helping the elderly, and some of  
16 it just for helping children in need of protection. So I don't  
17 know what -- it doesn't say -- it says percentages. It doesn't  
18 say who you have to show them to or something. But presumably  
19 at some point somebody might want to audit, you know, how you're  
20 spending your time and so forth.

21 I bring that all up because I just mainly want to find out  
22 where you guys are heading. At two of the meetings, you did  
23 express a true interest in this.

24 I moved it forward on the agenda, because I anticipated  
25 that Mr. Elcano would be back based on what was said at the  
26 special meeting in Winnemucca. So with that, I would like to  
27 toss it back to you. What are you guys wanting -- what are you  
28 looking for in this program?

29 COMMISSIONER WAITS: Judge Schaeffer, thank you. I  
30 appreciate your comments here.

31 ~~And Mr. Elcano has gotten back to us as far as e-mail. It~~  
32 ~~is something I know that -- that we had at least been looking~~  
33 ~~at. But it wasn't anything I think we were ready for a~~  
34 ~~decision.~~

35 And he actually was looking for some more money for us. I  
36 think the latest information was a ten-thousand-dollar grant.

37 But they were looking for more to help fund it.

38 What you have brought up under the NRS 247.305, actually,  
39 it is my understanding only a legal service can get the funds  
40 from that. And I did verify that. And the only legal service

1 right now that has been approved.

2 WILLIAM SCHAEFFER: It says also county, I believe.

3 COMMISSIONER WAITS: No, no. (indiscernible) the supreme  
4 court said legal services. And the only one approved so far is  
5 Washoe county. Not that others can't be, but that was just  
6 verified for me.

7 WILLIAM SCHAEFFER: It wouldn't be difficult to, you know,  
8 incorporate and turn yourself into a legal service.

9 COMMISSIONER WAITS: I understand what you're saying.

10 But I, personally, would like to see the county step up to  
11 do something for our needy elders on legal services. And I have  
12 addressed this for and why I feel that's so important.

13 But I don't think at this time I'm certainly ready to make  
14 any decision.

15 And I -- and I like the idea of local and Commissioner  
16 Bullock brought that up. And that's something that we certainly  
17 would be looking at first.

18 And they, Washoe Legal Services has said that that's  
19 something that we could do would be to hire and still go with  
20 their grant money and hopefully find more.

21 The other suggestion that was made was perhaps some -- if  
22 you have all this extra time in Austin, you would like to do pro  
23 bono -- would you? -- on this type of thing for us for a while?

24 WILLIAM SCHAEFFER: Well, we will see.

25 My point is, I don't want to do pro bono while somebody  
26 else is getting paid. That's getting a little ridiculous.

27 COMMISSIONER WAITS: No, we wouldn't be paying somebody  
28 else at the same time.

29 WILLIAM SCHAEFFER: I do more than most attorneys do on pro  
30 bono, more than what the state recommends as it is.

31 So --

32 COMMISSIONER WAITS: The other question was perhaps if our  
33 DA's office could take on some of this for our needy elders.  
34 Has that been addressed?

35 DEPUTY DISTRICT ATTORNEY TING: As far as pro bono work,  
36 Angie Elquist, as an elected official, can't. But I would be  
37 available to do some pro bono.

38 VICE CHAIRMAN BULLOCK: I guess here's where I'm at. I'm  
39 not favor of the contract or anything. I don't -- you know --  
40 one way or another. We have a 20,000 --

1 WILLIAM SCHAEFFER: Trust me, I understand that. I want to  
2 make my position --

3 VICE CHAIRMAN BULLOCK: But let me finish. Let me finish  
4 here.

5 WILLIAM SCHAEFFER: Sure.

6 VICE CHAIRMAN BULLOCK: We have a twenty-thousand-dollar  
7 budget set aside. We already have this money. It's part of our  
8 budget.

9 WILLIAM SCHAEFFER: Okay.

10 VICE CHAIRMAN BULLOCK: As of this year, we have spent less  
11 than 15% of it.

12 WILLIAM SCHAEFFER: Okay.

13 VICE CHAIRMAN BULLOCK: So we're budgeted for it. So why  
14 do I want to pay somebody 15-, \$20,000 a year when we don't only  
15 need \$5,000, if it even came to that.

16 So I just as soon stay where we're at, have it court  
17 appointed. And we already have the money. We don't need to  
18 rely on somebody sitting around just in case we need the  
19 service.

20 COMMISSIONER STIENMETZ: Right.

21 WILLIAM SCHAEFFER: Okay.

22 VICE CHAIRMAN BULLOCK: This is like a retainer with  
23 taxpayers' money, which I'm not in favor of. And I don't care  
24 if it's Washoe here or whatever. Let's pay our bills as we go  
25 along. And I think we're fine as it stands. I mean, we -- I'm  
26 not asking for pro bono. I'm not asking anyway. We have the  
27 money to pay our bills and to help those that are in need, so --

28 WILLIAM SCHAEFFER: Okay.

29 VICE CHAIRMAN BULLOCK: You want to put yours out there. I  
30 want to put my feelings out there on how I stand on it. So --

31 WILLIAM SCHAEFFER: Okay. And just so you know, I  
32 understand your feelings. There is always a need. But, you  
33 know, it's one of those things that's unfillable.

34 The stuff that you're already funding, you're correct. You  
35 have money set aside and some of -- some of it is being  
36 funded -- in fact, totally the child -- children in need of  
37 protection is being funded. I mean, that just goes through the  
38 court system. That's part of the attorneys appointments budget.  
39 So that part of it, apparently, the Washoe Legal Services was  
40 not aware of how it was handled in this district. I don't know

1 who they talked to, but they, you know, that doesn't need to be  
2 done. And there are people that are already doing that and that  
3 the courts would appoint in the future as well.

4 So you're correct on that part of it.

5 But there are other things we don't have other than there  
6 is a little bit of money that is going to Nevada Legal Services  
7 and Volunteer Attorneys for Rural Nevada right now. But those  
8 organizations are backed up, which is why, I think, Washoe Legal  
9 Services came up with this plan. Because when we do refer  
10 people to those organizations, they get on a waiting list and  
11 it's like at least 60 days before they can even really talk to  
12 anybody. And, you know, so it gets to be a problem.

13 Part of my concern for this is that if you're going to do  
14 this, I really would like to see local attorneys for the simple  
15 reason that both Nevada Legal Services and Volunteer Attorneys  
16 for Rural Nevada are in the metropolitan areas as far out as  
17 Carson City and Nevada Legal Services out of Reno.

18 It takes -- they don't get out here that often. They only  
19 take a few cases.

20 I mean, I've been up against VARN before in child custody  
21 matters. And they just, you know, they fight very hard. They  
22 do a good job for those cases. But they're very few and far  
23 between. So you do have a need. This is people that would have  
24 to be -- that are currently not getting services, such as in  
25 child custody cases that don't involve 432B.

26 What -- and I realize not everybody knows the child system,  
27 but there's essentially two major ways that you deal with  
28 custody of children. One is the state gets involved through a  
29 432B saying, you know, this child or these children are not  
30 being taken care of properly by their parents or guardians,  
31 ~~whoever's in charge of them and alleging they need to be in~~  
32 protection. That's basically DCFS, that is Department of Child  
33 and Family Services initiated cases in general. And that's  
34 where you find, you know, abused children and so forth.

35 But the other one, which is by far the largest, is growing  
36 out of a divorce case or other domestic situation where people  
37 are either married or unmarried and then you have a child -- or  
38 regular civil child custody fight. And those things are not  
39 touched by our current budgets other than a little bit of money  
40 that is set aside from fees and so forth that pays to support

1 Nevada Legal Services and Volunteer Attorneys for Rural Nevada.

2 My understanding is that -- Mr. Elcano was right about  
3 that -- that this would cover more people.

4 That said, I don't know, you know, how much you want  
5 covered. It's a little bit like, if you build it, they will  
6 come. If you have it out there, they will come. But, you  
7 know, some of the people that come probably could have been  
8 handled by other means. So I can well understand someone not  
9 being supportive of the idea.

10 My point is, if you're going to do it, I would like the  
11 opportunity to put in for it. Okay. Because I am here. And  
12 there would not be a conflict for most things. You know.

13 VICE CHAIRMAN BULLOCK: But that's the key statement "for  
14 most things."

15 WILLIAM SCHAEFFER: And that's one of the reasons --

16 CHAIRMAN BULLOCK: But if there's a conflict, we've got to  
17 go pay even more money to somebody else. So --

18 WILLIAM SCHAEFFER: No, I can probably line up something  
19 with -- where I could do an exchange with Nevada Legal Services  
20 or VARN or somebody. You know, there are ways of dealing with  
21 that. So --

22 COMMISSIONER MASON: I'm reading down your agenda here, and  
23 it gets down to the bottom paragraph. It says \$18,000 a year.  
24 Where's that come from?

25 WILLIAM SCHAEFFER: Well, that would be from the county  
26 budget. That was like --

27 COMMISSIONER MASON: But is that a proposal you're making?

28 WILLIAM SCHAEFFER: Yeah, that would be what I would do. I  
29 would do it for less than they would.

30 COMMISSIONER MASON: Does this -- let me ask you, does this  
31 relate to the Washoe County presentation that was made by an  
32 attorney to this board?

33 WILLIAM SCHAEFFER: Yeah. That's what I've been talking  
34 about.

35 COMMISSIONER MASON: Well, what's the 18,000?

36 WILLIAM SCHAEFFER: They said 20 is what they were hoping  
37 to get from you to make their plan work -- okay -- if you  
38 remember, back on March 13<sup>th</sup>.

39 COMMISSIONER MASON: That's what I'm trying to -- I'm  
40 correlating this agenda --

1 WILLIAM SCHAEFFER: And all I'm doing is --  
2 COMMISSIONER MASON: -- to that one, I guess.  
3 WILLIAM SCHAEFFER: And that's exactly correct. And that's  
4 all I'm saying is that I feel I could do it for 18-. If you're  
5 wondering, well, what's the difference? If they're going to be  
6 over here one day a week, they'd at least have to pay for, you  
7 know, transportation back and forth from Winnemucca, because  
8 they were planning on doing it out of Winnemucca. I'm here, so  
9 I can undercut them.  
10 COMMISSIONER WAITS: Counselor, my comments were that that  
11 original presentation is now off the floor.  
12 WILLIAM SCHAEFFER: Yeah.  
13 COMMISSIONER WAITS: And we are looking at if we ever do  
14 something like this, --  
15 WILLIAM SCHAEFFER: Right.  
16 COMMISSIONER WAITS: -- it would be something that we can  
17 consider local. And they will still continue to try and get  
18 grants for us.  
19 WILLIAM SCHAEFFER: Right.  
20 COMMISSIONER WAITS: So we know they have the 10,000, so we  
21 if with take away the 18-, we've got 10, and they can still look  
22 for other grants for us where we might not be into it.  
23 I would really like us to see -- see us continue at least  
24 on the senior citizen side that are needy and fall into that.  
25 So I will make a motion that we defer this item at this  
26 time.  
27 COMMISSIONER MASON: I'll second that.  
28 VICE CHAIRMAN BULLOCK: Any other comments?  
29 (No comment.)  
30 VICE CHAIRMAN BULLOCK: All those in favor?  
31 COMMISSIONER STIENMETZ: Aye.  
32 COMMISSIONER WAITS: Aye.  
33 COMMISSIONER MASON: Aye.  
34 VICE CHAIRMAN BULLOCK: Aye.  
35 WILLIAM SCHAEFFER: Okay.  
36 VICE CHAIRMAN BULLOCK: Those opposed?  
37 (No comment.)  
38 COMMISSIONER WAITS: Thank you.  
39 VICE CHAIRMAN BULLOCK: Thanks.  
40 WILLIAM SCHAEFFER: Okay, thanks.

1 COMMISSIONER MASON: Thank you, very much.

2 VICE CHAIRMAN BULLOCK: Let's go ahead and take a  
3 ten-minute recess.

4 COMMISSIONER STIENMETZ: Thank you.

5

6 (Break taken between 10:36 a.m. and 10:46 a.m.)

7

8 VICE CHAIRMAN BULLOCK: Okay. We'll go ahead and call the  
9 meeting back to order.

10

11

12 14) Discussion for possible action regarding public comments for  
13 hydraulic fracturing in Lander County, including the  
14 possibility of writing a letter to the Bureau of Land  
15 Management (BLM) regarding potential oil/gas leases, and other  
16 matters properly related thereto.

17

18 VICE CHAIRMAN BULLOCK: Item number 14, discussion for  
19 possible action regarding public comments for hydraulic  
20 fracturing in Lander County, including the possibility of  
21 writing a letter to the Bureau of Land Management (BLM)  
22 regarding potential oil/gas leases, and other matters properly  
23 related thereto.

24 CHRISTOPHER COOK: Okay. Good morning.

25 COMMISSIONER WAITS: Good morning, gentlemen.

26 COMMISSIONER STIENMETZ: Good morning.

27 CHRISTOPHER COOK: Good morning.

28 I'd like to start, thank the Commission for --

29 VICE CHAIRMAN BULLOCK: Can you --

30 CHRISTOPHER COOK: -- having us down here.

31 VICE CHAIRMAN BULLOCK: Okay. State your name, please.

32 CHRISTOPHER COOK: Oh, Christopher Cook. I'm the field  
33 manager for the Mount Lewis field office. I cover Lander and  
34 Eureka Counties.

35 I have Jon Sherve with me. This is the field manager for  
36 minerals for the field office.

37 And then John Menghini, petroleum engineer from the Nevada  
38 state office in Reno, BLM.

39 And we're here today primarily to answer any questions the  
40 commission might have concerning the current oil and gas lease

1 sale that is being proposed for the district, primarily. But I  
2 know your concerns are predominantly Lander.

3 And I want to assure the Commission that we did take a very  
4 hard look at all of the parcels that were nominated within the  
5 county. And that is industry driven. That is just something  
6 the BLM doesn't propose these parcels ourselves. We respond to  
7 requests from industry for these parcels to be made available.  
8 And we took a very hard look at all the resource concerns,  
9 listened to the public comments, knew that there were some  
10 concerns around Austin.

11 And so the map that we had provided the commission shows  
12 basically the total of the number of parcels that were  
13 nominated. And the red ones are the ones that we are deferring  
14 subsequent to those concerns expressed by the county and public  
15 comments on the EA.

16 So we did defer a large number of parcels in the county.  
17 And at this point, based on development scenarios and the  
18 history of oil and gas leasing in this region, it's very  
19 unlikely that we will see development. However, it is a  
20 possibility. But fundamentally, we're here today to be able to  
21 have a technical specialist answer any questions you may have or  
22 concerns.

23 COMMISSIONER MASON: All right. On your map, on your red  
24 deferments -- deferred parcels, how big are they?

25 CHRISTOPHER COOK: I believe the total of the deferred  
26 acres comes out to about 17,000 acres total.

27 COMMISSIONER MASON: Total. But I mean, how big is a  
28 squared off red area?

29 CHRISTOPHER COOK: They're highly variable. Some are  
30 hundreds of acres. Some are in the tens of acres. I don't  
31 specifically. I'd have to look at the --

32 COMMISSIONER MASON: Mostly over a hundred acres?

33 CHRISTOPHER COOK: Probably mostly over a hundred. Yeah.

34 COMMISSIONER MASON: Okay. And then the blue would be the  
35 same?

36 CHRISTOPHER COOK: The blue would be the same. Yes.

37 Somewhere in the order of, you know, several thousand-acre  
38 parcels. Some were significantly smaller. And there are also  
39 partial parcels in there, you know, that are smaller  
40 subdivisions of the larger parcels.

1 In aggregate, there are about 30-some-thousand acres in  
2 Lander County proposed. And we've deferred about 15,000 of  
3 those.

4 COMMISSIONER MASON: Your -- your deferments are based on?

5 CHRISTOPHER COOK: They were based on a host of issues.  
6 Some of them were land use areas that weren't available for  
7 leasing. Some were because of resource issues, either value of  
8 habitat or other considerations. Some of them were in response  
9 to the county's request for parcels that were going to be  
10 subject to disposal in our RMP revision.

11 Our RMP manager was out of the office for a while, and  
12 there was a slight oversight where we didn't realize that some  
13 of the parcels that were being nominated overlapped parcels the  
14 county had already identified for us to consider for disposal.  
15 So we pulled those parcels out.

16 COMMISSIONER MASON: Now, another question I have is:  
17 Under the blue parcels that are offered for lease at this point,  
18 in this one section where most of it is, is it gas or oil or  
19 what's under?

20 CHRISTOPHER COOK: Don't know. I would assume oil.  
21 There's not a lot of natural gas deposits naturally in here.

22 I've had my geologist look generally speaking about the  
23 formations in the area and there is some potential oil shale  
24 that extends into the very southern and southeastern part of  
25 Lander County. But for the most part, we don't really know. We  
26 don't think there's a lot of mineral potential.

27 But under our, you know, land use plan and oil and gas  
28 laws, it is allowed for a company to come and ask for the  
29 ability to potentially explore for that resource. However, in  
30 all the years we've been doing these sales, I do not think we  
31 have one producing well within the district, Battle Mountain.

32 COMMISSIONER MASON: So I'm trying to gather this in. You  
33 don't expect, you know, a rush to lease these properties?  
34 You're just saying, this is what's available?

35 CHRISTOPHER COOK: That is correct, sir.

36 We -- when industry comes and says, we would like to have  
37 the rights to explore for resources within these areas, we are  
38 required to make those available for potential exploration;  
39 however, that does not mean that that will ever occur.

40 COMMISSIONER MASON: Yeah. An exploratory well is only

1 good for one parcel; isn't it? Or is it good for -- how much --

2 CHRISTOPHER COOK: Do you want to --

3 COMMISSIONER MASON: -- an exploratory well, a  
4 hundred-thousand-dollar well, how far is it going to go as far  
5 as parcels?

6 CHRISTOPHER COOK: Well, --

7 COMMISSIONER MASON: These blue parcels?

8 CHRISTOPHER COOK: Well, that's what -- they would come in,  
9 see, at this stage, all we're simply saying is, these parcels  
10 have been looked at and conform with the land use plan as  
11 available potentially for oil and gas exploration or  
12 development.

13 At the point where an operator wants to come in and put  
14 actually put in an exploratory well, they would have to apply  
15 for a permit to do that. And at that time, we would do another  
16 environmental assessment for their particular proposal at that  
17 time: number of wells, type of wells, access roads, things like  
18 that that would have another public process, would be subject to  
19 another screen out for resource values and concerns, things like  
20 that.

21 So it's not that, you know, if the lease would be -- if the  
22 parcel would be purchased, then all of sudden there would be oil  
23 wells --

24 COMMISSIONER MASON: So if it's --

25 CHRISTOPHER COOK: -- going in all over the place.

26 COMMISSIONER MASON: -- if it's for gas and oil, and/or --

27 CHRISTOPHER COOK: Yes, sir.

28 COMMISSIONER MASON: -- then we're talking about -- what's  
29 the depth? You're not going to do a two-hundred-foot well for  
30 gas and oil?

31 CHRISTOPHER COOK: No. Do you guys want to --

32 COMMISSIONER MASON: We're talking about some --

33 CHRISTOPHER COOK: -- speak to that technically?

34 COMMISSIONER MASON: -- deep stuff. And we're talking  
35 about a great deal of expense by the explorer? Yes?

36 JOHN MENGhini: Correct.

37 CHRISTOPHER COOK: Yes.

38 COMMISSIONER MASON: I got it. Okay.

39 JOHN MENGhini: Correct.

40 You have a lease. And on that lease, you are allowed to

1 drill as many wells within that lease if the state's dis- -- has  
2 a spacing of 40 acres between oil wells.

3 And so you can't get any closer than 40-acre spacing.

4 And most of the wells are from 8,000 to 10,000, as deep as  
5 12,000, which is rare, and mainly oil.

6 Because of the environment, most of the gas volcanics have  
7 cooked it off.

8 COMMISSIONER MASON: And one other question I think before  
9 the next question I want to ask before that one.

10 No. I'm kidding.

11 JOHN MENGhini: Now which question was that one?

12 COMMISSIONER MASON: Do you anybody that's exploring right  
13 now that, you know, that has the cash to attack -- to attack one  
14 of these blue squares?

15 CHRISTOPHER COOK: Within my field office currently?

16 COMMISSIONER MASON: Yeah.

17 CHRISTOPHER COOK: No.

18 COMMISSIONER MASON: That's okay. All right. So this is  
19 just making us aware?

20 COMMISSIONER WAITS: No.

21 CHRISTOPHER COOK: Well, no. Go ahead, Patsy. I'm sorry.

22 COMMISSIONER WAITS: I was going to say. Remember when we  
23 brought up before, we talked about the oil and gas leases that  
24 actually were being confirmed on July 1st. That's what the BLM  
25 is giving them on July 1<sup>st</sup>.

26 And we brought up the fact that it was during the comment  
27 period if we wanted to make comments. Many of us did. The  
28 commission did not as a commission. But many of us made  
29 comments.

30 So I would like a clarification, Chris, because I don't  
31 have my old map here. But of these -- these red ones here right  
32 in the south part of Lander County. Those are 60 acres of the  
33 one -- not -- 60 parcels of the 139 parcels that were originally  
34 identified?

35 CHRISTOPHER COOK: Yes.

36 COMMISSIONER WAITS: After you deferred the rest, right?

37 CHRISTOPHER COOK: Yes. This map, what we tried to show  
38 was what the total --

39 COMMISSIONER WAITS: Okay, so this is --

40 CHRISTOPHER COOK: -- number --

1 COMMISSIONER WAITS: -- the recent one --  
2 CHRISTOPHER COOK: -- of parcels that were nominated --  
3 COMMISSIONER WAITS: So I --  
4 CHRISTOPHER COOK: -- versus the ones that we're deferring  
5 out of that original nomination.  
6 COMMISSIONER WAITS: Okay, so I'm actually -- okay, so the  
7 only parcels actually now are about -- what? -- 79 parcels that  
8 they're looking at.  
9 CHRISTOPHER COOK: In Lander County specifically? Or --  
10 COMMISSIONER WAITS: No, in --  
11 CHRISTOPHER COOK: -- district-wide?  
12 COMMISSIONER WAITS: -- in the oil and gas lease.  
13 UNIDENTIFIED PARTICIPANT: Well, we have about --  
14 JON SHERVE: About a hundred --  
15 COMMISSIONER WAITS: Well, it was about 139 identified.  
16 CHRISTOPHER COOK: Well, it was 166 originally.  
17 COMMISSIONER WAITS: Right, but then you deferred some.  
18 CHRISTOPHER COOK: And then we deferred some.  
19 COMMISSIONER WAITS: And you left 139. And now they're  
20 telling us the 60 has been deferred again? Am I right?  
21 CHRISTOPHER COOK: We've deferred about --  
22 JON SHERVE: Another 30.  
23 CHRISTOPHER COOK: Another thirty plus more from that  
24 original 139.  
25 COMMISSIONER WAITS: Doug Furtado told me 60 the other day  
26 so that's what it's going to be.  
27 CHRISTOPHER COOK: Well, that might be district wide.  
28 We're -- we're trying to -- I've actually been in the process --  
29 COMMISSIONER WAITS: I see.  
30 CHRISTOPHER COOK: -- of finalizing that to go to the state  
31 office, because technically it is not this district that is  
32 offering the lease sale. It is the state, --  
33 COMMISSIONER WAITS: Okay.  
34 CHRISTOPHER COOK: -- the state BLM.  
35 We just do the on-the-ground looking at those particular  
36 parcels within --  
37 COMMISSIONER WAITS: But this is the bottom line --  
38 CHRISTOPHER COOK: -- our area.  
39 COMMISSIONER WAITS: -- right here.  
40 CHRISTOPHER COOK: So. Yes.

1 COMMISSIONER WAITS: This is last one.  
2 COMMISSIONER MASON: Are you obligated under state rules to  
3 offer these sites?  
4 CHRISTOPHER COOK: Yes. That's a requirement for federal  
5 laws for energy development and gas.  
6 COMMISSIONER MASON: But you don't have anybody standing in  
7 line --  
8 CHRISTOPHER COOK: So.  
9 COMMISSIONER MASON: -- to do any of it.  
10 CHRISTOPHER COOK: We don't, but we -- the parcel  
11 nominations come in at the state office level by industry  
12 saying, we're interested potentially in leases in this area.  
13 Then that gets screened out, passed on to us. And then we  
14 do the on-the-ground sort of looking at those parcels,  
15 considering the resource issues, and then send it back up to  
16 them to make the final decision to offer or not offer those  
17 parcels.  
18 So it's not anything that we have proposed or that we're  
19 coming up with --  
20 COMMISSIONER MASON: You're just doing --  
21 CHRISTOPHER COOK: -- (indiscernible) want to do this.  
22 COMMISSIONER MASON: -- state regulations?  
23 CHRISTOPHER COOK: We're just following the laws that says  
24 we have to make these available.  
25 COMMISSIONER MASON: Because, you know, we had somebody  
26 before our board that was panicked almost.  
27 CHRISTOPHER COOK: Well, it is --  
28 COMMISSIONER WAITS: He's still here.  
29 CHRISTOPHER COOK: -- a major issue, and we acknowledge  
30 that.  
31 JOHN NORTON: And still right here.  
32 COMMISSIONER MASON: All right. There you are.  
33 CHRISTOPHER COOK: And we're working on an attempt to allay  
34 those concerns --  
35 COMMISSIONER MASON: But --  
36 CHRISTOPHER COOK: -- at this stage.  
37 COMMISSIONER MASON: -- your concern -- well, your concern  
38 -- we'll get to you later.  
39 JOHN NORTON: I look forward to it.  
40 COMMISSIONER WAITS: My other question is on the EA. You

1 are amending the EA, no comment period, but you're amending that  
2 and that will be about when?

3 JON SHERVE: When do you guys -- we're going to get it to  
4 you tomorrow.

5 JOHN MENGhini: It will be about the 10<sup>th</sup> -- 11<sup>th</sup>, today,  
6 tomorrow.

7 COMMISSIONER WAITS: Like --

8 CHRISTOPHER COOK: Yeah, within the next couple of days.

9 JOHN MENGhini: By Friday.

10 CHRISTOPHER COOK: And what we're doing at this point is  
11 because of that second round of deferrals, we're making sure  
12 that the tax -- the numbers match up, the acres, the  
13 calculations are good.

14 COMMISSIONER WAITS: Okay.

15 CHAIRMAN BULLOCK: And then by law we're required to  
16 respond to all of those substantive comments that raise serious  
17 issues or questions about the analysis or things like that.

18 So this document will either incorporate or address each of  
19 those comments that we've received during that process.

20 COMMISSIONER MASON: Thank you.

21 JON SHERVE: A point of clarification, your largest  
22 rectangle on here, the maximum acres is 2,560. So that's the  
23 largest the lease can be.

24 COMMISSIONER MASON: Which one? Down by Tonopah?

25 JON SHERVE: Just any of them.

26 CHRISTOPHER COOK: Any of them.

27 COMMISSIONER MASON: Oh.

28 JON SHERVE: The largest rectangle to be -- 2,560 acres  
29 that will be anywhere from there to small.

30 CHRISTOPHER COOK: Smaller.

31 ~~COMMISSIONER MASON: But just to clarify something. You~~  
32 ~~don't know of the natural gas or oil worth exploring in the~~  
33 ~~state of Nevada at this point, right?~~

34 CHRISTOPHER COOK: It's hard for me to speculate on the  
35 whole state, but for my field office I can say pretty sure,  
36 yeah, I don't know of any. And my specialists don't know. And  
37 we've talked about this and looked at it and think honestly this  
38 is fairly speculative and unlikely to occur. However, we are  
39 legally required to consider it. And at this stage that's all  
40 we're doing is saying, we're considering this. It is possible.

1 It could occur.

2 At any subsequent stage there will be initial discussions,  
3 evaluations.

4 The minute we think we're going to get something, we will  
5 be down here briefing the commission, letting you know, talking  
6 about that process.

7 COMMISSIONER MASON: Great.

8 CHRISTOPHER COOK: So this is not something that we want to  
9 spring on anybody or want anybody to be alarmed with at this  
10 stage. It is simply saying these are potentially available if a  
11 company chooses to come in to explore.

12 COMMISSIONER MASON: So if somebody comes to you on one of  
13 the blue areas and they are interested in leasing that square or  
14 rectangle, we're going to know about it. You're going to tell  
15 us?

16 CHRISTOPHER COOK: Right. And that's what this process is.  
17 They've already told us there or told the state office they are  
18 interested in leasing, potentially leasing these parcels. The  
19 next stage, should those parcels actually be purchased, should  
20 the lease go through, they would come in with an application for  
21 permit to drill, to come in and explore. And that would be  
22 handled more at the local level. And at that stage we would  
23 come again and say, now we have company really interested who's  
24 expressed their desire to put a well pad here or to drill a  
25 well. And we would come down again and notify you the minute we  
26 know --

27 COMMISSIONER MASON: And we could --

28 CHRISTOPHER COOK: -- that that is going to happen.

29 COMMISSIONER MASON: We could protest or whatever we want.

30 CHRISTOPHER COOK: Yes. And then we'll go through the same  
31 public process: preparing environmental document, including the  
32 public in looking at it, scoping out all the resources, all of  
33 those things for every individual well that may be put in.

34 COMMISSIONER MASON: Good.

35 JOHN MENGhini: This is on the federal acreage.

36 COMMISSIONER MASON: So all the protections are set in  
37 place. We're okay?

38 KARLENE ANDREOLA: No, not.

39 UNIDENTIFIED PARTICIPANT: Not.

40 COMMISSIONER MASON: No?

1 KARLENE ANDREOLA: They're not in place, Dave.  
2 COURT REPORTER: Okay. One at a time. I'm sorry.  
3 VICE CHAIRMAN BULLOCK: Hold on. Hold on.  
4 CHRISTOPHER COOK: Debatable. I'm waiting.  
5 COMMISSIONER MASON: Well, the state is protecting us, the  
6 county. And at least we're not going into this blindfolded. If  
7 we go into anything, you're going to tell us --  
8 CHRISTOPHER COOK: Correct.  
9 COMMISSIONER MASON: -- what's happening.  
10 CHRISTOPHER COOK: Yes.  
11 COMMISSIONER MASON: And then we can look into it.  
12 COMMISSIONER WAITS: Okay. So they come in with the lease  
13 and now they have the lease.  
14 CHRISTOPHER COOK: Mm-hm.  
15 COMMISSIONER WAITS: They have -- now, I understand the  
16 lease can be -- on and on and on. But they have a time frame in  
17 which they have to start drilling -- is that it? -- like  
18 exploring a year or two years or something?  
19 Help me here. If they decide to go. I don't --  
20 JOHN MENGhini: Federal --  
21 COMMISSIONER WAITS: -- know how we can stop them.  
22 JOHN MENGhini: -- leases are good for the primary term of  
23 ten years.  
24 COMMISSIONER WAITS: Ten years.  
25 JOHN MENGhini: And they're allowed to develop that lease  
26 within the mitigation parameters.  
27 So once a lease is sold to an operator, they are given that  
28 right to develop that acreage via the NEPA process.  
29 COMMISSIONER MASON: Does the county, Lander County in this  
30 case, have the right to stop a lease?  
31 Or can -- is there a method set up where we could protest the  
32 lease?  
33 JOHN MENGhini: At this point.  
34 COMMISSIONER WAITS: Now.  
35 So let's go back to NEPA, because I know they have to -- to  
36 follow the NEPA to start with.  
37 Okay. I know they're -- they're excluded. Gas and oil  
38 companies seem to be excluded from all kinds of -- of  
39 regulations that other developers have to do. So tell me, once  
40 they get their lease, is NEPA still in effect?

1 CHRISTOPHER COOK: Yes, NEPA would apply for every action  
2 that requires a permit. So at this point, the NEPA for a lease  
3 sale is simply to talk about what are the potential impact, you  
4 know, --  
5 COMMISSIONER WAITS: Right.  
6 CHRISTOPHER COOK: -- for leasing itself.  
7 COMMISSIONER WAITS: Okay.  
8 CHRISTOPHER COOK: The individual development, each of  
9 those phases, even including production, are --  
10 COMMISSIONER WAITS: Okay.  
11 CHRISTOPHER COOK: -- still subject to NEPA and all of the  
12 other laws that apply for environmental protection, you know,  
13 resource concerns.  
14 COMMISSIONER MASON: Now, we have for an action, somebody  
15 wants to drill a well in our county, they have to get a permit  
16 from us?  
17 CHRISTOPHER COOK: Okay.  
18 COMMISSIONER MASON: We can deny that? Yes?  
19 VICE CHAIRMAN BULLOCK: Not BLM.  
20 CHRISTOPHER COOK: Not if it's federal land.  
21 COMMISSIONER WAITS: No. Yeah.  
22 CHRISTOPHER COOK: I mean, that's a right that a company  
23 would acquire for those minerals.  
24 COMMISSIONER MASON: Okay.  
25 VICE CHAIRMAN BULLOCK: Okay. So you're talking strictly  
26 leasing for gas and oil?  
27 CHRISTOPHER COOK: Correct.  
28 VICE CHAIRMAN BULLOCK: What if somebody wants to just go  
29 lease the land? But they don't go in?  
30 JOHN MENGhini: That's ten years. They can --  
31 VICE CHAIRMAN BULLOCK: I know. But why can't a rancher go  
32 in and say, I want this land for ten years?  
33 JOHN MENGhini: Well --  
34 VICE CHAIRMAN BULLOCK: If they're offering it to anybody,  
35 why do we -- why is it specific to gas and oil? Why can't  
36 anybody go in and lease the land for ten years?  
37 CHRISTOPHER COOK: There are ways for members of the public  
38 through various programs to get, like, land under RMP leases,  
39 for example, things for county development, civic  
40 infrastructure, easements. They can -- anybody can come and

1 request parcels for disposal. Could you -- would you consider  
2 selling, you know, these parcels to us?

3 There are laws, I think the Energy, you know, Policy Act,  
4 various mineral leasing acts, that require federal mineral  
5 estate to be available to companies who wish to extract those  
6 resources for energy benefits for their --

7 VICE CHAIRMAN BULLOCK: Okay. So these leases that you're  
8 talking about are strictly for --

9 CHRISTOPHER COOK: Strictly for oil and gas and driven by  
10 industry, not anything we foresee.

11 VICE CHAIRMAN BULLOCK: So if the gold mine comes in there  
12 and says, I want it, because I think there's gold in there, they  
13 can't lease it? Is that what you're telling me?

14 CHRISTOPHER COOK: Well, there's a whole different process.

15 VICE CHAIRMAN BULLOCK: Now, see, that's what I'm trying to  
16 get a handle on --

17 (Simultaneous conversations)

18 VICE CHAIRMAN BULLOCK: -- because we act like we have  
19 different policies going on depending on who you are or what it  
20 is. And --

21 CHRISTOPHER COOK: That is absolutely true. Yes. And part  
22 of the difficulty of managing all of these resources is all of  
23 those conflicts.

24 And some of the parcels we had to defer that the oil and  
25 gas industry wanted were already encumbered by active mining  
26 claims or mining operations that we had to say, well, you can't  
27 go on top Newmont's Phoenix Operation and drill -- explore it  
28 for oil. So we did have to make some of those, you know, screen  
29 outs based on conflicts of resource.

30 COMMISSIONER MASON: Quite a few of these parcels are on  
31 BLM land; are they not?

32 COMMISSIONER STIENMETZ: They're all on.

33 JON SHERVE: They all are.

34 CHRISTOPHER COOK: They all are.

35 COMMISSIONER WAITS: All of them.

36 UNIDENTIFIED PARTICIPANT: All of them.

37 COMMISSIONER MASON: So BLM has a -- a basic heavy say in  
38 whether they're going to do anything, but --

39 CHRISTOPHER COOK: We have a say --

40 COMMISSIONER MASON: Since they're marked in blue, you've

1 already agreed to lease them out?

2 CHRISTOPHER COOK: Yes. And -- and -- and we are  
3 required -- we can't just completely deny any proposed lease  
4 sale.

5 What we can do is try to look at what the resource values  
6 are, potential impacts that that may or may not have, and then  
7 make some deferrals based on that, for example, sage grouse and  
8 trout habitat, concerns the county raised about disposal, the  
9 RMP, those kind of things.

10 But we're not allowed to simply say, you're not allowed to  
11 explore here because there's laws that say you have a right to  
12 be able to explore for that.

13 and what we can do is facilitate the process in an  
14 environmentally conscious manner as possible, you know, without  
15 just telling them no, because they have a legal right do so.

16 COMMISSIONER MASON: Are you -- are you with BLM?

17 CHRISTOPHER COOK: Yes, sir. I'm the field manager for the  
18 field office.

19 VICE CHAIRMAN BULLOCK: Okay, let's hear some from the  
20 public here for a minute.

21 Please, if you've got a comment, come up here and stand  
22 next to the transcriptionist. State your name so she can hear  
23 you.

24 KARLENE ANDREOLA: Hi. Karlene Andreola.

25 My question is: We have applied personally as farmers and  
26 ranchers out in that valley for that land. And we've never even  
27 received a courtesy letter saying that it wouldn't be done. And  
28 now this is just there. How do you explain that?

29 CHRISTOPHER COOK: What did you apply for?

30 KARLENE ANDREOLA: For that land that is adjacent --

31 CHRISTOPHER COOK: How? Under what --

32 KARLENE ANDREOLA: The property lines that you have on that  
33 map, I'm curious to know if you really do know where it's at,  
34 adjacent to all of our fence lines, right where our wells are,  
35 our agriculture wells.

36 Now can you tell me anything about that?

37 CHRISTOPHER COOK: No, because I don't know what you've  
38 applied for.

39 KARLENE ANDREOLA: They're going to drill 12,000 feet --  
40 12,000 feet on our fence lines where our aquifer is, and it's

1 not going to disturb it?

2 PAUL ANDREOLA: Paul Andreola, for the record.

3 Just for instance for you gentleman here, this parcel right  
4 here, that's 320 acres, by the way. I know this map very well.

5 My neighbor Lee Hutchins, I believe, he's on a conference  
6 call.

7 KARLENE ANDREOLA: In Austin.

8 PAUL ANDREOLA: I hope he is. And he applied for that  
9 several years ago. Nothing's ever happened. I talked to Chuck  
10 Hall just as he was retiring. I believe it's Chuck Hall.

11 CHRISTOPHER COOK: Lane.

12 UNIDENTIFIED PARTICIPANT: Lane.

13 CHRISTOPHER COOK: Chuck Lane.

14 PAUL ANDREOLA: Excuse me. Lane. As he -- the day he  
15 retired -- and I applied for this red area. Never heard a  
16 thing.

17 CHRISTOPHER COOK: I have no --

18 PAUL ANDREOLA: So the other thing is, too, the gentleman  
19 that has the AUMs for this ground that is a grab, who reimburses  
20 them?

21 CHRISTOPHER COOK: Well, if we would go -- this is all very  
22 speculative at this point, right?

23 PAUL ANDREOLA: Sure.

24 CHRISTOPHER COOK: This is simply a right to be able --

25 PAULA TOMERA: Sure, absolutely.

26 CHRISTOPHER COOK: -- explore.

27 PAUL ANDREOLA: Absolutely. I understand.

28 CHRISTOPHER COOK: Were they to come in with that then at  
29 that time as part of that process, we would be working with  
30 effected permittees with adjacent landowners with everybody who  
31 would be involved in what development or may or may not occur.

32 KARLENE ANDREOLA: The problem is, though, is you are  
33 opening the door to that operation or what they're going to do.

34 We already know what fracking entails. We don't -- we  
35 understand the horrible process that is going to be done through  
36 that.

37 Once you've opened the door --

38 Right now we have the power to stop this at a county level.

39 If we go further and allow that sale to come in July, the door  
40 is wide open for any time for those to people to come in and

1 start exploring on every 40-acre parcel.

2 Do you live in a home or do you have a little bit of  
3 property?

4 CHRISTOPHER COOK: I do. Yeah, I have five acres outside  
5 of town.

6 KARLENE ANDREOLA: Okay, how would you like somebody  
7 drilling a well on your doorstep?

8 Do you have children?

9 CHRISTOPHER COOK: I do.

10 KARLENE ANDREOLA: Do you have animals?

11 CHRISTOPHER COOK: And I completely understand that.  
12 Unfortunately, the law requires these lands --

13 KARLENE ANDREOLA: And I understand that.

14 CHRISTOPHER COOK: -- to be available. And it's not at my  
15 level discretionarily to deny it.

16 KARLENE ANDREOLA: I understand that.

17 PAUL ANDREOLA: For the record, what I'd like to know is:  
18 In the area that is not owned by -- what? -- thirteen percent of  
19 the people in the state of Nevada, there are no fracking going  
20 on.

21 It happens to be right on the border where I know of 12  
22 irrigation wells.

23 And what do you need to drill for fracking? Anybody that  
24 drills? You have to have water, right?

25 UNIDENTIFIED PARTICIPANT: Mm-hm.

26 PAUL ANDREOLA: What do you think's going to happen to our  
27 aquifer?

28 CHRISTOPHER COOK: Well, as you know, the BLM doesn't get  
29 involved in water rights.

30 PAUL ANDREOLA: It's speculation. What do you think? What  
31 would your honest opinion be? What would your honest opinion  
32 be?

33 CHRISTOPHER COOK: That would be up to the state engineers.

34 PAUL ANDREOLA: At 15 million gallons --

35 (Simultaneous conversation.)

36 DEPUTY DISTRICT ATTORNEY TING: Speak one at a time.

37 Excuse me.

38 VICE CHAIRMAN BULLOCK: Yeah, let him finish.

39 DEPUTY DISTRICT ATTORNEY TING: Slow down and speak one at  
40 a time for our transcriptionist.

1           PAULA TOMERA: I'm sorry.  
2           At 15-million gallons per well, what do you think would  
3 happen to the aquifer?  
4           CHRISTOPHER COOK: (indiscernible) hydrologist.  
5           JON SHERVE: There will be -- there will be impacts to --  
6 to an aquifer?  
7           PAUL ANDREOLA: Thank you. Answered --  
8           JON SHERVE: And that will be --  
9           PAUL ANDREOLA: -- my question.  
10          JON SHERVE: -- identified and evaluated in the NEPA  
11 document.  
12          KARLENE ANDREOLA: Now, what about the environmental  
13 studies. How you can move forward with it before any  
14 environmental studies have even been done? You say they're  
15 going to be done after the fact. That's not good enough for me.  
16 And it's not good enough for the residents of Reese River, the  
17 Yomba Reservation. There are a lot of concerned citizens.  
18          You talk about public land use. What about all the people  
19 who use our area for recreation, hunting, fishing, RVing,  
20 hiking, bicycling? I mean, the list is endless.  
21          CHRISTOPHER COOK: I understand that. And what we're  
22 saying is at this stage, this is simply industry has nominated  
23 these parcels. This did not come out of this office. We did  
24 not say we want you to go explore for oil and gas down here.  
25          KARLENE ANDREOLA: What about --  
26          CHRISTOPHER COOK: I'm required to put these out as  
27 available subject to what the screen outs we've already done.  
28          Then subsequent to that, if -- if anything were to occur,  
29 we would then do very in-depth environmental studies, look at  
30 every protection measure we possibly legally could enforce on  
31 any exploration or development that would occur subsequent to  
32 this offering.  
33          KARLENE ANDREOLA: But ranching and farming is an industry  
34 as well. And we did apply for that land.  
35          CHRISTOPHER COOK: Well, I will have --  
36          KARLENE ANDREOLA: So --  
37          CHRISTOPHER COOK: -- I will have to look into that.  
38          KARLENE ANDREOLA: -- I don't.  
39          CHRISTOPHER COOK: I mean, you say, you've applied. I  
40 mean, there's only -- as a private citizen, you can ask to be

1 sold parcels of public land.  
2 KARLENE ANDREOLA: Right.  
3 CHRISTOPHER COOK: If that land has not been identified for  
4 disposal in a land use plan, we are legally not allowed to sell  
5 that.  
6 KARLENE ANDREOLA: It has been. It's the same land that  
7 you're proposing to let them lease for fracking. It's the same  
8 exact land.  
9 CHRISTOPHER COOK: But they're completely different --  
10 KARLENE ANDREOLA: It's adjacent to our property.  
11 CHRISTOPHER COOK: -- sets of rules and laws that allow  
12 them --  
13 KARLENE ANDREOLA: See, how can that be?  
14 CHRISTOPHER COOK: I did not pass the laws that Congress  
15 has enacted. I simply -- that's not -- I can't change --  
16 KARLENE ANDREOLA: But we can do what's right --  
17 CHRISTOPHER COOK: -- that.  
18 KARLENE ANDREOLA: -- at this level now.  
19 CHRISTOPHER COOK: Not if it violates federal law.  
20 KARLENE ANDREOLA: We don't have to go by what our federal  
21 --  
22 CHRISTOPHER COOK: I do.  
23 KARLENE ANDREOLA: Maybe you do. But do you not agree that  
24 this is backwards going into it?  
25 CHRISTOPHER COOK: I am not going to speak to that.  
26 PAUL ANDREOLA: Well, wait a minute.  
27 JOHN MENGhini: Can I -- can I mention something here to  
28 help Chris out here.  
29 I'm here for scientific, -- scien- -- description here.  
30 I've been in this oil and gas business for 24 years.  
31 And in 1920, the government stopped selling mineral rights.  
32 Okay, they just no longer gave mineral rights out.  
33 So therefore, all the federal acreage has federal minerals  
34 underneath the surface.  
35 That is the allowed to be explored by any entity.  
36 We have a process where we go through this process. We  
37 have a lease sale. Everybody's more than welcome to come to bid  
38 on that parcel. We start out at two acres.  
39 And that is not leased to that individual to put up a  
40 playground, to go do RVs on it. That lease is strictly to

1 explore for oil and gas.

2 We have leases for geothermal that are totally different  
3 but the same process.

4 They cannot just take that land and do anything they want.  
5 Their lease is for subsurface mineral development only. They  
6 don't do anything with that land for ten years. It's based on  
7 speculation. Nevada's big on speculation.

8 They -- they buy. You know, I could -- I can't because I'm  
9 a federal employee, but you can buy it, sit on it. When a big  
10 company comes to town you say, hey, I've got this land right  
11 here that I bought the mineral -- I got the lease for mineral  
12 rights. Do you want to develop it? Because I don't develop  
13 myself. That's done all the time.

14 We have a large oil field in Railroad Valley.

15 So back to the hydraulic fracturing. We're stuck on  
16 this -- that every lease that is leased relates to hydraulic  
17 fracturing. Not the case. There has to be a source rock.  
18 There has to be potential.

19 Hydraulic fracturing is -- from my personal view, there's  
20 no scientific explanation nor report that shows any  
21 contamination to date of water aquifers.

22 You can read those and you can read these. And you form  
23 your own opinion. I've got studies from Duke University, the  
24 whole nine yards. We hear about Pennsylvania. We hear about  
25 West Virginia, all of that.

26 JOHN NORTON: How about Wyoming?

27 VICE CHAIRMAN BULLOCK: Hold on.

28 JOHN MENGhini: Wyoming. I have a report from the  
29 University of Wyoming right here that analyzes hydraulic  
30 fracturing in Wyoming and at Jonah Field.

31 I grew up with Wyoming. Don't mess with my country. But  
32 I'm okay with that.

33 The Jonah Field is one of the largest oil fields at the  
34 foot of the Wind River Reservation -- or Wind River Mountains.  
35 Beautiful country, just like Nevada.

36 However, when we say, you're going to contaminate my  
37 aquifer, we need to define that. Is your aquifer at 12,000  
38 feet? And does it go all the way to zero? Do you have a  
39 12,000-foot aquifer? If not, let's sit together and let's  
40 define this. Is it at a thousand feet?

1           We set conductor to a thousand feet. We're not allowed to  
2 drill through a freshwater aquifer without protecting it by  
3 half-inch steel casing followed by a cement sheath on the  
4 backside.

5           Come to the table. I'll explain the scientific, technical  
6 aspects. I'll take your concerns and let's make this work.

7           Because all I hear is you're going to contaminate the  
8 aquifer. You're going to contaminate our water.

9           Now, I'm not going to sit here and say that accidents don't  
10 happen, that the flow back could have a spill on the surface.  
11 That happens.

12           Is there any record of it being insurmountable or a  
13 catastrophic accident? No, there's no record.

14           I've seen all the frack videos: Frack Nation, New York  
15 Frack. Done it all.

16           All I'm saying is: Give the scientific community some lead  
17 way. And I'll be more than welcome to discuss this with anybody  
18 that wants to.

19           CHRISTOPHER COOK: And as John was saying that fracking is  
20 a technology applied to a specific type of subsurface rock  
21 characteristics under certain conditions.

22           And to the best of knowledge those geologic formations just  
23 do not extend into this region, Lander County.

24           KARLENE ANDREOLA: Then my question to you is: Why are  
25 these in particular -- Lander County is a big county. There are  
26 many areas where there's not cattle grazing and farms.

27           Why are they surrounding us where the water is? You tell  
28 me how they can bunch all around us the way that this lease is  
29 proposed to do.

30           There are millions and millions of acres here. They didn't  
31 pick anything north of the highway. Why not?

32           There's no water.

33           CHRISTOPHER COOK: We are given this on the backside. I  
34 was not part of the proposal nomination. I don't know what  
35 industry, you know, presented to the state office as potential  
36 parcels. We were simply given this subset of parcels that  
37 industry has nominated to the Nevada state and told to do a  
38 limited, you know, look on the ground right now. That is really  
39 the extent of our control over this at this point.

40           KARLENE ANDREOLA: But don't you think at this point in

1 time there are enough reasons to go slower with this and do the  
2 impact studies because they're going to do be right around  
3 existing industry?

4 JOHN MENGhini: Let me -- let me chime in here real quick  
5 is that, keep in mind, that oil and gas operators drill wells  
6 where they think oil and gas is. Okay. That's a -- think about  
7 that concept. You don't build a gold mine unless there's some  
8 indication that there's gold there. Same way with oil and gas.  
9 You just don't drill anywhere and hit oil and gas. It's not  
10 that easy. If it was, I wouldn't be sitting here talking to you  
11 today.

12 Where the water is? That's something you correlated  
13 because you didn't check the water over there or over here.

14 The water that they're using is not allowed to be used  
15 because they want it. The State of Nevada, the Department of  
16 Minerals, is the rulers and the givers and the takers of fresh  
17 water in this state. They won't allow it.

18 To take this to a step further, Noble Energy has fracked  
19 four wells in Elko County already.

20 Their water, they purchased from an entity.

21 JON SHERVE: Private entity.

22 JOHN MENGhini: Yes. So they didn't go out to a  
23 gentleman's farm and drill a hole and suck his well dry. They  
24 got water through a permission, through a process. Okay.

25 As far as affecting the aquifers, Jon is probably the most  
26 knowledgeable as far as draw down. As -- you know, is there an  
27 effect on a shallow aquifer. But all I can say is that 10,000  
28 feet, that's tough. Because fractures do not go lower.

29 KARLENE ANDREOLA: It's -- it's not just contamination that  
30 we're concerned in for the long haul. For the long haul, it's  
31 losing the water that we so dearly depend on to be able to grow  
32 crops, to be able to water livestock. It's not just the  
33 contamination that's a concern down the road. We know it's not  
34 going to happen tomorrow.

35 JOHN MENGhini: Well, they're not allowed to touch that.

36 CHRISTOPHER COOK: But they can't just go out and take  
37 water.

38 KARLENE ANDREOLA: But the aquifer runs in such a  
39 direction -- I'm going to defer to my husband.

40 PAUL ANDREOLA: Can I stop here? You said permission.

1 That was a keyword. Permission.

2 If my wells border BLM property, why would I have to give  
3 you permission to use the water?

4 UNIDENTIFIED PARTICIPANT: You don't.

5 PAUL ANDREOLA: You don't. You just drill and use all the  
6 water you want.

7 JOHN MENGHINI: No. No. They have to get -- the operator  
8 cannot just go get his own water.

9 PAUL ANDREOLA: Okay, let me ask you this again: When you  
10 drill for fracking, approximately -- best to your knowledge --  
11 how much water are you talking about?

12 JOHN MENGHINI: Oh, like you said, anywhere from 100- to  
13 150,000 barrels. But --

14 PAUL ANDREOLA: No, water.

15 CHRISTOPHER COOK: The water. The water consumption --

16 PAUL ANDREOLA: How much water are you going to need to  
17 frack?

18 JOHN MENGHINI: A hundred fifty thousand barrels.

19 KARLENE ANDREOLA: Of water?

20 CHRISTOPHER COOK: Of water?

21 JOHN MENGHINI: Of water.

22 PAUL ANDREOLA: A hundred fifty thousand barrels of water?

23 JOHN MENGHINI: It's 99%.

24 PAUL ANDREOLA: What do you think that would do to our  
25 irrigation wells in a -- what are we in a 12-, 14-year drought  
26 cycle?

27 CHRISTOPHER COOK: Still need water rights on it.

28 JOHN MENGHINI: Yeah, but they're not taking that.

29 CHRISTOPHER COOK: I think the issue is that looking at  
30 that -- say Diamond Valley in Eureka County for example. The  
31 water engineer has closed that basin to adjudication.

32 PAUL ANDREOLA: Sure.

33 CHRISTOPHER COOK: So if a company wants to come in and  
34 drill a well and needed millions of gallons of water, they would  
35 be denied by the state the ability to get that water. So what  
36 we're trying to say is that it's not -- BLM's not just saying,  
37 you can go out there and do whatever you want to the water,  
38 because the state water engineer would still have to give them  
39 appropriated water rights --

40 PAUL ANDREOLA: Correct.

1 CHRISTOPHER COOK: -- to be able to use that, or they have  
2 to buy it from somebody or get it from somewhere.

3 PAUL ANDREOLA: Well, that's -- that's the keyword. They  
4 have to buy it or the state would have to grant it to them, --

5 CHRISTOPHER COOK: Correct.

6 PAUL ANDREOLA: -- just like we have to go through the  
7 process.

8 CHRISTOPHER COOK: Correct. Correct.

9 PAUL ANDREOLA: I can -- but the thing is, who are you  
10 going to buy it from?

11 CHRISTOPHER COOK: That's the point we're making. If  
12 they're not able to then do that well, it's moot. It would  
13 never go in anyway because they would never be able to get the  
14 water to do it.

15 PAUL ANDREOLA: But still, you would have the lease for ten  
16 years regardless.

17 CHRISTOPHER COOK: Yes, and all that gives them is the  
18 right to --

19 PAUL ANDREOLA: That's a double-edged sword.

20 KARLENE ANDREOLA: But it's --

21 CHRISTOPHER COOK: -- potentially explore.  
22 (Simultaneous conversations.)

23 COMMISSIONER MASON: I don't think they would sign a lease  
24 if they couldn't get what they were after.

25 PAUL ANDREOLA: Exactly.

26 COMMISSIONER MASON: So --

27 UNIDENTIFIED PARTICIPANT: These are --

28 COMMISSIONER MASON: -- somebody may want to lease but BLM  
29 says we can't provide you with water so that -- why are they  
30 going to sign the lease?

31 VICE CHAIRMAN BULLOCK: I disagree. I disagree, Dave,  
32 because people get mineral rights whether they know if there's  
33 going to be mineral or not. They're going to go ahead and get  
34 them.

35 UNIDENTIFIED PARTICIPANT: Correct.

36 VICE CHAIRMAN BULLOCK: It's no different. They'll buy a  
37 lease on the chance that they might get them. And then they  
38 look at the permits and everything afterwards. It's a lot of  
39 comparisons here with minerals.  
40 The environmental impact statements, they don't do until

1 somebody is ready to mine.

2 It's the same as what they're looking for this fracturing.  
3 The environmental impact statement isn't going to be done until  
4 somebody's really, truly interested and has leased the land.

5 So I see a lot of similarities between the mining and what  
6 we're looking at here in the gas and oil. And -- and the mines  
7 can't just go in and get the water without having water to get.  
8 So I understand.

9 COMMISSIONER STIENMETZ: They've got to apply for a permit.

10 VICE CHAIRMAN BULLOCK: And I think that's been covered so

11 --

12 CHRISTOPHER COOK: Yeah. Yes.

13 COMMISSIONER STIENMETZ: Through the state engineer?

14 CHRISTOPHER COOK: Yes. That's correct.

15 JOHN MENGhini: Yes, through the UIC program.

16 CHRISTOPHER COOK: Correct.

17 COMMISSIONER STIENMETZ: And what river basin is this part  
18 of?

19 JON SHERVE: Reese River.

20 CHRISTOPHER COOK: Those would be Reese, I think.

21 COMMISSIONER STIENMETZ: Reese and which would be the  
22 Humboldt, --

23 JON SHERVE: Yep.

24 COMMISSIONER STIENMETZ: Which would have to go in front of  
25 the Humboldt River Water Authority that they can protest if they  
26 don't want the right.

27 CHRISTOPHER COOK: And like minerals, --

28 COMMISSIONER STIENMETZ: It's like a temporary or whatever  
29 it may be so they can drill. They have to have a -- they have  
30 to have some kind of water right or they've got to go purchase  
31 it from somebody to do that. They just can't go out there and  
32 drill and take it.

33 CHRISTOPHER COOK: Yeah.

34 COMMISSIONER STIENMETZ: It's -- the state engineer  
35 requires this.

36 CHRISTOPHER COOK: Yes.

37 COMMISSIONER MASON: I would expect that with the state  
38 laws.

39 Now, I want to ask a question: Specifically, these  
40 ranchers put in a request to lease a specific piece of land and

1 never heard back. Why did that happen?  
2 CHRISTOPHER COOK: Well, I will have to look into that. As  
3 they said, the gentleman who they must have been in contact with  
4 has retired since. But there is no real provision to lease  
5 land.  
6 PAUL ANDREOLA: It was a purchase.  
7 KARLENE ANDREOLA: It was a land purchase.  
8 CHRISTOPHER COOK: A purchase. You could have requested a  
9 land sale. But at the time, if we were under the process of  
10 starting our RMP Revision, then we wouldn't have been doing any  
11 disposals or acquisitions --  
12 COMMISSIONER MASON: But not even a courtesy letter saying  
13 this is --  
14 CHRISTOPHER COOK: I can't speak to that, sir. I'm sorry.  
15 COMMISSIONER MASON: -- the wrong department or whatever.  
16 CHRISTOPHER COOK: I will have to look into that. I do --  
17 having no personal knowledge about that. No one came to me,  
18 briefed me, sent me anything about it --  
19 COMMISSIONER MASON: The reason I'm inquiring is because I  
20 want to make sure checks are in place.  
21 CHRISTOPHER COOK: Mm-hm.  
22 COMMISSIONER MASON: -- before somebody gets hurt.  
23 CHRISTOPHER COOK: Sure.  
24 JON SHERVE: And again, we've already looked at where these  
25 -- some of the land that's been offered for disposal, we've  
26 looked at that. And that's why some of these are red, since  
27 last time I was here.  
28 CHRISTOPHER COOK: We've deferred those parcels the county  
29 has brought forward as we want these to be considered for  
30 disposal in the land use plan revision.  
31 JOHN MENGhini: And once again, I'd like to reiterate that  
32 this purchasing and -- that's not even the correct word -- this  
33 leasing of this land gives you no rights to put a house up, to  
34 drive acrossed and go four-wheeling.  
35 The only rights it gives you is to develop the minerals  
36 underneath the ground. No more, no less.  
37 So -- so I hear, well, why can't I have that land? You  
38 can. Not to put a house on. To develop the minerals. And  
39 after ten years, you lose it.  
40 So it's not like buying a piece of land to build or to

1 develop. You have to develop the mineral rights. That's all it  
2 does for you. It's a blank piece of country.

3 CHRISTOPHER COOK: And some of these I would suspect at a  
4 corporate level are part of portfolios, you know, for companies,  
5 that simply say, you know, on their balance sheets they have  
6 rights for minerals in, you know, these areas or things like  
7 that that they're just putting in as corporate assets and aren't  
8 necessarily thinking in their minds, I know I'm going to come in  
9 here and explore. They're just acquiring these as part of a  
10 larger portfolio for their -- their industry.

11 VICE CHAIRMAN BULLOCK: Okay. Okay, go ahead. State your  
12 name, please.

13 JOHN NORTON: For the record, John Norton.

14 For the record, I'll leave this with whomever. This is a  
15 article out of NGLs, Natural Gas Intelligence, their newsletter  
16 for the unregulated oil and gas industry.

17 Noble Energy has been in the northeast Nevada play, they  
18 call it, since 2008. This is not a mystery.

19 This map is one I brought to you guys last time I gave my  
20 very impassioned plea to stop this thing. I'll save you the  
21 trouble this time. I'll try to keep it to the point.

22 Number one, from a balance sheet standpoint, the most  
23 valuable asset you have in this entire aquifer, all the way from  
24 Arc Dome to Battle Mountain, is fresh water. It's never been  
25 messed with. It's never been tarnished.

26 Yes, they have to list these as potentials. But they don't  
27 have to sell them. They're not obligated to sell these parcels  
28 for oil and gas fracking. They are choosing to do it.

29 And there are some in this country that would ask: What's  
30 driving this bus? This is an unregulated industry.

31 If you go to Wyoming and you look on YouTube at any of the  
32 ranchers that are over there that had been there for  
33 generations, the ranches are gone. The water's polluted. They  
34 can't even grow a garden. The oil company has to bring in fresh  
35 water to cook and to drink because they can't drink the water.  
36 Now, these are old family ranches.

37 And the suggestion has been made -- and I know I'm on the  
38 press so I'll be real careful -- the suggestion has been made in  
39 a number of places, including the Ninth Circuit Court judgment  
40 last year that BLM did not follow the EA requirements of doing

1 an environmental and threw them out of court.

2 KARLENE ANDREOLA: John, I have that article. I would like  
3 to read it into the record.

4 JOHN NORTON: Go.

5 KARLENE ANDREOLA: A federal judge struck a major blow  
6 against fracking in California this week, ruling that the  
7 government was wrong to allow energy companies to drill for oil  
8 on 2700 acres of public land without first considering  
9 environmental impacts.

10 The Bureau of Land Management's assessment of the land --  
11 this is a quote -- did not adequately consider the development  
12 impact of hydraulic fracturing techniques, wrote U.S. Magistrate  
13 Judge Paul Grewal in a decision made public on Monday that sided  
14 with environmental groups that sued the BLM.

15 Before auctioning off mineral rights to the land in 2011, BLM  
16 was required to analyze potential environmental consequences. The  
17 agency's 125-page report, however, characterized fracking as not  
18 relevant to the analysis of impacts because the reasonable  
19 foreseeable development scenario anticipates very little (if any)  
20 disturbance to the human environment. Based on this, BLM declared  
21 that drilling into federal lands would create no significant  
22 environmental impact and signed off on the leases.

23 BLM has exactly the same boiler-plate language in the EA the  
24 commissioners now hold before them.

25 BLM is in direct violation of the law as stated in the CFR,  
26 the Code of Federal Regulations and standards required under NEPA.

27 The Ninth District includes Nevada.

28 And this was -- basically, the title says "California  
29 Fracking Lawsuit Judge Slams Obama Administration." And this is  
30 directly out of the Ninth District Federal court.

31 JOHN MENGHINI: What date is that?

32 KARLENE ANDREOLA: You can have it.

33 JOHN MENGHINI: Oh, I have it.

34 JOHN NORTON: It's a year ago.

35 KARLENE ANDREOLA: Do you have it?

36 JOHN NORTON: It's a year ago.

37 VICE CHAIRMAN BULLOCK: Okay.

38 JOHN NORTON: And they're still doing it.

39 VICE CHAIRMAN BULLOCK: Okay. So we've got to get some  
40 kind of order here.

1 I need, Mrs. Andreola, finish your comments. Then we're  
2 moving on because we've got to stay in order here and quit going  
3 back and forth. So if you've got any more, make them. And then  
4 go back to this gentleman who was making his comments. So --

5 PAUL ANDREOLA: Karlene, --

6 KARLENE ANDREOLA: I'm --

7 PAUL ANDREOLA: Read Debbie's letter.

8 KARLENE ANDREOLA: Yeah, you have to hand it to me.

9 I will read one more letter from --

10 VICE CHAIRMAN BULLOCK: Okay.

11 KARLENE ANDREOLA: -- that's representing our community.

12 JOHN NORTON: The Reese River Coalition.

13 KARLENE ANDREOLA: This is basically all of the landowners,  
14 ranchers, farmers, the Yomba Reservation, and anybody who uses  
15 that land for public use. This -- Debra Amens wrote this:

16 As you are aware, in July 2014, the Battle Mountain  
17 District Office proposes to sell long-term leases of up to 166  
18 parcels for oil and gas development. This is expected to be a  
19 competitive sale, but the primary company involved with the  
20 proposed development is Noble Energy.

21 Noble Energy, based in Houston, is the same company  
22 involved in the proposed fracking project affecting 350,000 net  
23 acres in Elko County. The proposed sale affects public land  
24 located in Lander, Nye, and Esmeralda County. We understand  
25 that BLM expects to gross approximately \$12.5 million in  
26 revenue.

27 My husband and I own a farm in upper Reese River  
28 approximately 25 miles southwest of Austin. We, like our  
29 neighbors, Lee and Dianne Hutchins, Paul and Karlene Andreola,  
30 just learned of the proposed sale after the public comment  
31 period on the project was closed. Each of our properties are  
32 adjacent to the lots where long-term leases are slated for sale.

33 We are concerned about the sale for a number of reasons  
34 including: the lack of notice and/or openness about the  
35 project; the lack of specific data on the impacts to the  
36 environment with this development; and the impact to the water  
37 availability and/or quality throughout the Reese River Basin.

38 Lack of Notice.

39 Parcels throughout Lander, Nye, and Esmeralda County have  
40 been identified for this possible lease sale. The lots are on

1 public land but adjacent to privately-owned land and reservation  
2 and/or Native American lands.

3       Apparently, but we have not confirmed this, BLM has  
4 followed its notice requirements through a posting of the  
5 project in two rural newspapers with limited distribution and  
6 through a letter to the Shoshone tribes. Notice of the proposed  
7 sale also, most likely, was published in the federal register.

8       BLM has not made any effort to directly contact adjacent  
9 landowners and has provided only limited outreach to ranchers  
10 who graze on the lots through their AUM grazing rights. BLM  
11 knows who the landowners are and works with them on other  
12 issues, but made no effort to ensure they were aware of this  
13 project which has the potential to significantly impact their  
14 operations and livelihood.

15       The lack of openness builds resistance to the project.  
16 Actual stakeholders have lost their voice to respond or even to  
17 ask questions so we can better assess the risk associated with  
18 this proposed project.

19       The lack of data to impact to the environment.

20       Having read the environmental assessment completed on the  
21 proposed sale, it is apparent that no specific data has been  
22 collected on any of impacts associated with sale and more  
23 particularly on oil and gas exploration using fracking  
24 technology. The logic of the EA is that because, traditionally,  
25 Nevada has been a poor location for oil and gas, the sale of  
26 these leases will have little impact on the environment because  
27 the probability of the buyer, Noble, finding any worthwhile oil  
28 or gas reserves is very low.

29       Can I have my water, please?

30       Additionally, the EA indicates if the buyer does proceed to  
31 ~~develop a parcel for production, then at that time, the buyer~~  
32 would be required to obtain a permit and conduct a site-specific  
33 EA.

34       This logic fails to take into account the fact that  
35 fracking technology has completely changed the prospect for oil  
36 and gas development through the United States and the world.  
37 Fracking is allowing companies to develop production capacity  
38 where traditional oil and gas production has failed or even  
39 where oil and gas fields have been previously abandoned. So the  
40 assumption relied on by the author of the EA for the sale of

1 these lots in our country, that little harm will come from the  
2 sale, is just wrong. Past data based on different technology  
3 provides little insight to the potential production value  
4 associated with the sale of these leases.

5 The EA lays out a template for all of the potential,  
6 cumulative impacts to the environment, wildlife, and economy of  
7 the region, but then fails to provide any specific data to be  
8 reviewed.

9 A federal court -- district court in California recently  
10 came to the same conclusion about BLM's EA, holding that BLM  
11 violated the National Environmental Protection Act in an oil and  
12 gas fracking sale in Monterey and Fresno Counties through the  
13 use in their EA of assumptions which were unreasonably relying  
14 on an earlier single well development scene -- scheme. This  
15 case is persuasive and helpful in seeking an injunction to stop  
16 this proposed sale.

17 Additionally, over the past several years, the Battle  
18 Mountain BLM office has been revising the resource management  
19 plans for our region. This effort has involved many of our  
20 neighbors and local citizens, and the BLM website encourages  
21 public involvement and wants the revision process to be a  
22 collaborative effect -- effort.

23 Many of our recent requests to possibly purchase public  
24 land have been put on hold pending completion of the RMP  
25 process, which includes Environmental Impact Statement, so that  
26 competing uses can be analyzed.

27 How can the sale of long-term leases go through when the  
28 RMP revision is underway? How can they shortchange the process  
29 while other requests are put on hold until completion of the  
30 planning process?

31 The impact on water availability and quality.

32 The EA also does not address where the water for fracking  
33 wells will come from. We are certainly not experts on what it  
34 requires to drill a fracking well, but the amount of water  
35 reportedly used is huge, 15 million gallons to just develop each  
36 well. Where is that going to come from? We, as farmers, have  
37 struggled over decades (her parents starting farming in the  
38 Reese River Valley in the '70s), and we have finally found a  
39 formula for creating viable operations that take advantage of  
40 our high altitude and stressful weather conditions. These

1 operations, which provide Lander County with one of its most  
2 stable tax bases, requires significant capital investment to put  
3 in wells and pivots, but still provide only relatively low  
4 profit margins with high risk based on weather patterns and  
5 highly fluctuating market demand.

6 The proposed sale of leases for oil and gas development  
7 through fracking puts all of our progress and efforts at risk.

8 Our basin is not closed, but it is close to being closed.  
9 There is not excess water. And we and Nevada's Division of  
10 Water monitor our usage and the levels of our wells carefully to  
11 ensure that water levels do not drop.

12 Because water is such a limited resource and we are so  
13 dependent on it, we see this proposed sale and the current  
14 fracking technology to be foolhardy, at best, with a high  
15 probability of disaster.

16 These concerns focus on water availability, but reports of  
17 the impact to water quality are also frightening and raise real  
18 concerns on whether we are destroying access to clean water for  
19 future generations.

20 Just the hint of this project has a significant negative  
21 impact for our land values.

22 Without a reliable water source, we are out of business.  
23 One fracking well in the valley could impact all of the farms'  
24 water availability, not just when the well is operating, but for  
25 decades.

26 I do not believe I am overstating the concerns. We have  
27 seen the fracking videos from operations back East and in the  
28 Rockies, but there they have an abundance of water for the  
29 process. Their concern is the quality of water after fracking  
30 begins. While that is certainly a concern, especially where  
31 domestic and municipal wells are close by, the impact that we  
32 believe will decimate the area is sucking our basin dry.

33 We propose that the county request BLM to delay the sale  
34 and hold workshops where direct feedback and information can be  
35 exchanged. We would also ask that more analysis in line with  
36 our unique environment and needs be undertaken. Currently,  
37 development and research on fracking's potential impact to  
38 groundwater and flow concentrations are either underway or soon  
39 to be underway.

40 We would ask that the results of these studies be included

1 in an environmental assessment for our region.

2 There is a preliminary assessment of hydraulic fracturing,  
3 fluid concentrations, and hydraulic conditions in Noble  
4 development area number two, which is upper Humboldt River  
5 Basin, and that was published in February 2014, and Desert  
6 Research Institute's announcement of working with Noble Energy  
7 and the BLM in Elko County on an aquifer quality assessment  
8 program. And there's also a web address. I will get this to  
9 you.

10 The region's RMP are slated to be completed in the next  
11 couple of years. We ask the county to request that BLM honor  
12 their own planning process and include a review of this proposed  
13 sale as one of the multiple uses that could be considered.

14 Additionally, in 2015, the Nevada Legislature will be back  
15 in session. And we feel that they should have the opportunity  
16 to review the proposals and develop appropriate safeguards to  
17 protect Nevada.

18 We have supported mining and geothermal operations within  
19 the county, but the impact on the environment with their  
20 operations have been minimal, have not decimated water  
21 availability, and require the companies to plan from the start  
22 how they will mitigate the impact when the project is complete.

23 How can Noble Energy mitigate a disastrous effect on ground  
24 water availability and quality?

25 This region is high desert with a very fragile ecosystem  
26 and threatened wildlife. It is rural with small population  
27 primarily because it is a hard place to make a living.

28 Geologically speaking, the area is unique with areas having  
29 a very thin crust. And the potential for earthquakes remains  
30 significant. Geothermal energy in the area is promising, and  
31 the EA indicates that this sale will impact and or replace  
32 geothermal development.

33 Rather than focus on jumping on the fracking train like the  
34 rest of the country, we should focus development efforts on  
35 those technologies that match the area's unique qualities. This  
36 is the lesson that farmers and others in the region have learned  
37 through trial and error.

38 Thank you. I will give you guys a copy.

39 VICE CHAIRMAN BULLOCK: Thank you.

40 Okay, Mr. Norton.

1 JOHN NORTON: Good job.

2 This is a tough one.

3 You know, on one hand, you have here item number 11 on the  
4 Battle Mountain District Resource Management Plan. And you  
5 can't get an answer out of them? How does that work?

6 And then over here, we've got a map that says that they  
7 want to come down here and frack right next to well that you  
8 guys just put in. And I stated it for the record wrong last  
9 visit. I said 5 million. And it actually was budgeted for  
10 5 million and came in at three point -- three and a half  
11 million. Good conservation on somebody's part.

12 There's a well right in here -- Andreola's, the Amens, and  
13 all of our ranchers and farmers are all here.

14 I'm up here at this red dot. I'm at the Yomba Indian  
15 Reservation.

16 This is the purest water you have in the state, maybe in  
17 the nation. Anybody that has any inclination to mess around  
18 with the quality of this water 50 years from now needs to go to  
19 the addict doctor. There's something real wrong with this.

20 This is the most valuable asset you have in this county --  
21 cool, clear water. Since -- what was it? -- 1892, Mark Twain  
22 said, water's for fighting. It hasn't changed any. And you've  
23 got the biggest pile of it anywhere in the state. In fact, I'll  
24 match it against anywhere in the nation.

25 And they want to put a fracking well underneath it? But it  
26 won't hurt the water? Guaranteed? Horse feathers.

27 So rather than the balance sheet side of it, rather than  
28 looking at the asset that you already hold, let's look at the  
29 risk to reward.

30 They're asking you, the county, to risk the asset of clean  
31 water for absolutely no known reward. How can that be?

32 And after the oil companies are done pulling their oil, which  
33 usually comes in the first side of the cycle -- from what I've  
34 read, it usually comes from the first 40 to 50% of the cycle --  
35 then it gets harder and harder and harder to get the oil out.

36 And they pump whatever they've got for their injection  
37 process.

38 And by the way, before I forget, I brought you a copy of my  
39 PowerPoint presentation. I'll give it to you. You were at the  
40 meeting. I'll give you a copy of the PowerPoint. In fact, here

1 it is.

2 After they get done drilling their wells and plugging their  
3 holes and using the chemicals -- I think it's -- what is it --  
4 nine, that the industry won't release because -- what is it?  
5 Proprietary information?

6 This stuff will go through a crack in glass. It will eat  
7 rock. Ten years from now? Twenty years from now? Who knows?  
8 Will it come to the surface? I wouldn't want to bet against it.  
9 I wouldn't want to have my fingerprints on it. It all depends  
10 on the water 50 years from now.

11 Clean water is life in Nevada. And without it, you don't  
12 have any life.

13 They're running fracking wells up in Wells. They have a  
14 mistake up there and it comes down the Humboldt, it'll be here.  
15 The only clean water you've got is coming out of the Reese. You  
16 might want to think about that asset. I don't know that that's  
17 an asset you want to compromise.

18 I've got be real careful for my lady who's keeping the  
19 records here. So I'm going to try to stay on my script and not  
20 get in trouble.

21 Most disheartening is how our government is handling this  
22 matter. It's borderline sneaky.

23 The EA that you put out that nobody knew about, not one  
24 person, not our county commissioners, not any of the people who  
25 live down in Yomba, live down in Austin, nobody knew a thing  
26 about this EA. And it has the same language in it that the  
27 district court in California threw out, the exact same  
28 boiler-plate language. And it was slipped in underneath the  
29 radar screen in hopes that nobody would catch it. And the next  
30 thing we'd know is that we would have a lease executed.

31 ~~Now an executed lease is a whole different thing because~~  
32 now you move over into the mitigation side of dealing with the  
33 issue.

34 If the lease is never issued -- and if you have a lease,  
35 even if it's BLM -- if you've got a lease in the state of Nevada  
36 that's under protest, it may not be leased.

37 I think what bothers me the most is the way they are  
38 manipulating -- and I say they. I say the government. This is  
39 an unregulated industry.

40 In 2005, -- and I told you this guy -- you guys this the

1 last time I was here. And I promised I wouldn't try to make an  
2 impassioned plea to you again, and I'm trying not to.

3 In 2005, Bush-Cheney passed the amendment for clean air --  
4 or the Clean Water Act, which made hydraulic fracking immune.  
5 They are not subject to the Clean Water Act because of the  
6 amendment of 2005.

7 That means after they're gone and they've taken their oil  
8 and their profits, we wind up with what's left or our kids do or  
9 worse yet our grandkids do or our great-grandkids do.

10 So that everybody here understands where I'm coming from.  
11 I'm an old, retired, federal guy. And while I'm at it, this  
12 feels like a David and Goliath story.

13 So for the record and for all the people that have stood up  
14 to be counted against this, I want to make sure that the No Fear  
15 Act and the Whistle Blowers Act applies to these brave people.  
16 Because BLM is a mountain of a machine.

17 They can't even drive a stake post, a T-post into the  
18 ground. You've got neighbors that can't even drive a T-post in  
19 the ground without BLM's approval. And yet, they're going to  
20 run this EA underneath the radar screen and lease this land in  
21 July? Are we really going to let them do that?

22 I would humbly request the item be moved to an action item by  
23 the commissioners of Lander County to reject BLM's proposal EA  
24 number E002014-0001 EA as it leaves many environmental issues  
25 unresolved.

26 We, therefore, ask that the file be withdrawn.

27 Now, in the court action, the judge asked, wait a minute.  
28 Who -- who -- who runs out of authority here? Which is what BLM  
29 said. It's out of our authority.

30 You asked the question earlier: Who has the authority?

31 Delegation of authority, according to CFR is -- and Doug,  
32 please, correct me if I'm wrong.

33 UNIDENTIFIED PARTICIPANT: Cook.

34 JOHN NORTON: Cook?

35 CHRISTOPHER COOK: I'm Chris Cook. I work for Doug.

36 JOHN NORTON: You're working with Doug. Sorry.

37 CHRISTOPHER COOK: No, that's okay.

38 JOHN NORTON: How come Doug's not here? Huh?

39 CHRISTOPHER COOK: Understandable.

40 JOHN NORTON: Yeah.

1 CHRISTOPHER COOK: He's my --

2 JOHN NORTON: I wished he'd have come.

3 CHRISTOPHER COOK: -- responsibility.

4 JOHN NORTON: I'd have loved to have fried him.

5 UNIDENTIFIED PARTICIPANT: I'm here for him.

6 JOHN NORTON: You're here for him?

7 UNIDENTIFIED PARTICIPANT: Yes.

8 JOHN NORTON: I'm sorry.

9 The delegated authority, according to the Code of Federal  
10 Regulations, CFRs 43, delegates from Congress the authority to  
11 the Department of Interior all matters relating to land grant,  
12 land, water, you name it, anything that has to do with the  
13 Interior is under the Department of Interior.

14 Under delegated authority from the Department of Interior  
15 is established the Bureau of Land Management with very specific  
16 CFR guidelines of what they must and must not do.

17 I will suggest that they are on borderline edges on the  
18 CFRs for the BLM. And they are specifically out of bounds in  
19 accordance with NEPA. Period.

20 The authority is then delegated to the states which is then  
21 delegated to the district offices.

22 The use of the term, we therefore ask the file to be  
23 withdrawn, takes it out of BLM state's hands and makes it a  
24 Department of Interior final decision.

25 BLM may sign off on one part of it, but I am -- I'm not  
26 positive about this. I could be wrong. And I will state for  
27 the record I could be wrong. I believe that the Department of  
28 Interior would have to weigh in on this matter. I believe there  
29 is no incentive whatsoever, either on an asset basis,  
30 asset-management basis or a risk-management basis Lander County  
31 should allow fracking to be done anywhere in the county.

32 And I rest my case.

33 We'll take any questions?

34 KARLENE ANDREOLA: I just want to mention that we do have  
35 people on line over in Austin if anybody over there would like  
36 to make a comment.

37 VICE CHAIRMAN BULLOCK: I was getting there.

38 Anybody in Austin?

39 COMMISSIONER MASON: I have a question. District Nine,  
40 does it -- you -- somebody said District Nine court covers

1 Lander County?

2 UNIDENTIFIED PARTICIPANT: There's a misunderstanding  
3 there.

4  
5 (Phone connected to Austin: "If you'd like to make a call,  
6 please hang up and try again...")

7  
8 VICE CHAIRMAN BULLOCK: Hold everything right there. We're  
9 going to stop at this point until we get Austin back online.

10  
11 (County Clerk Sullivan reestablishing telephone communication  
12 with Austin.)

13  
14 DEE HELMING: Sorry.

15 VICE CHAIRMAN BULLOCK: Is there anybody in Austin that has  
16 a comment?

17 DEE HELMING: Do you have any comments, Lisa?

18 UNIDENTIFIED PARTICIPANT: No.

19 VICE CHAIRMAN BULLOCK: Okay. Okay, going forward.

20 COMMISSIONER MASON: All right. I'm not sure about what  
21 I'm asking, but if District Nine made a decision or the court  
22 made a decision about District Nine, is -- does Lander County  
23 fall under that decision?

24 CHRISTOPHER COOK: No.

25 UNIDENTIFIED PARTICIPANT: No.

26 KARLENE ANDREOLA: It covers Nevada, so it set a  
27 precedence. It should cover.

28 JOHN MENGhini: It's a precedence that we will appreciate  
29 to look at so that we can -- can see what mistakes were made.  
30 But that ruling does not affect us.

31 COMMISSIONER MASON: All right. So you guys are here doing  
32 what you are supposed to do, --

33 JOHN MENGhini: Correct.

34 CHRISTOPHER COOK: That's correct.

35 COMMISSIONER MASON: -- have public acknowledgment of what  
36 your project is. That's why you're here.

37 But you're not here based on a court action for District  
38 Nine?

39 CHRISTOPHER COOK: Correct. And if I may, I'd like to just  
40 make two clarifications.

1           There is an assumption that this is automatically a frack  
2 -- we're going to frack wells. And that is not the case at this  
3 stage. So one, there is no intent to frack, you know,  
4 necessarily even permission to frack or anything at this stage.  
5 This is simply saying these parcels are available for  
6 exploration should a company choose to do so.

7           Second of all, the decision to offer them or to approve  
8 them for lease sale is not at my level either. That delegation  
9 of authority, as the gentleman referred to, resides at the state  
10 director level. So it is not the case that I myself can say I'm  
11 offering this parcel for sale. So I just wanted to make those  
12 two clarifications.

13           COMMISSIONER MASON: And I'm only asking for clarity. You  
14 know, where does this thing go?

15           If -- if you finish our meeting here today with us and you've  
16 done your courtesies to our county, you just keep moving on.

17           And you're going to have the lease sale regardless of  
18 whatever takes place.

19           CHRISTOPHER COOK: The state office will have the lease  
20 sale from this point --

21           COMMISSIONER MASON: Yes, I understand that.

22           CHRISTOPHER COOK: -- it is out of my hand. It goes to  
23 that --

24           COMMISSIONER MASON: Right.

25           CHRISTOPHER COOK: -- level for offering.

26           COMMISSIONER MASON: Okay, so --

27           UNIDENTIFIED PARTICIPANT: Which can be protested, I  
28 believe.

29           COMMISSIONER MASON: How can we get to you to comply with  
30 District Nine's court order.

31           ~~JOHN MENGHINI: Well, the process that -- that has taken~~  
32 ~~place now is that -- going to back up a little bit -- and I'm~~  
33 ~~Italian. Sorry for the hands -- is back up that nominations of~~  
34 ~~interest are submitted. It is our obligation as the BLM to go~~  
35 ~~out and to do environmental assessments of the area, get~~  
36 ~~comments.~~

37           Leasing is discretionary. We will get comments. We will  
38 put together an environmental assessment, take those comments  
39 under consideration.

40           But we're not bound to take them and to change the process.

1 We are bound to take them into consideration. If they're valid,  
2 if they're warranted, we change it.

3 Then that process goes to the state office, of which I am.  
4 And we turn those parcels into leases.

5 We have a sale. And you can protest the sale. Okay. And  
6 what happens is that if -- if they warrant the protest, you can  
7 protest it to IBLA.

8 UNIDENTIFIED PARTICIPANT: To who?

9 JOHN MENGHINI: Which is the Interior Board of Land  
10 Appeals. Okay, and so when -- when Conoco, Exxon,  
11 (indiscernible) oil comes in and buys that lease, it says on the  
12 top of that lease, under appeal. Okay. And that means that  
13 that lease can be withdrawn at a later date if found warranted  
14 to do that.

15 We're -- we're obligated by the 3100 regulations and 43  
16 CFR, like this gentleman said.

17 Thirty-one hundred pertains to leasing and our ability to  
18 lease for the -- for the good of the people. Okay. And --

19 UNIDENTIFIED PARTICIPANT: For the good of the people.

20 JOHN MENGHINI: And that's what we are just following the  
21 process. And you said you should protest. And you gave that EA  
22 number. That EA could not be protested. It can be commented  
23 on.

24 You could protest the sale.

25 CHRISTOPHER COOK: Yes.

26 JOHN MENGHINI: Certain parcels or all the parcels. And it  
27 is up to, like Chris said, the state director can pull the whole  
28 sale.

29 UNIDENTIFIED PARTICIPANT: Can we have the sale withdrawn?

30 JOHN MENGHINI: No.

31 We're required by law to have four sales a year for the  
32 whole state. That's the leasing --

33 CHRISTOPHER COOK: Format.

34 JOHN MENGHINI: -- format of 2005. It states that each  
35 state will have four. And I'm saying this because I've worked  
36 in Wyoming. I've worked in Colorado. And so Nevada is  
37 required -- and these folks do a good job trying to do the  
38 environmental.

39 But the leasing program is a lease sale. We have an  
40 auctioneer that goes and starts at \$2. The highest parcel I've

1 seen has been \$180 an acre.  
2 So when we get that money, half of it goes to the state.  
3 The other half goes to the Federal Reserve.  
4 JOHN NORTON: Point of clarification.  
5 JOHN MENGhini: For the federal government -- not the  
6 federal.  
7 JOHN NORTON: John Norton for the record.  
8 Point of clarification. Are you telling me that the Lander  
9 County commissioners cannot stop this lease sale?  
10 Is that what you're telling me?  
11 CHAIRMAN BULLOCK: That's correct. All we can do is put  
12 our opinion. We are not over the BLM. All we can do is send  
13 letters just like any --  
14 COMMISSIONER STIENMETZ: Protest.  
15 VICE CHAIRMAN BULLOCK: -- person of the public.  
16 CHRISTOPHER COOK: Protest the sale.  
17 VICE CHAIRMAN BULLOCK: We can say our opinion, how we  
18 don't want something, how we're in favor of it.  
19 We cannot tell the BLM what to do.  
20 CHRISTOPHER COOK: Ask for us to come here any time you  
21 want --  
22 COMMISSIONER WAITS: Yeah.  
23 VICE CHAIRMAN BULLOCK: Mm-hm.  
24 JOHN NORTON: I believe you can ask that the file be  
25 withdrawn.  
26 KARLENE ANDREOLA: Karlene Andreola.  
27 VICE CHAIRMAN BULLOCK: Go ahead.  
28 KARLENE ANDREOLA: This isn't a democracy then. This is  
29 not a democratic approach if they can just step on this county  
30 locally. And if you look at where the money is going, none of  
31 it's coming to us locally. It's going to the state and the  
32 federal government.  
33 VICE CHAIRMAN BULLOCK: I understand that, but we are not  
34 over the BLM.  
35 KARLENE ANDREOLA: I understand.  
36 VICE CHAIRMAN BULLOCK: We make comments like the rest of  
37 you. We can't tell them what to do.  
38 CHRISTOPHER COOK: And we, in fact, don't write the laws  
39 that we are charged with executing.  
40 VICE CHAIRMAN BULLOCK: Mm-hm.

1 JOHN MENGhini: Could you explain file being withdrawn,  
2 please.

3 JOHN NORTON: Yes, it's an old -- I used to be in federal  
4 government in another department.

5 I consider this EA as a file. Okay. That EA -- and I've  
6 read it forward and backwards. And I've read the -- the file  
7 that was submitted to California. And the boiler-plate in the  
8 two are identical. They're identical. There's no difference.  
9 And when I say the file XXX number be withdrawn, it's exactly  
10 what I mean. I wish to have this file come out of state BLM and  
11 go to Washington.

12 I don't believe that they have the right to tell us that  
13 they're going to sell leases to frack for oil on our aquifer. I  
14 don't think they have the right to do that.

15 And I want to stand up and for the record be counted as one  
16 of those that says, hey, you guys can't do this. We get a vote.  
17 We live here. We drink the water.

18 Now, so you understand -- so all you guys, and you already  
19 know. Thank you. Thank you for coming to the town hall meeting  
20 the other night. You're right it was quite a -- quite a bunch  
21 of folks. And we had a good time. There's nobody down there  
22 that wants this. Nobody.

23 And so you guys know exactly where I'm coming from, I'm an  
24 old man. I'm retired federal service. I tell people if I live  
25 another 15 years, I'm going to be 85 years old. Well, I bought  
26 this little chunk of -- little spit of ground right down here.  
27 And the Reese River cuts it right in half. And it runs year  
28 round. One of the few places in the upper Reese that it runs  
29 year round. And I told my grandkids, that this piece of ground  
30 goes to their kids. And I promised them that when they got the  
31 land, they'd get clean water. And so help me God, they're going  
32 to get clean water. That's where I'm coming from.

33 VICE CHAIRMAN BULLOCK: Go ahead, come on up.

34 WARREN WHITE: Warren White from Austin.

35 VICE CHAIRMAN BULLOCK: Come on up, please.

36 WARREN WHITE: Just a quick question. I understood that  
37 the sale of the lease can be protested. And in which case it  
38 would go back to the interior appeals. Who can protest it? I  
39 mean is that the county that protest it? Individuals?

40 UNIDENTIFIED PARTICIPANT: Anybody.

1 CHRISTOPHER COOK: Anybody.  
2 WARREN WHITE: Anybody.  
3 So the commission could protest the sale --  
4 CHRISTOPHER COOK: At the sales dates.  
5 WARREN WHITE: -- on behalf of the people of Lander County?  
6 VICE CHAIRMAN BULLOCK: Yeah.  
7 WARREN WHITE: Then it would be kicked out of BLM to the  
8 appeal --  
9 CHRISTOPHER COOK: It would go to --  
10 WARREN WHITE: Interior appeals?  
11 CHRISTOPHER COOK: Yeah.  
12 VICE CHAIRMAN BULLOCK: But that's at the time of the  
13 lease.  
14 WARREN WHITE: Yeah, but you would -- when would -- when  
15 would that protest have to be filed? Before --  
16 CHRISTOPHER COOK: Wednesday.  
17 WARREN WHITE: -- obviously before the lease --  
18 CHRISTOPHER COOK: -- of the sale date.  
19 WARREN WHITE: And what's the mechanism of filing that  
20 protest?  
21 JOHN MENGhini: You just file a letter of concern. Once  
22 the lease is posted for 90 days, it shows all of the final --  
23 what our final decision --  
24 WARREN WHITE: Mm-hm.  
25 JOHN MENGhini: -- of acreage and numbers and stipulations.  
26 That goes out for 90 days. Okay. At that point, anybody  
27 in the world could get into the wonderful world of web sites and  
28 look at that and then submit a protest to the state office  
29 saying, we protest parcel 7, 10, 12. Or you could say we  
30 protest the whole sale.  
31 WARREN WHITE: From what I'm hearing, that's kind of the  
32 only mechanism --  
33 JOHN MENGhini: Correct.  
34 COMMISSIONER STIENMETZ: Right.  
35 WARREN WHITE: -- to stop this wheel rolling.  
36 CHRISTOPHER COOK: Well, I'd like to clarify. At this  
37 point, we're simply saying these are available.  
38 Now, subsequent to that, if a company comes in and wants to  
39 put in a well or explore, we will go through this same process  
40 again: the environmental analysis, the public outreach. Any

1 decision that is issued --  
2 WARREN WHITE: But the further down --  
3 CHRISTOPHER COOK: -- can be protested or appealed.  
4 WARREN WHITE: At that point you're further down the road.  
5 But the only way to stop it initially would be through that  
6 protest, the way I understand it.  
7 CHRISTOPHER COOK: Right, because at this point the  
8 environmental assessment that was prepared, I'm not even -- you  
9 know, don't have the authority to sign off on the finding of  
10 impact or not. That is all going through the state office for  
11 their approval. It was simply a matter of on-the-ground looking  
12 at the parcels and (indiscernible).  
13 WARREN WHITE: Okay, thank you.  
14 KARLENE ANDREOLA: So would the time period be 90 days from  
15 today with the new deferment now?  
16 CHRISTOPHER COOK: When's that coming up?  
17 JOHN MENGHINI: Whenever it goes up on the -- what? July  
18 1<sup>st</sup>. June, May, April. Yeah.  
19 CHRISTOPHER COOK: Okay. Within the next couple of days.  
20 JOHN MENGHINI: It should be up on the website --  
21 KARLENE ANDREOLA: Okay.  
22 JOHN MENGHINI: -- today, tomorrow. Give us until Monday.  
23 KARLENE ANDREOLA: Okay. And then 90 days from that date  
24 of posting, we would have to take the --  
25 JOHN MENGHINI: Yeah, in -- enough time to write a letter  
26 --  
27 KARLENE ANDREOLA: -- the appeal process.  
28 JOHN MENGHINI: -- to the state office either protesting  
29 the whole sale or protesting parcels.  
30 JOHN NORTON: For the record, can the county protest this  
31 sale --  
32 VICE CHAIRMAN BULLOCK: Yes.  
33 JOHN NORTON: -- as of right now?  
34 UNIDENTIFIED PARTICIPANT: Anybody can.  
35 CHRISTOPHER COOK: Yeah, anybody could.  
36 UNIDENTIFIED PARTICIPANT: Any entity.  
37 JOHN NORTON: So the county could, in fact, rule today.  
38 VICE CHAIRMAN BULLOCK: We --  
39 JOHN NORTON: -- to protest this sale.  
40 VICE CHAIRMAN BULLOCK: We can't rule. We can write a

1 letter of protest just like you. We're not ruling. We're  
2 just -- showing our concern of protest.

3 JOHN NORTON: Could be an action item?

4 VICE CHAIRMAN BULLOCK: Yeah, that's why it's on the  
5 agenda.

6 JOHN NORTON: With a strong letter to the BLM that you  
7 protest -- that Lander County is protesting this?

8 VICE CHAIRMAN BULLOCK: Mm-hm.

9 JOHN NORTON: Is that correct? Do I have that correct.

10 VICE CHAIRMAN BULLOCK: Yeah, you can protest.

11 JOHN NORTON: Let's get -- let's start there.

12 COMMISSIONER MASON: I would say -- I want to add something  
13 here. The federal government's court, the Ninth District, said  
14 that the assessment, the environmental assessment was not  
15 adequate for fracking.

16 PAUL ANDREOLA: Yes.

17 COMMISSIONER MASON: So if we were to make a protest and  
18 try to delay, I mean, you know, I don't know if we're going to  
19 do any good at all, but I want to -- let's say we want to delay  
20 until a new assessment is out, is that likely?

21 CHRISTOPHER COOK: It's hard to say.

22 DEPUTY DISTRICT ATTORNEY TING: Commissioner, you're  
23 basically asking legal advice, which they just can't provide you  
24 with.

25 COMMISSIONER MASON: Okay, then I withdraw the question.  
26 It's just -- it's something we ought to look at if we were going  
27 to do anything here as a commission, we ought to be specific of  
28 what we're asking.

29 The court has asked for an assessment, a new environmental  
30 assessment, because the one that was submitted to the court was  
31 inadequate for fracking.

32 So if this commission were going to write a letter of  
33 protest, we ought to do it to the -- to what the court has asked  
34 for -- for the Ninth District, a new assessment, a new  
35 environmental assessment before any of this takes place.

36 JON SHERVE: See, we did include some hydraulic fracking in  
37 this EA.

38 JOHN MENGhini: Language.

39 JON SHERVE: We did include -- and I'm not exactly sure of  
40 the other NEPA document.

1 COMMISSIONER MASON: I don't know. I'm not either.  
2 JON SHERVE: I'm saying they probably did (indiscernible)

3 --  
4 CHRISTOPHER COOK: I'm not a legal scholar, but I do  
5 believe they (indiscernible) --

6 COMMISSIONER MASON: I'm not either. I'm saying we ought  
7 to be specific --

8 VICE CHAIRMAN BULLOCK: No. If we're going to protest, we  
9 protest. Leave the Ninth Circuit out of the deal. You're just  
10 protesting.

11 JOHN MENGhini: Correct. Correct.

12 VICE CHAIRMAN BULLOCK: You don't want to get into the  
13 legalities and technicalities at this point. You're just --

14 COMMISSIONER MASON: Protesting.

15 VICE CHAIRMAN BULLOCK: -- protesting.

16 COMMISSIONER WAITS: I just have a quick comment before we  
17 take any action.

18 And one is that the BLM, Doug Furtado, did send us this  
19 information. Actually, it's stamped in on February 11<sup>th</sup>. All  
20 the commissioners received their initial letter to go on the  
21 website and look at the lease sale and so forth.

22 So we were advised of that. I know they did some other  
23 posting on things. So I understand the comments.

24 I think the concern is that our local ranchers didn't know.  
25 And the comment period was over, and that's very frustrating.

26 I did make a comment. And a couple of my concerns were --  
27 some of it what's been brought forth today. But the other one  
28 is the fact that we didn't have any fracking regulations in  
29 place. And I know they are being written and probably are  
30 written. They'll be discussed in the legislature and gone  
31 through there. I wanted to see that done first.

32 Also the fact that we're on AB 227, and Nevada's trying to  
33 get back our public lands so that we can make the decisions and  
34 more homegrown for our local input, which would involve the  
35 counties with anything that's going on. And it certainly does  
36 not now, as that's been pointed out.

37 So my whole point of my letter was to see this deferred. I  
38 also understand the other side of economy and progress and the  
39 things that go on that you don't always want it to. You want to  
40 build that moment and say, here I am. But I do think that if we

1 can defer this, just one more year or two more years, to get  
2 these things in place while we're looking at everything that  
3 that's extremely important, especially with what's come down on  
4 it. And so I -- passing that on to my fellow commissioners.

5 JOHN NORTON: May I comment on that, Patsy?

6 Is that possible?

7 Can you defer this?

8 CHRISTOPHER COOK: At this stage, no. We've been  
9 instructed no more deferrals, essentially we've cut it as close  
10 to the nub as we can at this point, I mean, at least at our  
11 level, for the resource concerns, for the stipulations we had in  
12 the land use plan.

13 JOHN NORTON: The state (indiscernible).

14 CHRISTOPHER COOK: For the --

15 JOHN MENGhini: Yeah. Yeah. They can protest the sale in  
16 the next 90 days.

17 KARLENE ANDREOLA: What happened to we the people?

18 UNIDENTIFIED PARTICIPANT: And you're going to hold the --

19 JOHN MENGhini: What's that?

20 KARLENE ANDREOLA: What happened to we the people? And who  
21 owns BLM? And who do you folks work for?

22 JOHN NORTON: Okay, we'd get -- again, John Norton, for the  
23 record.

24 And boy, this is a -- this is a big bat to bring up to the  
25 commission. But you guys have the power to control the water in  
26 the Reese River for the next hundred years. What you could do  
27 is vote no fracking in Lander County. You could take the step  
28 to say no fracking in Lander County and that would stop this  
29 thing right here, right now, forever and always.

30 VICE CHAIRMAN BULLOCK: We can't say that right now. That  
31 has to be a resolution. That has to have -- be publicized.  
32 That has to have public meetings. And you're talking a couple  
33 months down the road before that could ever take place. That's  
34 ongoing.

35 COMMISSIONER STIENMETZ: Can we --

36 VICE CHAIRMAN BULLOCK: One more. One more.

37 KARLENE ANDREOLA: Karlene Andreola. Then why couldn't we  
38 go through that deferral process to make sure this is all done  
39 and completed that we all have all the knowledge that we need?

40 VICE CHAIRMAN BULLOCK: Okay. Going back. We can't defer

1 what the BLM's doing.

2 COMMISSIONER STIENMETZ: All we can do --

3 VICE CHAIRMAN BULLOCK: We can write a letter just like the  
4 rest of you. We can't tell them to defer this or anything else.  
5 We can say, please, we don't think this is the right time  
6 whatever, whatever somebody wants to put in the letter. We  
7 can't dictate to them what to do. It's just not within our  
8 powers to do that.

9 And we sympathize. You know, I do. But we cannot -- you  
10 know, at this point, all we can do is make a comment. As a  
11 board of commission we can make that comment, which I right now  
12 I'm just sitting here waiting for a motion, so one way or the  
13 other. So --

14 COMMISSIONER WAITS: I make a motion Lander County Board of  
15 Commissioners protest the sale of the oil and gas leases for  
16 July 1<sup>st</sup>, 2014.

17 COMMISSIONER STIENMETZ: I'll second the motion.

18 VICE CHAIRMAN BULLOCK: Okay. Any other comments?  
19 Go ahead.

20 PAUL ANDREOLA: But I'm assuming that we can go to federal  
21 court and get an injunction and stop it.

22 COMMISSIONER STIENMETZ: That's up to you guys.

23 COMMISSIONER WAITS: That's legal. That's you. Yeah.

24 PAUL ANDREOLA: I'm just letting them know. I'm just  
25 putting it out there for you.

26 VICE CHAIRMAN BULLOCK: Okay.

27 PAUL ANDREOLA: Paul Andreola for the record.

28 WARREN WHITE: Warren White, again. Just a question on the  
29 ninety. When does that ninety days start? And with the window  
30 on that protest (indiscernible)?

31 COMMISSIONER STIENMETZ: Monday.

32 CHRISTOPHER COOK: We're estimating Monday.

33 COMMISSIONER STIENMETZ: They were saying Monday, they  
34 thought.

35 COMMISSIONER WAITS: Clarify that for me, though, would  
36 you? Because I understand the new -- the new EA did not allow  
37 for a comment period.

38 CHRISTOPHER COOK: Well, it's not the -- the comment period  
39 at this point. It's the posting of the notice of sale or, you  
40 know, notice of offering --

1 COMMISSIONER STIENMETZ: They're going to post it on July  
2 1.  
3 CHRISTOPHER COOK: -- of these parcels.  
4 COMMISSIONER WAITS: Because that was February, we're still  
5 okay?  
6 CHRISTOPHER COOK: And then at that point, that can be --  
7 COMMISSIONER WAITS: The notice of sale was February.  
8 VICE CHAIRMAN BULLOCK: We can send a letter. Whether they  
9 pay attention to it or not, I mean.  
10 COMMISSIONER WAITS: Right.  
11 VICE CHAIRMAN BULLOCK: But at this point, that's the  
12 action we can take.  
13 JOHN MENGhini: We deferred the sale to July. And so what  
14 it is, is once we get all the pieces together into a logical  
15 document, then we put that document up on our website for public  
16 review.  
17 CHRISTOPHER COOK: For 90 days.  
18 COMMISSIONER WAITS: I see.  
19 JOHN MENGhini: And you can protest any part of that  
20 document, but the field offices have done their job. And  
21 they're out of the picture now.  
22 COMMISSIONER WAITS: Thank you. Because the comment period  
23 is over?  
24 JOHN MENGhini: The EA comment period. Yeah.  
25 COMMISSIONER WAITS: Thank you.  
26 VICE CHAIRMAN BULLOCK: Okay, all these in favor?  
27 COMMISSIONER MASON: Aye.  
28 COMMISSIONER WAITS: Aye.  
29 COMMISSIONER STIENMETZ: Aye.  
30 VICE CHAIRMAN BULLOCK: Aye.  
31 Those opposed?  
32 (No comment.)  
33 VICE CHAIRMAN BULLOCK: Okay. Thanks, everyone.  
34 COMMISSIONER STIENMETZ: Thank you, guys.  
35 CHRISTOPHER COOK: Thank you.  
36 COMMISSIONER WAITS: Thank you.  
37 VICE CHAIRMAN BULLOCK: Want a break? Or are we going  
38 forward?  
39 COMMISSIONER WAITS: It won't be that long; will it now?  
40 Oh, yeah, we've got three long ones; don't we? It's up to you,

1 Chair, Vice Chair.

2 JOHN NORTON: Your grandkids will thank you.

3 COMMISSIONER WAITS: Didn't make any difference at all.

4 COMMISSIONER STIENMETZ: All right.

5 UNIDENTIFIED PARTICIPANT: I'd like to take a break.

6 VICE CHAIRMAN BULLOCK: All right. Let's go ahead and take  
7 a five-minute recess.

8

9 (Break between 12:13 p.m. and 12:20 p.m.)

10

11 VICE CHAIRMAN BULLOCK: Let's go ahead and call the meeting  
12 back to order.

13

14 15) Discussion for possible action regarding the possibility of  
15 requesting a presentation by ORNI 39, LLC (owned by Ormat  
16 Nevada, Inc.), concerning the McGinness Hills Geothermal  
17 Project, Phase II, based upon the application submitted for a  
18 partial abatement of taxes pursuant to Nevada Revised  
19 Statutes (NRS) 701A.360, and other matters properly related  
20 thereto.

21

22 VICE CHAIRMAN BULLOCK: Item number 15, discussion for  
23 possible action regarding the possibility of requesting a  
24 presentation by ORNI 39, LLC (owned by Ormat Nevada,  
25 Incorporated) concerning the McGinness Hill Geothermal Project,  
26 Phase II, based upon the application submitted for a partial  
27 abatement of taxes pursuant to Nevada Revised Statute 701A.360,  
28 and other matters properly related thereto.

29 COMMISSIONER WAITS: You know, I don't, at this point in  
30 time, have any reason why we need a presentation from them. I  
31 know we have the other things that we need to handle here. The  
32 only thing -- if they were in front of me today, the only thing  
33 I would ask, in the application, they listed all of the vendors.  
34 You fellow commissioners notice that? Three of them were from  
35 Austin. And not a one of them has a business license.

36 JAN MORRISON: Oh.

37 COMMISSIONER WAITS: And I think if they're going to list  
38 their vendors for us that they should at least be licensed.

39 COMMISSIONER STIENMETZ: Yeah.

40 COMMISSIONER MASON: Can we open up, Mr. Chairman, can we

1 open up all three of these at the same time? Wouldn't that be  
2 better to discuss the whole thing?

3 COMMISSIONER WAITS: Legally, I don't think we can do that.

4 VICE CHAIRMAN BULLOCK: Really the only thing we're  
5 discussing this time is if we want a presentation.

6 COMMISSIONER WAITS: Right, that's the first --

7 VICE CHAIRMAN BULLOCK: That's this agenda item. And then  
8 we can move on. Do we want a presentation or not?

9 COMMISSIONER STIENMETZ: I make a motion we don't want a  
10 presentation from Ormat.

11 COMMISSIONER WAITS: I'll second that.

12 VICE CHAIRMAN BULLOCK: Any comment?

13 (No comment.)

14 VICE CHAIRMAN BULLOCK: All those in favor?

15 COMMISSIONER WAITS: Aye.

16 COMMISSIONER MASON: Aye.

17 COMMISSIONER STIENMETZ: Aye.

18 VICE CHAIRMAN BULLOCK: Aye.

19 Those opposed?

20 (No comment.)

21

22 **16) Discussion for possible action regarding providing notice to**  
23 **the Director of the Nevada Office of Energy that the Board of**  
24 **Lander County Commissioners intends to consider an**  
25 **application submitted by ORNI 39, LLC (owned by Ormat Nevada,**  
26 **Inc.), for a partial abatement of taxes imposed pursuant to**  
27 **Chapter 361 of the Nevada Revised Statutes (NRS) submitted**  
28 **pursuant to NRS 701A.365, for the McGinness Hills Geothermal**  
29 **Project, Phase II, located in Lander county, and other**  
30 **matters properly related thereto.**

31

32 VICE CHAIRMAN BULLOCK: Okay, now we'll move on to number  
33 item number 16. Discussion for possible action regarding  
34 providing notice to the Director of the Nevada Office of Energy  
35 that the Board of Lander County Commissioners intends to  
36 consider an application submitted by ORNI 39, LLC (owned by  
37 Ormat Nevada, Incorporated), for a partial abatement of taxes  
38 imposed pursuant to Chapter 361 of the Nevada Revised Statutes  
39 submitted pursuant to NRS 701A.365, for the McGinness Hills  
40 Geothermal Project, Phase II, located in Lander County, and

1 other matters properly related thereto.

2 COMMISSIONER WAITS: I think this is predicated on the --  
3 the next agenda item, depending on what we do with that. If we  
4 decide to hold off and look at criteria or something, then we'll  
5 need to go back and send this letter. If we're going to do a  
6 yes or no, up or down vote today, we don't need to send this  
7 letter.

8 So can we just defer this and go on to 17 and then come  
9 back.

10 VICE CHAIRMAN BULLOCK: Okay. So we'll move on to 17.

11  
12 17) Discussion for possible action for the Board of Lander County  
13 Commissioners to do the following if it intends to consider  
14 the application: a) send to the State of Nevada Office of  
15 Energy, a recommendation, and/or approve or deny the  
16 application submitted by ORNI 39, LLC (owned by Ormat Nevada,  
17 Inc.), for a partial abatement of taxes imposed pursuant to  
18 Chapter 361 of the Nevada Revised Statutes (NRS), that was  
19 submitted pursuant to NRS 701A.360 to NRS 701A. 390, for the  
20 McGinness Hills Geothermal Project, Phase II, located in  
21 Lander County; b) set a special meeting to consider the  
22 application before the April 20, 2014 deadline, or to submit  
23 a response without a special meeting; and other matters  
24 properly related thereto.  
25

26 VICE CHAIRMAN BULLOCK: Discussion for possible action for  
27 the Board of Lander County Commissioners to do the following if  
28 it intends to consider the application: send to the State of  
29 Nevada Office of Energy, a recommendation, and/or approve or  
30 deny the application submitted by ORNI 39, LLC (owned by Ormat  
31 Nevada, Incorporated), for a partial abatement of taxes imposed  
32 pursuant to Chapter 361 of the Nevada Revised Statutes that was  
33 submitted pursuant to NRS 701A.360 to NRS 701A.390, for the  
34 McGinness Hills Geothermal Project, Phase II, located in Lander  
35 County; b) set a special meeting to consider the application  
36 before the April 20<sup>th</sup>, 2014, deadline, or to submit a response  
37 without a special meeting; and other matters properly related  
38 thereto.

39 COMMISSIONER MASON: So we have the option of submitting a  
40 response of rejection of their application?

1 COMMISSIONER WAITS: According --  
2 COMMISSIONER MASON: Which would take care of both 18 and  
3 17?  
4 COMMISSIONER WAITS: According to the new NRS, though,  
5 Dave, we cannot have a yes or no by itself.  
6 If we do no, if we reject their partial abatement, we have  
7 to submit the criteria along with it on how it's costing the  
8 county more money having them here than they would bring into  
9 the county.  
10 And that's the criteria we discussed on the last one when  
11 they came up and reapplied.  
12 COMMISSIONER MASON: Do you have an answer?  
13 COMMISSIONER WAITS: Have you looked at the criteria?  
14 DEPUTY DISTRICT ATTORNEY TING: Yes, I've looked at the  
15 criteria. It's a --  
16 COMMISSIONER WAITS: Do you -- we have --  
17 DEPUTY DISTRICT ATTORNEY TING: I haven't calculated the  
18 criteria.  
19 COMMISSIONER WAITS: That's okay. I mean, I looked at it,  
20 and I didn't see where -- where we could justify anything.  
21 DEPUTY DISTRICT ATTORNEY TING: Unless you guys want to  
22 have your treasurer and your --  
23 ROGENE HILL: Assessor.  
24 COMMISSIONER WAITS: First of all, we're looking at --  
25 what? -- 55% abatement; is that correct? And it's over 20  
26 years. So we're looking at \$20 million here, people.  
27 COMMISSIONER MASON: Fourteen million dollars. Originally.  
28 But now it's going to be a lot more because they've added to the  
29 tax base twice. This -- they're on the second addition to the  
30 plant. So they've added twice to -- to the plant, the physical  
31 plant, since the original abatement was requested.  
32 COMMISSIONER WAITS: Well, we're talking two abatements  
33 here.  
34 COMMISSIONER MASON: We're talking taxes, --  
35 COMMISSIONER WAITS: Right, but the --  
36 COMMISSIONER MASON: -- county taxes.  
37 COMMISSIONER WAITS: Yes.  
38 COMMISSIONER MASON: And they're based on the plant out  
39 there, the physical assessment of that plant.  
40 COMMISSIONER WAITS: Yes, but what I'm saying is the first

1 one that they came forward and applied for was one for -- they  
2 had already applied and been told no.

3 And now, under the new statute, they thought they could  
4 reapply, and so they reapplied. And we denied it saying, we  
5 didn't think the definition of the statute of new facility would  
6 allow that -- that's how. That's how we're going on the first  
7 one.

8 This is the second one. This is their coming forward for  
9 this. So there's no land taxes because it's BLM. So there's  
10 nothing there. Sales tax, I don't know what in the world they  
11 buy in Lander County, but not very much, certainly not in  
12 Austin. So we don't have that. The people that they  
13 employed -- they employed some local people that already lived  
14 there. The rest all drive back and forth from Eureka. We don't  
15 even get gas. So we're losing some money. But we are going to  
16 gain on some property taxes for their building. Yes.

17 Now, do -- are we going to gain enough from them that we  
18 can deny this and say, you're not spending enough in Lander  
19 County? The state's getting it. But we want to deny it. Well,  
20 only if we fit the criteria can we deny it.

21 So do we want a special meeting to look at criteria and  
22 look at this? Or are we just going to den- -- are -- we're  
23 going to say, okay, we'll roll over. I don't know.

24 COMMISSIONER MASON: No. I -- number one. Original  
25 permit, they asked for abatement and we denied it as a county.

26 Then the next -- number two was the one that we answered  
27 just a couple of months ago.

28 COMMISSIONER WAITS: Right.

29 COMMISSIONER MASON: Or a month ago; wasn't it?

30 COMMISSIONER WAITS: And we took it to appeal and we lost.

31 But we're not done.

32 COMMISSIONER STIENMETZ: And number three, I think we  
33 should be able to deny it on the fact that they're not --

34 COMMISSIONER MASON: We denied it originally.

35 COMMISSIONER STIENMETZ: -- maintaining the road like they  
36 said they would.

37 They're not buying anything in Lander County.

38 They haven't -- don't even have any people that live in  
39 Lander County that already didn't live in Lander County.

40 Nobody's moved there to take it.

1           So we're not gaining anything from them. So why should we  
2 give them the rebate?

3           COMMISSIONER WAITS: Because that's not the criteria. The  
4 criteria states specifically: Did you spend \$4 million on that  
5 new road? Is it costing you \$2 million to provide emergency  
6 services? I mean, you have to follow the criteria.

7           COMMISSIONER STIENMETZ: We'll we've given Bert permission  
8 to spend 2 million to see what it's like and then we can go on.

9           COMMISSIONER WAITS: But that's -- that's not necessarily  
10 what we've already done.

11           But if we want to do that, then we have to set a special  
12 meeting to look at this criteria. And that's our next choice. Do  
13 you want to set up special meeting, see if we can -- can at least  
14 try and not do the partial abatement?

15           DEPUTY DISTRICT ATTORNEY TING: Do I want to set up a  
16 special meeting?

17           COMMISSIONER WAITS: No, no, no. No, I'm just looking at  
18 you.

19           DEPUTY DISTRICT ATTORNEY TING: Oh. Okay.

20           COMMISSIONER MASON: Okay, so what you're saying is we  
21 can't just outright deny it.

22           COMMISSIONER WAITS: No, absolutely not.

23           So we have to set up a special meeting so we can deny it.

24           COMMISSIONER WAITS: And if you do that, then you go back  
25 to 16 and send the letter and then the special meeting, just  
26 like we did before.

27           COMMISSIONER MASON: Okay. Make a motion.

28           COMMISSIONER WAITS: I made the last one. That was tough  
29 enough.

30           COMMISSIONER MASON: Well, I make a motion that the  
31 commission set up a special meeting -- to answer agenda number  
32 17 correctly.

33           That's pretty specific; isn't it?

34           COMMISSIONER WAITS: Based on criteria to reject their  
35 partial-abatement request?

36           COMMISSIONER STIENMETZ: Yeah.

37           COMMISSIONER MASON: Well. Do you want to make the motion?

38           COUNTY CLERK SULLIVAN: Are you going to set the date  
39 today? On that special?

40           May I go get a calendar real quick?

1 VICE CHAIRMAN BULLOCK: We haven't even approved this yet.  
2 COUNTY CLERK SULLIVAN: Well, I see where it's going.  
3 VICE CHAIRMAN BULLOCK: I have no second at this point.  
4 COMMISSIONER WAITS: I'll second it. We can at least talk  
5 about it. But I don't know whether we're in the time frames or  
6 not. Because it's 30 days from the day we actually received it.  
7 And I haven't seen anything date stamped. So I --  
8 DEPUTY DISTRICT ATTORNEY TING: Yeah, I think as long as we  
9 send the letter that we are going to be looking at this before  
10 the April 20<sup>th</sup>, I think --  
11 COMMISSIONER WAITS: You know, I don't know if I'd go along  
12 with that, because according to the information it says 30 days,  
13 a yes or no vote, or it's automatically approved.  
14 DEPUTY DISTRICT ATTORNEY TING: Can we look at a calendar?  
15 COMMISSIONER MASON: Why don't we set the special meeting  
16 up?  
17 COMMISSIONER STIENMETZ: Right back there.  
18 COUNTY CLERK SULLIVAN: No. I'd need to see if the room --  
19 when it's available or what boards are going on.  
20 COMMISSIONER MASON: What about directly after this  
21 commission meeting is finished?  
22 DEPUTY DISTRICT ATTORNEY TING: We have to have proper  
23 posting.  
24 VICE CHAIRMAN BULLOCK: No, we have to publicize it and set  
25 put it on agenda.  
26 COMMISSIONER WAITS: Right.  
27 COMMISSIONER MASON: Oh crap.  
28 Did you get that?  
29 COMMISSIONER WAITS: Oh, dear.  
30 VICE CHAIRMAN BULLOCK: So I -- I would think we just  
31 consider next Thursday. That gives us time --  
32 COMMISSIONER STIENMETZ: Yeah.  
33 VICE CHAIRMAN BULLOCK: -- to publicize it and everything.  
34 We'd be looking at the 17<sup>th</sup> as long as the room's available,  
35 but --  
36 COMMISSIONER WAITS: Now, on the other choice, do we have  
37 to have a special meeting? Or can we just direct our -- our  
38 admin folks to handle the criteria? To deny this?  
39  
40 (Phone connecting to Austin: If you'd like to make a call,

1 please hang up and try again. If you need help, hang up and  
2 then dial your operator. f you'd like to make a call, please  
3 hang up and try again. If you need help, hang up and then  
4 dial your oper- --)

5  
6 COMMISSIONER WAITS: Can't we legally do that?

7 VICE CHAIRMAN BULLOCK: We've got to get Austin back on.

8 COUNTY CLERK SULLIVAN: I heard that.

9

10 (County Clerk Sullivan reestablishing telephone  
11 communication with Austin.)

12

13 COMMISSIONER WAITS: Special meeting is ten days; isn't it?

14 COUNTY CLERK SULLIVAN: We have to publish it.

15 COMMISSIONER WAITS: Ten days?

16 DEE HELMING: Hello. Sorry. We pushed the wrong button.

17 VICE CHAIRMAN BULLOCK: It's not a public hearing. It's  
18 just a special meeting.

19 COUNTY CLERK SULLIVAN: So we'll have to -- let's see --

20 DEE HELMING: Can I make a comment?

21 VICE CHAIRMAN BULLOCK: Go ahead.

22 DEE HELMING: About Ormat?

23 VICE CHAIRMAN BULLOCK: State your name.

24 DEE HELMING: This is Dee Helming. And I know for a fact  
25 that Ormat rents five houses here in Austin. They have three  
26 permanent spaces rented up at the Baptist church RV park. Their  
27 employees stay in our motels at least two nights a week.

28 They have a policy that they are to buy gas here from the  
29 local gas stations as much as possible for all of their company  
30 trucks. So they do spend money in Lander County.

31 ~~COMMISSIONER WAITS: Dee, that's during the construction.~~  
32 And we --

33 DEE HELMING: No, Patsy, that is on a permanent basis.  
34 When you come to the construction part of it, every one of our  
35 motels are full throughout the entire summer from the  
36 construction crews and stuff that are staying here. And all the  
37 RV parks are filling up also. But on a permanent basis, they  
38 are renting houses and have permanent spaces rented up at the RV  
39 park and buy a lot of gas. And their employees always stay in  
40 the motels.

1 VICE CHAIRMAN BULLOCK: So how many employees are there  
2 locally?

3 DEE HELMING: Locally? Let me see. The plant out here has  
4 nine operators and two mechanics. And let me see, out of that,  
5 one of the operators and the supervisor lives in Eureka. The  
6 rest of them either stay at the RV park in the permanent rented  
7 places or they have homes here.

8 VICE CHAIRMAN BULLOCK: And that's worth \$20 million?

9 DEE HELMING: I don't know, but I'm just saying you guys  
10 stated that they did not spend any money in Lander County. And  
11 so I'm stating that, yes, they do.

12 VICE CHAIRMAN BULLOCK: Okay.

13 RAY WILLIAMS: I have one more public comment, if I could.

14 VICE CHAIRMAN BULLOCK: Okay.

15 RAY WILLIAMS: I'm Ray Williams.

16 And we're the owners at the Toiyabe Café in Austin.

17 It's not just the Ormat employees and the Ormat operations  
18 that we benefit from. But we see all the professional people  
19 that are coming out there to service different kinds of  
20 equipment and do different kinds of subcontracts. They do spend  
21 a lot of money down here. And I just kind of took offense  
22 initially that Ormat does nothing for Lander County. That's a  
23 bunch of B.S.

24 They've -- they've spent this \$40 million out there. We've  
25 already collected last year over 200-and-some-odd-thousand  
26 dollars in property tax from it.

27 And when you talk about the sales tax, everything that's  
28 bought for Lander County here goes on that just like a mining  
29 company. We've already abated that in the past.

30 But the next plant's going to cost them \$20 million. Forty  
31 million, I'm not sure.

32 If you had a presentation by them, they'd give you all of  
33 the figures and facts. You don't really know what they're going  
34 to spend out there right now without them coming in and telling  
35 you that. Maybe you received it in your paperwork, but we don't  
36 see it in the public. Anyway, thank you.

37 COMMISSIONER MASON: Ray, we're discussing abatement, tax  
38 abatement.

39 RAY WILLIAMS: I understand that.

40 COMMISSIONER MASON: Which affects --

1 DEE HELMING: But you stated flat out -- two commissioners  
2 flat out stated that Ormat did not spend any money in Lander  
3 County. And that is a fallacy.

4 COMMISSIONER MASON: But that's not my point. My point is  
5 the tax abatement is going to cost this county a lot of money.

6 RAY WILLIAMS: That's true.

7 COMMISSIONER MASON: And we're trying to fig- --

8 RAY WILLIAMS: Unfortunately, the legislature changed it so  
9 now you've got to say, what is the impact? And you do have an  
10 impact because you've got a road department that has to maintain  
11 the road. And you've got a fire department that might have to  
12 stand by. And you've got ambulance people that might have to  
13 show up. And there -- there's other services.

14 COMMISSIONER MASON: We're scheduling a separate meeting, a  
15 special meeting for this.

16 VICE CHAIRMAN BULLOCK: Mm-hm.

17 COMMISSIONER MASON: No, we're separate. We're scheduling  
18 a -- a new agenda.

19 VICE CHAIRMAN BULLOCK: Okay. Any other comments?

20 (No comment.)

21 VICE CHAIRMAN BULLOCK: All those in favor?

22 COMMISSIONER MASON: Aye. What?

23 VICE CHAIRMAN BULLOCK: We have still never voted on  
24 whether we are scheduling a special meeting.

25 COMMISSIONER STIENMETZ: Oh.

26 COMMISSIONER MASON: Yes. Well. We've got to meet. We  
27 have to meet.

28 VICE CHAIRMAN BULLOCK: Aye.

29 COMMISSIONER STIENMETZ: Aye.

30 COMMISSIONER WAITS: Aye.

31 ~~VICE CHAIRMAN BULLOCK: Okay. Now we can set a special~~  
32 ~~meeting.~~

33 COUNTY CLERK SULLIVAN: Friday is your only day.

34 VICE CHAIRMAN BULLOCK: What's wrong with the 17<sup>th</sup>?

35 COUNTY CLERK SULLIVAN: Because it has to be typed up for  
36 the agenda and posted three days prior.

37 So unless Donna can type it up and get it to out tomorrow  
38 or get it to me tomorrow and then the posting -- so it's all  
39 depends on Donna. We could do the 17<sup>th</sup> at the very earliest,  
40 but 18<sup>th</sup> would be the -- so --

1 COMMISSIONER MASON: What day is the 17<sup>th</sup>? Thursday?  
2 Wednesday?  
3 COUNTY CLERK SULLIVAN: Yes.  
4 COMMISSIONER WAITS: Friday.  
5 VICE CHAIRMAN BULLOCK: Okay. Here's -- I guess here's my  
6 problem here. The 20<sup>th</sup> is, from what I can see, is Sunday.  
7 COUNTY CLERK SULLIVAN: Sunday.  
8 VICE CHAIRMAN BULLOCK: It has to be received on Friday.  
9 COMMISSIONER WAITS: The --  
10 VICE CHAIRMAN BULLOCK: So that means anything we say has  
11 to be there by Friday.  
12 COMMISSIONER WAITS: The other option we would have is if  
13 we just simply asked our administration staff to fill out the  
14 information according to the criteria. And NACO has provided us  
15 a spreadsheet with the criteria. So if it is something that you  
16 do want to deny that we could do that and direct them.  
17 VICE CHAIRMAN BULLOCK: Okay. So we passed for a special  
18 meeting. You want to change the motion? Or do you want to add  
19 a different motion or --  
20 COMMISSIONER MASON: That's a good idea.  
21 COMMISSIONER WAITS: I will make a motion that we cancel  
22 the request for the special meeting and direct our  
23 administration staff to fill out the criteria on the tax  
24 abatement request.  
25 VICE CHAIRMAN BULLOCK: To accept or deny?  
26 COMMISSIONER WAITS: To deny the partial abatement.  
27 VICE CHAIRMAN BULLOCK: Okay.  
28 COMMISSIONER STIENMETZ: I'll second the motion.  
29 DEPUTY DISTRICT ATTORNEY TING: Can I request that you  
30 state specifically what staff is going to do that?  
31 COMMISSIONER WAITS: What?  
32 COMMISSIONER STIENMETZ: What staff.  
33 DEPUTY DISTRICT ATTORNEY TING: Can you please state  
34 specifically what staff is going to -- I mean, it's not a  
35 fill-out sheet.  
36 COMMISSIONER MASON: Our executive director.  
37 COMMISSIONER WAITS: It's like a spreadsheet.  
38 COUNTY CLERK SULLIVAN: So Nicole would like know who's  
39 going to be filling out, would you state specifically who the  
40 staff is?

1 COMMISSIONER WAITS: We'll oversee it with our executive  
2 director.

3 COMMISSIONER STIENMETZ: And where he's going to get  
4 somebody to do it.

5 VICE CHAIRMAN BULLOCK: And Steve second?

6 COMMISSIONER WAITS: It's going to take input from several  
7 --

8 COMMISSIONER STIENMETZ: I'll second it.

9 COMMISSIONER WAITS: -- several departments.

10 VICE CHAIRMAN BULLOCK: Any other comment?

11 (No comment.)

12 VICE CHAIRMAN BULLOCK: All those in favor?

13 COMMISSIONER MASON: Aye.

14 COMMISSIONER STIENMETZ: Aye.

15 COMMISSIONER WAITS: Aye.

16 VICE CHAIRMAN BULLOCK: Aye.

17 Those opposed?

18 (No comment.)

19

20

21 COURTHOUSE/ADMINISTRATION BUILDING PROJECT

22

23 18) Discussion for possible action regarding the status of the  
24 Lander County Courthouse/Administration Building Project, and  
25 other matters properly related thereto.

26

27 VICE CHAIRMAN BULLOCK: Item number 18, discussion for  
28 possible action regarding the status of the Lander County  
29 Courthouse/Administration Building Project, and other matters  
30 properly related thereto.

31 COMMISSIONER STIENMETZ: Hey, Max.

32 COMMISSIONER MASON: Hey, Max.

33 JUDGE BUNCH: How's everybody?

34 VICE CHAIRMAN BULLOCK: Hungry.

35 JUDGE MAX BUNCH: Hungry?

36 Well, Max Bunch, for the record.

37 I have some information.

38 But, you know, I think it's pertinent at this time that I  
39 ask Rogene to come up and have a seat up here.

40 I really don't like the fact that you're always in the

1 back, and I'd like to have you next to me while I do this, so --  
2 UNIDENTIFIED PARTICIPANT: Smooth.  
3 VICE CHAIRMAN BULLOCK: We were getting to that later, but  
4 --  
5 JUDGE MAX BUNCH: Till later?  
6 VICE CHAIRMAN BULLOCK: It's fine.  
7 COUNTY CLERK SULLIVAN: Could you state your name for the  
8 record, please, ma'am.  
9 ROGENE HILL: Rogene Hill.  
10 JUDGE MAX BUNCH: Miss Hill, I wanted to, on behalf of the  
11 Argenta Justice Court, to thank you publically and personally  
12 for all your work over the years for everything that you've done  
13 for this county.  
14 And I appreciate the fact that you have went above and  
15 beyond, numerous extra hours, and different things. So I wanted  
16 to be able to give you this for you and your husband, hopefully,  
17 and --  
18 ROGENE HILL: Thank you.  
19 JUDGE MAX BUNCH: So we can do that.  
20 ROGENE HILL: Thank you. It's been an absolute pleasure  
21 working with everyone. And I will miss it.  
22 JUDGE MAX BUNCH: That's just from me. It's not from them.  
23 (Laughter.)  
24 JUDGE MAX BUNCH: (Indiscernible.)  
25 ROGENE HILL: It's been a joy working with you, Max, and  
26 your staff.  
27 JUDGE MAX BUNCH: Thank you.  
28 COMMISSIONER WAITS: And thank you so much for always being  
29 there for me when I needed that additional help for something.  
30 And I appreciate it. And I will miss -- I will miss all of you  
31 very much.  
32 JUDGE MAX BUNCH: Thank you, very much.  
33 ROGENE HILL: Thank you.  
34 JUDGE MAX BUNCH: I didn't mean to interrupt my -- my  
35 thing, but I wanted to get that out before we had anything else.  
36 So getting back to the -- to the building. We've been  
37 working with our (indiscernible) firm in Las Vegas and CORE  
38 legal firm to get the general contract done for signatures.  
39 I will be requesting to get on the April 24<sup>th</sup> meeting to  
40 have that contract signed.

1 I'm not sure that I'll actually be able to have the  
2 contract for the packet.

3 And I know you guys have a desire to (indiscernible) have  
4 that there. But it may just be the contract that's already  
5 reviewed by the POOL/PACT legal that we have. And it would just  
6 be for signature at that time.

7 We've had two subcontractor fairs: one in Reno, one in  
8 Battle Mountain. There is a total of about 65 subcontractors  
9 that attended that. And there are other people that are already  
10 pre-signed up with CORE that already know what they're supposed  
11 to do so they don't have to come to the contracting fair.

12 Last Friday, I spent the majority of all day in Reno  
13 with -- with CORE Construction, the architects, the furniture  
14 people. We went over every electrical and data outlet.

15 Since you guys didn't come up and volunteer your services  
16 to come help me, I -- at my request two weeks ago -- we finally  
17 got through that. It took us about six hours. So -- to go --  
18 we're hoping that we have more than enough outlets, more than  
19 enough data outlets for that whole entire building.

20 Van Woert and Bigotti are approximately 88% done with  
21 construction documents. We're still on schedule for April 28<sup>th</sup>.

22 The sheriff's office, CORE, Van Woert Bigotti, myself, we  
23 went over the security plans approximately three times.

24 A lot of this stuff has happened previously with the  
25 building committee, but I wanted to bring you up to date on  
26 everything that we're doing.

27 I also have another meeting this afternoon, a phone  
28 conference with the security people to make sure that  
29 everything's going to work smoothly.

30 I've worked with CFA getting the NDOT right-of-way taken  
31 care of. That's going to be a request for the April 24<sup>th</sup>  
32 meeting so that it can be signed by the county, so that we can  
33 go forward with the ND- -- or NDOT right-of-way.

34 We're still -- we're almost to the point where we're going  
35 to have to the GNP on the solar-covered parking because NV  
36 Energy give us -- won't give us an extension on our deadline.  
37 So we're going to have to do that on the 24<sup>th</sup> also. So I've got  
38 three or four things that I have to have done on the 24<sup>th</sup> so  
39 that we can make sure that we're moving ahead.

40 We have a new address for the building. The assessor's

1 given us an address.

2 And then furniture -- like I explained before, I looked at  
3 some furniture, probably be requesting, depending on what the  
4 building committee wants to do, whether we take some people to  
5 Sparks and maybe look at some of the furniture that's available.

6 And that's kind of the update, except for the fact that I'm  
7 attempting to get a building committee meeting together for the  
8 23<sup>rd</sup> of April, which is the night before the commission  
9 meeting in two weeks.

10 So -- any questions?

11 COMMISSIONER MASON: Yes. On the NDOT right-of-way? NDOT?  
12 That's the driveway we're talking about?

13 JUDGE BUNCH: The driveway where -- basically, we're  
14 putting in a culvert from when you come off the highway to go  
15 into the area --

16 COMMISSIONER MASON: That's what I thought.

17 JUDGE MAX BUNCH: -- so we have to have the permit for the  
18 culvert and different things like that. We've got a verbal. So  
19 we think it's all going to be okay. It's just a matter of doing  
20 the paperwork and getting that in.

21 COMMISSIONER MASON: That's going to be county code, 60  
22 feet wide and all that stuff.

23 COMMISSIONER STIENMETZ: It's --

24 COMMISSIONER MASON: The curbs, gutters, sidewalks,  
25 whatever?

26 JUDGE MAX BUNCH: It's state. I think it's state code.

27 COMMISSIONER STIENMETZ: State code.

28 COMMISSIONER MASON: Okay.

29 JUDGE MAX BUNCH: Because it's the state highway and a  
30 state easement.

31 COMMISSIONER MASON: I understand that. Where is that  
32 specifically?

33 JUDGE BUNCH: Specifically to --

34 COMMISSIONER MASON: On the land, yeah. Is it at the back  
35 end of the property or the --

36 JUDGE MAX BUNCH: It's at the southern --

37 COMMISSIONER MASON: North -- south end?

38 JUDGE MAX BUNCH: Southern end.

39 COMMISSIONER STIENMETZ: Where you turn off the highway, --

40 JUDGE BUNCH: Coming off the highway.

1 COMMISSIONER STIENMETZ: -- going into it.  
2 COMMISSIONER MASON: Yeah.  
3 JUDGE MAX BUNCH: About where the turn lane is. The turn  
4 lane's kind of pre- already done in there.  
5 COMMISSIONER MASON: Okay.  
6 JUDGE MAX BUNCH: And you'll be able to -- we'll be able to  
7 go into the turn lane to go in. You don't need a turn lane to  
8 go out.  
9 Any other comments?  
10 Questions?  
11 COMMISSIONER MASON: No, it sounds good.  
12 COMMISSIONER STIENMETZ: Nope.  
13 VICE CHAIRMAN BULLOCK: Thanks.  
14 COMMISSIONER WAITS: Thanks.  
15 COMMISSIONER STIENMETZ: Thanks.  
16 JUDGE MAX BUNCH: Thank you.

17  
18  
19 **COMMISSIONERS**

20  
21 **19) Correspondence/reports/potential upcoming agenda items.**

22  
23 VICE CHAIRMAN BULLOCK: Okay. Item number 19,  
24 correspondence, reports, potential upcoming agenda items.

25  
26 (The following correspondence was received:

27 1. Kenneth Brown, Western Counties Alliance, to Lander  
28 County Commissioners, e-mail regarding Wild Horse Burro Advisory  
29 Board Meeting scheduled for April 14, 2014, in Sacramento,  
30 California.

31 2. Carrie Foley, Department of Business and Industry, to  
32 Lander County Commissioners, e-mail regarding Rapid Resourcing  
33 event taking place in Las Vegas, Nevada on May 15, 2014.)  
34

35 VICE CHAIRMAN BULLOCK: Anybody have anything?  
36 We do need to do that resolution for the dances.

37 COMMISSIONER STIENMETZ: Yeah.

38 VICE CHAIRMAN BULLOCK: For the curfew. For high school  
39 dances.

40 COUNTY CLERK SULLIVAN: Okay, Nicole and I will get

1 together on that.

2 DEPUTY DISTRICT ATTORNEY TING: It'll be ready,  
3 Commissioner.

4 VICE CHAIRMAN BULLOCK: Okay.

5 COMMISSIONER MASON: And that's to be made permanent?

6 DEPUTY DISTRICT ATTORNEY TING: Forever.

7 COMMISSIONER MASON: I mean, so they don't have to come  
8 back every year.

9 DEPUTY DISTRICT ATTORNEY TING: That's correct.

10 COMMISSIONER STIENMETZ: Yes. Until it's revoked.

11 VICE CHAIRMAN BULLOCK: Okay. Anything else?

12 (No comment.)  
13  
14

15 PUBLIC COMMENT

16

17 VICE CHAIRMAN BULLOCK: Public comment for non-agendized  
18 items only.

19 I'd just like to comment and say, thanks, Rogene, for all  
20 your time.

21 COMMISSIONER STIENMETZ: Yes.

22 VICE CHAIRMAN BULLOCK: Putting up with all my grief and  
23 harassment. And we do appreciate the time --

24 COMMISSIONER STIENMETZ: Yes.

25 VICE CHAIRMAN BULLOCK: -- that you've spent.

26 ROGENE HILL: Thank you.

27 COMMISSIONER STIENMETZ: Thank you.

28 VICE CHAIRMAN BULLOCK: Good luck on your retirement.

29 COMMISSIONER WAITS: That's from all of us.

30 ROGENE HILL: Thank you. I will miss all of you.

31 VICE CHAIRMAN BULLOCK: Okay. Any other comments?

32 (No comment.)

33 VICE CHAIRMAN BULLOCK: Seeing none.  
34  
35

36 ADJOURNMENT

37

38 COMMISSIONER STIENMETZ: I make a motion we adjourn.

39 COMMISSIONER MASON: Second.

40 VICE CHAIRMAN BULLOCK: Is that a second?

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UNIDENTIFIED PARTICIPANT: Yes.  
VICE CHAIRMAN BULLOCK: Any other comments?  
(No comment.)  
VICE CHAIRMAN BULLOCK: Those in favor?  
COMMISSIONER STIENMETZ: Aye.  
COMMISSIONER MASON: Aye.  
COMMISSIONER WAITS: Aye.  
VICE CHAIRMAN BULLOCK: Those opposed?  
(No comment.)

*Dean Bullock*  
vice- CHAIRMAN OF THE BOARD OF LANDER  
COUNTY COMMISSIONERS AND THE  
LANDER COUNTY LIQUOR BOARD

ATTEST: *Yolande Sullivan*  
LANDER COUNTY CLERK

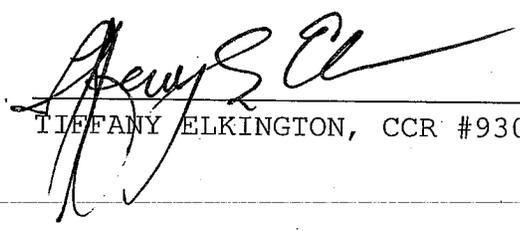
*Note: The Board of Lander County Commissioners serves as the Town Board for the unincorporated towns of Battle Mountain and Austin, Nevada.*

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STATE OF NEVADA        )  
                                  )    ss.  
COUNTY OF LANDER     )

I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY  
CERTIFY THAT I WAS PRESENT IN THE COMMISSION CHAMBERS OF THE  
LANDER COUNTY COURTHOUSE IN THE STATE OF NEVADA, ON THE 10TH  
DAY OF APRIL 2014, AND REPORTED THE FOREGOING PROCEEDINGS;  
THAT THE SAME IS FULL, TRUE, AND CORRECT AS REFLECTED BY MY  
ORIGINAL MACHINE SHORTHAND NOTES TAKEN AT SAID PLACE AND TIME  
BEFORE THE HONORABLE BOARD OF LANDER COUNTY COMMISSIONERS.

DATED AT BATTLE MOUNTAIN, NEVADA,  
THIS 8th DAY OF MAY 2014.

  
\_\_\_\_\_  
TIFFANY ELKINGTON, CCR #930